



WESTMINSTER  
COLORADO

FEBRUARY 26, 2001  
7:00 P.M.

**Please turn OFF Cell phones and pagers during meetings**

**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 (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
  2. Roll Call
  3. Consideration of Minutes of Preceding Meetings
  4. Presentations
    - A. Employee Service Awards recognizing employees with 10, 15, 20 and 25 years of service
    - B. Proclamation for George S. "Geoie" Writer 2000 Builder of the year
    - C. Adams County School District 50 Recognition of City Manager, Bill Christopher
  5. Citizen Communication (5 minutes or less)
  6. Report of City Officials
    - A. City Manager's Report
  7. City Council Comments
- 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 citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.
8. Consent Agenda
    - A. PC Acquisition and Replacement Program by Lease/Purchase
    - B. Foxshire Park Contractor's Service Contract with Western State Reclamation for \$442,928
    - C. Property and Liability Excess Insurance with CIRSA for \$191,816 & Boiler & Machinery for \$30,011
    - D. 76<sup>th</sup> Avenue Improvement Contract with TARCO for \$204,300
    - E. 2001 Traffic Signal Project Equipment Purchase total \$106,424
    - F. Front Loader Bid to Power Motive for \$64,586
    - G. Lease Financing for Computer Aided Dispatch, Records Management System Desktop and Laptop Computers
    - H. Financial Report for January, 2001
    - I. Councillor's Bill No. 3 Appropriation from South AdCo and Antero Res (Hicks-Merkel)
  9. Appointments and Resignations
    - A. Resolution No. 12 Reappointments to Special Permit and License Board
  10. Public Hearings and Other New Business
    - A. Councillor's Bill No. 4 re Sign Code Revisions
    - B. Councillor's Bill No. 5 re Growth Management Program Amendment re Foundation Inspection
    - C. Resolution No.16 re Category B-1 Service Commitments to Covenant and Tuscany Villas
    - D. Resolution No. 17 re Category B-2 Service Commitments to 88<sup>th</sup> & Federal Condos and Eliot Street Duplexes
    - E. Resolution No. 18 re Acquisition of Water Carriage Easements
    - F. Change Date of First Council Meeting in March to March 5th
  11. Old Business and Passage of Ordinances on Second Reading  
None
  12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
    - A. City Council
    - B. Request for Executive Session
  13. Adjournment

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, FEBRUARY 26, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Moss. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Kauffman.

CONSIDERATION OF MINUTES:

A motion was made by Councillor Merkel and seconded by Councillor Atchison to accept the minutes of the meeting of February 12, 2001 with no additions or corrections. The motion carried unanimously.

EMPLOYEE RECOGNITION

Mayor Heil presented Employee Service Awards to employees with 10, 15, 20 and 25 years of service.

GEOIE WRITER PROCLAMATION

Mayor Heil recognized George "Geoie" Writer for his recognition as 2000 Builder of the Year by the Home Builders Association of metropolitan Denver and presented a proclamation to him.

SCHOOL DISTRICT 50 PRESENTATION

Board Members Scott Major, Joan Smith, Chuck Henzel and Mark Kaiser, Adams County School District 50, proclaimed February 28, 2001 as Bill Christopher Day recognizing his efforts over the past 30+ years.

CITY MANAGER'S REPORT

The City Manager reminded the audience that the next City Council Meeting has been moved to March 5, 2001, since Council will be out of town the week of March 12<sup>th</sup>.

CITY COUNCIL COMMENTS:

Mayor Pro-Tem Dixon attended the Latin American Foundation dinner for Scholarships on Saturday, February 24, reported on Rocky Flats lobbying that will be taking place next week in D.C., and that she will not be at the March 5 Council Meeting. She reported on the press conference held last week declaring Rocky Flats as a wildlife refuge. She also congratulated Bill Christopher on receiving the Jefferson County Economic Council award. Councillor Moss commented on the financial report for January 2001, which reflects sales for December 2000.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: PC Acquisition and Replacement Program by Lease/Purchase for the 2001 personal computer replacement program for an amount not to exceed \$419,925; Foxshire Park Contractor's Service Contract with Western States Reclamation in the amount of \$442,928 with a 10% contingency and payment of a 2" water tap in the amount of \$69,436 for Foxshire Park development; Property and Liability Excess Insurance agreement with CIRSA for the purchase of excess insurance for \$191,816 and Boiler and Machinery insurance for \$30,011 and charge these expenses to the property and Liability Self-Insurance Fund; 76<sup>th</sup> Avenue Improvements Contract for construction of the 76<sup>th</sup> Avenue improvements with TARCO, Inc. in an amount not to exceed \$204,300,

authorize a total of \$215,000 for this contract, including construction surveying and a project contingency and authorize the use of any balance of funds after project completion be applied toward paving the widened 76<sup>th</sup> Avenue under the City's year 2001 Asphalt Replacement Program; 2001 Traffic Signal Project Equipment Purchase expenditure of \$19,928 to Valmont Industries, Inc. for traffic signal poles and mast arms, \$27,000 to Econolite, Inc. for the traffic signal controller and cabinet and vehicle detection equipment, \$2,385 to 3M, Inc. for emergency vehicle pre-emption equipment, and \$10,210 to Gades Sales, Inc. for the LED traffic Signal Indications; Purchase of a Front End Loader award the bid for a two and a half yard front end loader and a 5,000 hour/seven year warranty to Power Motive in the amount of \$64,586; Lease Financing for Computer Aided Dispatch and Records Management System Desktop and Laptop Computers for an amount not to exceed \$589,500; reviewed the Financial Report for January 2001 and Councillor's Bill No. 3 Appropriation from South AdCo and Antero Reservoir

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. A request was made by Councillor Atchison to remove the 2001 Traffic Signal Project Equipment Purchase from the consent agenda. A request was made by Carl Walzak to remove 76<sup>th</sup> Avenue Improvement Contract from the consent agenda.

A motion was made by Councillor Atchison and seconded by Mayor Pro-Tem Dixon to adopt the consent agenda items with the 2001 Traffic Signal Project Equipment Purchase and 76<sup>th</sup> Avenue Improvement Contract to be discussed separately. The motion carried unanimously.

A motion was made by Councillor Atchison and seconded by Mayor Pro-Tem Dixon to table the 2001 Traffic Signal Project Equipment Purchase. The motion carried unanimously.

A motion was made by Mayor Pro-Tem Dixon and seconded by Councillor Hicks to authorize the City Manager to execute a contract for construction of the 76<sup>th</sup> Avenue improvements with TARCO, Inc. in the amount not to exceed \$204,300; authorize a total of \$215,500 for this contract including construction surveying and a project contingency; and authorize the use of any balance of funds after project completion to be applied toward paving the widened 76<sup>th</sup> Avenue under the City's year 2001 Asphalt Replacement program. Carl Walzak, 3725 West 78<sup>th</sup> Avenue addressed Council. The motion carried unanimously.

#### RESOLUTION NO. 12 REAPPOINTMENTS TO SPECIAL PERMIT & LICENSE BOARD

A motion was made by Councillor Merkel and seconded by Councillor Moss to adopt Resolution No. 12 making re-appointments of Michael Condon, Bill Nordberg, David Tracy and John Velasquez to the Special Permit and License Board with all terms of office to expire December 31, 2002. Upon roll call vote, the motion carried with a dissenting vote by Councillor Atchison.

#### COUNCILLOR'S BILL NO. 4 RE SIGN CODE REVISIONS

A motion was made by Councillor Moss and seconded by Councillor Hicks to pass Councillor's Bill No. 4 on first reading making changes to Section 11-11 of the Westminster Municipal Code pertaining to signs. Dave Shinneman and Dave Falconieri were present and addressed Council. Vi June, 7500 Wilson Court, Pastor Michael Ware of Victory Church, Lynn Watwood, Attorney representing Victory Church, Bob June, 7500 Wilson Court, Carl Walzak, 3725 W 78<sup>th</sup> Ave, Kim Griebing, 8654 West 85<sup>th</sup> Dr, of Custom Flags, and Bob Brough, 9376 West 106<sup>th</sup> Avenue addressed Council regarding proposed sign code changes. At 8:25 P.M. the City Attorney requested an Executive Session with City Council. Council reconvened at 8:50 P.M.

A motion was made by Councillor Atchison and seconded by Councillor Merkel to amend the main motion to pass Councillor's Bill No. 4 on first reading with the assignment that Staff review the items discussed this evening and Council review the results of Staff's research prior to second reading. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 5 RE GROWTH MANAGEMENT PROGRAM AMENDMENT

A motion was made by Councillor Atchison and seconded by Councillor Hicks to pass Councillor's Bill No. 5 on first reading re Growth Management Program to delete the existing requirement for an approved foundation inspection within 60 days of building permit issuance. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 16 RE CATEGORY B-1 SERVICE COMMITMENT AWARDS

A motion was made by Councillor Merkel and seconded by Councillor Atchison to adopt Resolution No. 16 awarding Category B-1 Service Commitments to two new single-family detached residential projects: The Covenant and Tuscany Villas at the Ranch Reserve. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 17 RE CATERGORY B-2 SERVICE COMMITMENT AWARDS

A motion was made by Councillor Merkel and seconded by Councillor Atchison to adopt Resolution No. 17 awarding Category B-2 Service Commitments to two new single-family attached projects: The 88<sup>th</sup> & Federal Condominiums and the Eliot Street Duplexes. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 RE ACQUISITION OF WATER CARRIAGE EASEMENTS

A motion was made by Councillor Moss and seconded by Councillor Atchison to adopt Resolution No. 18 concerning carriage rights through the Brighton and Brantner/New Brantner Ditches and easements from said ditches needed to carry water from the South Platte River to the Wattenberg Lake storage project, through condemnation, if necessary. Upon roll call vote, the motion carried unanimously.

CHANGE DATE FOR COUNCIL MEETING IN MARCH

A motion was made by Councillor Atchison and seconded by Councillor Merkel to change the date of the first regular meeting of City Council in March from March 12 to March 5. The motion carried with a dissenting vote from Mayor Pro-Tem Dixon.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on Arvada and Westminster negotiations regarding Rocky Flats.

ADJOURNMENT:

The meeting was adjourned at 9:25 P.M.

ATTEST

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Proclamation for George S. "Geoie" Writer  
**Prepared by:** John Carpenter, Director of Community Development

**Introduction**

The Mayor on behalf of the entire City Council is requested to present a proclamation to George S. "Geoie" Writer who has recently been named the 2000 "Builder of the Year" by the Home Builders Association of Metropolitan Denver.

**Summary**

"Geoie" Writer has been developing homes in Westminster since 1983 and is currently one of the homebuilders at Legacy Ridge. Mr. Writer's accomplishments in residential development throughout the Denver metropolitan area have been significant and are worthy of recognition by the City.

**Policy Issues**

There are no policy issues with this action.

**Staff Recommendation**

Present the proclamation to Geoie Writer and extend Westminster's hearty congratulations.

**Background Information**

Geoie Writer has won many professional awards and honors over the years for his pioneering efforts in Planned Unit Developments (P.U.D), including Colorado's first P.U.D. in 1967. His recent "Builder of the Year" award from Denver Metropolitan Homebuilders Association and his dedication to quality home building in Colorado is worthy of recognition at this time. Writer Homes was the developer of the NorthPark project located at the southeast corner of 104<sup>th</sup> Avenue and Lowell Boulevard, and is currently developing homes at Legacy Ridge.

Westminster is pleased that Mr. Writer has received this recent recognition by his peers and wishes to add the City's congratulations.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

WHEREAS, George S. "Geoie" Writer has been named the 2000 "Builder of the Year" by the Home Builders Association of Metropolitan Denver; and

WHEREAS, Mr. Writer is noted in his field as an innovative and visionary home builder; and

WHEREAS, Mr. Writer has won numerous national awards for his pioneering efforts in Planned unit Developments (P.U.D.'s), including Colorado's first P.U.D. in 1967; and

WHEREAS, Mr. Writer has been building in Westminster since 1983 with his Northpark Subdivision; and

WHEREAS, Mr. Writer He was actively involved in the initial planning of the Legacy Ridge Golf Course Community and is currently developing homes at Legacy Ridge; and

WHEREAS, Mr. Writer's dedication to quality home building in Colorado for 40 years is worthy of recognition

NOW THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff do hereby proclaim Tuesday, February 26, 2001 as

**GEORGE S. "GEOIE" WRITER DAY**

In the City of Westminster in recognition of his 40 years of home building within Colorado.

Signed this 26<sup>th</sup> day of February, 2001.

---

Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001

**Subject:** Adams County School District 50 Recognition of Bill Christopher

**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has received a request from Adams County School District 50 for a presentation to Bill Christopher at the City Council meeting.

**Summary**

George Straface, Adams County School District 50 Superintendent has requested time on Monday night's agenda for the School Board and Superintendent to recognize Bill Christopher.

A letter proclaiming February 28<sup>th</sup>, 2001 as Bill Christopher Day will be presented to Bill at this time.

**Policy Issues**

There are no policy issues with this item.

**Staff Recommendation**

Listen to the presentation by Adams County School District 50 representatives to Bill Christopher.

**Background Information**

The Adams County School District 50 Board of Directors and Superintendent have drafted a letter to be presented to Bill Christopher, recognizing his efforts over the years working for the students and all citizens within the community.

Respectfully submitted,

William M. Christopher  
City Manager



WESTMINSTER  
COLORADO

Agenda Memorandum

Date: February 26, 2001  
Subject: Presentation of Employee Service Awards  
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th, and 25<sup>th</sup> anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting. . In addition, the one employee celebrating 25 years of service will be presented with a check for \$2500.

Staff Recommendation

Mayor present service pins and certificates of appreciation to employees celebrating 10, 15, 20 years of service with the City, and providing special recognition to our 25 year employee with the presentation of a \$2,500 check.

Background Information

The following employees will receive a ten year service pin and certificate:

Gina Barton	Parks, Rec & Libraries	Recreation Suoervisor III
Daniel Daly	Public Works & Utilities	Foreman, Utilities
Karen Heckenbach	Information Technology	PC Analyst II
Ed Kaiser	Finance	Sales Tax Specialist
Melissa Lienemann	Parks Rec & Libraries	Library Associate
Michele McLoughlin	Community Development	Planner
Kent Snyder	Public Works & Utilities	Meter Technician
Jacki Tallman	Police Department	Senior Police Officer
Dean Villano	Police Department	Sergeant
Vernon West	Fire Department	Fire Engineer

The following employees will receive a fifteen year service pin and certificate:

Patricia Davis	Parks, Rec & Libraries	Guest Relations Clerk II
Jakki Erosky	Information Technology	Information Sys Manager
Joyce Garcia	Information Technology	Secretary
Kristin Graves	Parks, Rec & Libraries	Librarian I
Michael Happe	Public Works & Utilities	Sr Water Resources Engineer
William Hayward	Public Works & Utilities	Traffic Signs/Markings
Barbara LaManna	Police Department	Victim Advocate
Richard Malesko	General Services	Sr Maintnanceworker
Pat Peters	Public Works & Utilities	Foreman
Sally Rendon	General Services	Court Collections Supervisor
Theodore Roberts	Parks, Rec & Libraries	Irrigator II
Derry Upshaw	Police Department	Senior Police Office
Mark Watters	Police Department	Senior Police Officer



Employee Service Awards

Page 2

The following 20 year employees will be presented with a certificate and service pin:

Ralph Dopheide	Public Works & Utilities	Plant Operator IV
Katie Harberg	City Manager's Office	Public Information Officer
Nicholas Hartney	Police Department	Senior Police Officer
Paul Johanson	Parks, Rec & Libraries	Crewleader
Eric Knopinski	Police Department	Senior Police Officer
Ralph Prokopy	Parks, Rec & Libraries	Irrigator II
Ken Quenzer	General Services	Facilities Manager
Timothy Sigworth	Police Department	Senior Police Officer
Jeff Sill	Police Department	Police Officer
David Tallman	Police Department	Senior Police Officer

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

The following 25 year employees will be presented with a certificate, service pin and check:

Eugene Boespflug	Police Department	Sergeant
Patrick Martinez	Police Department	Sergeant
James Moreland	Fire Department	Fire Captain
Gary Pedigo	Fire Department	Battalion Chief
Judy Sample	Police Department	Sergeant
Alan Wilson	Police Department	Lieutenant

**Gene Boespflug** Gene Boespflug was hired by the Westminster Police Department, as a Police Cadet, assigned to the Patrol Division, on February 17, 1976. On May 15, 1978 he was promoted to the position of Animal Control Warden. On January 2, 1979 he was promoted to Police Officer and subsequently promoted, to Senior Police Officer, December 25, 1981. While assigned to the Patrol Division he served in numerous assignments such as a Self-Defense Instructor and Field Training Instructor for new officers. He also served in the Traffic Unit as a motorcycle officer.

Gene was one of the earliest members of the Westminster Police Department Tactical Team, or Swat. He has been a member of that Team for 17 years. In May of 1999, he was appointed as the Tactical Team Commander, a position he continues to serve in. He is only the second Sergeant to hold this position of responsibility.

He was promoted to the position of Police Sergeant on January 1, 1992. As a Sergeant he was assigned to Patrol as a Shift Supervisor, for two years, and has served as a Vice-Narcotics Supervisor for eight years. He is currently assigned as a Supervisor to the West Metro Drug Task Force.

**Patrick Martinez** Pat Martinez started with the PD on January 5, 1976. He was promoted to Senior Police Officer on January 1, 1979, and promoted to Sergeant on October 25, 1999. Pat has served as a Field Training Instructor, a D.A.R.E. Instructor, and is a member of the Police Department Bicycle Patrol Program, where he serves as an assistant to the Administrative Patrol Lieutenant in administrating the Bicycle Patrol Program. Pat is currently assigned as a Watch I Patrol services Supervisor.

**Jim Moreland:** Jim Moreland is currently the Fire Captain at Fire Station 1, located at 3948 West 73<sup>rd</sup> Avenue and has worked for the City the past 25 years. Jim began his career with the Fire Department on February 25, 1976 when he was hired as a Firefighter Cadet, a non-benefited part-time position that was partially funded by the Federal Government. Jim was promoted to the position of full-time Firefighter with benefits on January 25, 1979.

Jim graduated from Saint Anthony's Paramedic program in early 1980 and was officially promoted to the position of Paramedic on April 4, 1980. Jim was one of only a few paramedics in the Westminster Fire Department. Jim has also held the ranks of Station Officer, Lieutenant, Captain and Emergency Medical Services Officer. Jim was promoted to the rank of Station Officer on April 10, 1981, which was reclassified to Lieutenant a year later. In 1982, Jim was promoted to Fire Captain. During his tenure as a Fire Captain Jim served as the Department's 2<sup>nd</sup> Emergency Medical Services Officer from 1994-1997. As the Emergency Medical Services Officer Jim was responsible for Emergency Medical field training, quality assurance, paramedic promotional processes, procurement of replacement ambulances and equipment, management of the ambulance billing program and working with the Department's Physician Advisor and area hospitals on a variety of medical related issues. Jim is also one of the Department's resident experts on technical rescue operations, specifically high-angle rescue and trench rescue.

When Jim is not on duty, he enjoys attending Colorado Rockies games, following his son's baseball career, and attending church functions with his wife Waynette. Jim and Waynette's two children, Becky and Austin, are currently attending college at Colorado Christian University and Grand Canyon University, respectively.

**Gary Pedigo:** Gary Pedigo is currently the C Shift Battalion Chief at Fire Station 1, located at 3948 West 73<sup>rd</sup> Avenue. Gary began his career with the Fire Department as a Volunteer Firefighter in early 1975 and was hired as a full-time Firefighter on February 17, 1976. Gary grew up in the metro area and worked as an owner operator trucker prior to being hired by the City.

Gary was promoted to Shift Officer on October 3, 1978 and served in that capacity until March 25, 1981 when the position was reclassified as a Duty Officer. On March 25, 1982, Gary's position was again reclassified as a Battalion Chief. During Gary's tenure as a Battalion Chief he served as the Department's Training Chief that was responsible for the hiring, promotional processes and training of both the full-time staff and volunteer staff. Additionally, in the early 1990's Gary obtained his Bachelor of Science degree from Regis College and completed the 4-year Executive Fire Officer program sponsored by the National Fire Academy. Gary has also participated in numerous committees and special teams such as the Adams Jeffco Hazardous Materials Team, the Dive Rescue Team, the City Facilitator Team and the Community Oriented Governance program.

When Gary is not on duty, he enjoys playing golf, attending Colorado Rockies games and riding his Harley Davidson motorcycle. Gary is also an avid hockey fan and coached youth hockey for over ten years and currently works part-time for the National Hockey League during Avalanche home games. When he is not doing any of the previously mentioned items, his three sons, daughter, ten granddaughters and one grandson keep him and his wife Jackie busy.

**Judy Sample:** Judy Sample started with the PD on March 15, 1976. She was promoted to Senior Police Officer on March 15, 1979, and promoted to Sergeant on January 10, 1980. Judy has been assigned as a supervisor in the Investigation Services Division. Judy has also served as the Traffic Unit Supervisor, in the Patrol Services Division, and is currently assigned as a Watch I Patrol Services Supervisors.

**Alan Wilson:** Alan was hired 1-5-76-worked as patrol officer and motorcycle officer until his promotion to Sgt. in 1981. As a Sgt. he served as a first line supervisor in patrol, traffic and investigations. In July of 1992 he was promoted to Lieutenant and is currently assigned as a shift watch commander in the patrol division. Al also serves as the west metro drug task force coordinator

On February 28<sup>th</sup>, the City Manager will host an employee awards luncheon at which time 2 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20<sup>th</sup> and 25th anniversary. This is the first of four luncheons for 2001 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 630 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** February 26, 2001

**Subject:** PC Acquisition and Replacement Program by Lease/Purchase

**Prepared by:** David Puntenney, Information Technology Director  
Bob Eichen, Treasury Manager

#### Introduction

City Council action is requested to authorize the City Manager to enter into a lease/purchase for \$419,925 to fund the purchase of personal computers for the replacement and acquisition program for 2001. Funds to make the lease purchase payments are budgeted in the General and Utility Funds for 2001.

#### Summary

The inventory of PCs used at the City of Westminster has increased from 15 to 760 in the past 16 years. The value has grown from \$48,000 to \$1.485 million. As software applications become more complex, the replacement of the PCs has become a significant issue during the budget process. While some departments have been able to stay up with technology, others have fallen behind. Currently, 226 PCs need to be replaced. It would cost \$419,925 to cash fund the needed PCs. In addition, if the City continues under the same program we have used in the past, these same PCs would not have a funding mechanism for replacement when they become obsolete.

During the past two years, approximately \$500,000 per year has been spent on PC replacement and new computer acquisition. During this past year, Staff has looked at how a replacement and acquisition program could be implemented that would:

- Ensure PCs are replaced and acquired when needed to stay up with technology and not lapse into obsolescence.
- Implement a funding mechanism that is fiscally responsible.
- Promote administrative efficiency.

Staff is proposing a revolving replacement and acquisition program financed by using the master lease purchase approved by Council, at the February 12, 2001 meeting. It is estimated that the lease cost per year will be approximately \$134,000 for the replacement of the PCs to be purchased in 2001.

#### Policy Issue(s)

Should the City convert from an outright purchase of PCs to the leasing of PCs to stabilize annual PC replacement expense; reduce the initial expense associated with replacing outdated PCs in 2001 and reduce potential for technology obsolescence?

#### Staff Recommendation

Authorize the City Manager to execute a lease/purchase agreement for the 2001 personal computer replacement program for an amount not to exceed \$419,925.

### **Alternatives**

- The City could cash fund the computer purchases.
- Cash funding was not recommended because of the lack of certainty that the dollars would be available each year to meet the annual need. For 2001, 104 of the 226 needed computers could be replaced within the funds allocated in the 2001 budget. This would result in the continued use of 122 PCs that have reached their useful life and cannot accommodate some of the software currently being used in the City.
- The City could debt finance the computer purchases.
- Debt financing was not recommended because the cost of issuance was not cost effective for this size issue (estimated at \$20,000).

Lease purchase financing proved to be the most cost effective method to implement the on-going replacement and acquisition program.

The lease/purchase investigation resulted in the following findings:

- 1) The City can replace the 226 computers in 2001 at a first year lease cost of approximately \$134,000, instead of cash outlay of \$419,925.
- 2) The City could stabilize the annual cost associated with PC hardware replacement by establishing a lease for all future PC purchases.
- 3) The lease expense for replacement PCs would increase each year until all City computers are included under the lease. PC lease expense for replacement PCs would stabilize in 2004. After 2004, lease expense would increase only when additional new PCs are added to the lease, or interest rates rise in future years.
- 4) Leasing PCs will help the City avoid technology obsolescence by establishing a regular replacement schedule and planned annual lease expense.

### **Background Information**

In 1985, the City of Westminster had approximately 15 personal computers installed in several departments, representing a total asset value of \$48,000. Because of the limited number of PCs in use during the mid-late 1980s, planning for and securing adequate budget for replacing these computers as they became obsolete was not difficult. During the 1990's, the City continued to place added emphasis on the use of PC's and purchase many PCs as Staff recognized the value that PCs offered in terms of internal communications, employee productivity and as tools to provide enhanced and efficient services for citizens and businesses. Today, the City uses more than 760 personal computers throughout all Departments, representing an investment of \$1,485,000. Approximately \$458,000 and \$527,000 were spent on PC purchases in 2000 and 1999 respectively.

PCs are essential tools that are used daily to conduct the business of the City. It is important that the technology be updated on a regular schedule in order to provide users with adequate performance, functionality and configuration to be compatible with new software applications.

During 2001, it is projected 226 PCs, laptop and desktop models will have been in use four or more years. The City would need to invest \$419,925 to replace these obsolete computers in 2001. Personal computers become obsolete for City use after four years, when they no longer have the processing speed, memory capacity or disk space to support new or upgraded software. Minimum PC capacity and processing speed requirements increase as software vendors add more features and functionality to their products.

During preparation of the 2001 budget, it was determined that a long-term replacement program for PC replacement and acquisition needed to be implemented. When the inventory and replacement needs had been determined, a funding mechanism needed to be found.

City Council may recall the PC lease concept being discussed during the 2001-2002 Budget Retreat.. The 2001 General Fund and Utility Fund budgets include funds for the lease payment of computers and the purchase of related software.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Foxshire Park Contractor’s Service Contract  
**Prepared By:** Julie Meenan Eck, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Western States Reclamation, in the amount of \$442,928 and approve a 10% contingency in the amount of \$44,292, for the construction of Foxshire Park. City Council action is also requested to authorize the payment of a 2” water tap for this park, in the amount of \$69,437. Funds are available and were specifically designated in the 2001 General Capital Improvement Project Budget for this project.

**Summary**

Foxshire Park is a 7-acre neighborhood park located at 10819 N. Alcott Street adjacent to the Farmers High Line Canal and Mushroom Pond. Terrasan Inc. was the design consultant hired by the City to develop the construction documents based on the City Council approved master plan developed by Staff. This January, the project was advertised and bid according to the City’s purchasing ordinances and procedures. Nineteen contractors attended the mandatory pre-bid meeting and twenty-eight copies of construction documents were sold to various contractors and suppliers. A total of thirteen contractors bid on the project ranging in price from \$442,928 up to \$817,570. The following is a tabulation of the four lowest bids from the February 14<sup>th</sup> bid opening:

Western States Reclamation	\$442,928
Hall Irwin Inc.	\$446,420
SaBelle’s	\$448,900
Arrow J, Inc.	\$463,421

The low bid by Western States Reclamation is considered a good bid in comparison to the engineer’s cost estimate of \$635,000 for the project. According to some of the contractor’s that provided feedback to Staff, the time of year and the quantity of bids on the project is why bids came in so much lower than the engineers estimate, which was based on last year’s economy. Western States Reclamation has performed work for Westminster as a sub-contractor in the past, most recently on Big Dry Creek Trail at Wadsworth, and Staff believes that Western States Reclamation is qualified to perform this work.

**Policy Issues**

Does the City Council wish to proceed with the construction of Foxshire Park?

**Alternatives**

City Council could reject the low bid from Western States Reclamation and select the second lowest bidder, Hall Irwin, Inc., to perform the work. Hall Irwin Inc. has not previously experienced working with the PRL Department but is a name that Staff recognizes as reputable contractor. However, the low bid from Western States Reclamation has been determined to be a good bid and the evaluation of the company meets all City standards.

**Staff Recommendation**

Authorize the City Manager to execute a contract with Western States Reclamation in the amount of \$442,928 with a 10% construction contingency, authorizing the total amount of \$487,220 to the appropriate project account in the 2001 General Capital Improvement Fund. Also, authorize the payment of a 2" water tap in the amount of \$69,437 from the appropriate project account.

**Background Information**

In October of 1999, Staff began the master planning process for Foxshire Neighborhood Park, located south of Cedar Bridge Subdivision and north of Legacy Ridge Subdivision at 108<sup>th</sup> and Alcott Street. Approximately 25 people attended a public meeting where Staff provided input on the master planning process for their neighborhood park. A park survey was mailed to the two Subdivisions in November. Of the 468 mailed surveys, 176 were returned, which represents a 38% response rate. The surveys returned by mail allowed each family in the area an opportunity to vote on the park elements to go into their neighborhood park. Staff then used the results of the mailed survey to develop two park development alternatives based on a design and construction budget of \$800,000.

In February 2000, a second community meeting was held to present the two alternatives. Approximately 78 people attended this meeting. Each alternative showed a different park plan with various combinations of elements, but all having a design and construction budget of \$800,000. After a much-heated debate over parking lots, rest room enclosures and basketball courts, the residents supported the elements of the first alternative with the design elements of the second alternative. Staff went back to develop a Master Plan that addressed the combination of the two alternatives that would work within the project budget.

A third meeting was held in May 2000 to present the master plan that combined the two chosen alternatives. It was presented to approximately 56 people. It was well received and accepted unanimously by those in attendance. City Council approved the master plan and adopted the name Foxshire Park (formerly known as Cedar Bridge) in May of 2000.

The other nine bids from the 14<sup>th</sup> of February were as follows:

T2 Construction	\$493,444
High Endeavor Outdoor Construction	\$499,900
Urban Farmer	\$503,668
Wards Landscape	\$510,547
KLI	\$609,819
W. J. Shirley	\$624,150
Brown Construction	\$628,026
City Asphalt & Concrete	\$669,906
Brighton Landscaping	\$817,570

The master planning, design, and construction project budget for Foxshire Park is \$580,657 and is outlined below.

2000 Foxshire Park Design	\$ 24,000
2001 Foxshire Park 2" water Tap	\$ 69,437
2001 Foxshire Construction	\$442,928
2001 Foxshire Park Contingency	<u>\$ 44,292</u>
Total	\$580,657

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Master Plan





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Property and Liability Excess Insurance  
**Prepared by:** Pierrette Ray, Insurance Administrator

**Introduction**

City Council action is requested to authorize the annual expenditure for the 2001 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance. Funds are available in the 2001 Property and Liability Fund budget for this expenditure.

**Summary**

The City annually purchases insurance to cover assets (buildings, vehicles, equipment, open space and parks) and to protect itself from liability exposure resulting from claims brought against the City and its employees. This insurance is purchased through CIRSA. The quote from CIRSA for 2001 for property and liability coverage is \$191,816, which represents a premium of \$202,343 minus a loss control credit of \$10,527. Funds are budgeted in the Property and Liability Self Insurance fund for this expenditure.

The cost of coverage in 2000 was \$163,587. This year's quote of \$191,816 is an increase of \$28,229 (17.3%) over 2000. This change is due to the reduction in surplus from closed claim years, the addition of new Westminster facilities including the Westin Conference Center, Westview Recreation Center and the Reclaimed Water Plant, the addition of new vehicles and the increased value of existing properties. The quote for the Boiler and Machinery coverage is \$30,011. This figure represents an increase of \$7,985 (36%) from last year's premium of \$22,028 and is attributed directly to the increase in the number of City facilities. Funds are budgeted in the Property and Liability fund for this expenditure.

The alternative to renewing insurance coverage with CIRSA would be to seek quotes from the insurance marketplace. This would most likely cost the City more money, both because of the limited number of companies that write governmental entity insurance and because of the commission that would be paid to the broker. Renewing with CIRSA is cost-effective and provides the City with insurance protection designed to meet its needs.

**Policy Issues**

The issue presented is whether Council should authorize the expenditure to CIRSA for the 2001 insurance coverages.

**Alternatives**

City Council could reject staff's recommendations to utilize CIRSA for these insurance coverages and direct staff to go out to bid. Staff does not believe that private insurance carriers can match the overall cost effectiveness of CIRSA, including the customized services that CIRSA provides.

### **Staff Recommendation**

Authorize the City Manager to enter into an agreement with CIRSA for the purchase of excess insurance for \$191,816 and Boiler and Machinery Insurance for \$30,011 and charge these expenses to the Property and Liability Self-Insurance Fund.

### **Background Information**

The City of Westminster has been a member of CIRSA since its inception in 1982. Since that time, the pool has grown from its original 18 cities to 153 members. CIRSA provides property and liability coverage that is tailored to meet the municipal exposures. On January 1, 1988, the City implemented a large, self-insured retention program, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. A reserve fund insures that funds are available to cover deductible expenses in the event of a catastrophic year or a year in which multiple, large claims occur that fall within the deductible level. Transferring money remaining in the City's Property and Liability Fund at the year-end into this City reserve fund has generated adequate reserves.

The benefit of this process has been to allow for accumulation of reserves through the normal budgeting process without the need to tap contingency funds. In October 2000, the City engaged the services of the Tillinghast-Tower Perrin Company to update the actuarial study of the City's Property and Liability Fund. The figures reviewed the City's past loss history, current claims and claim reserves and then compared these figures with several difference ratios used in the insurance industry to evaluate practices in claims history. The review was positive stating that Westminster's financial ratios compare favorably to external benchmarks. With the continued growth of the City, Staff is recommending that the current reserving program be continued as is. The unaudited fund balance at the end of 2000 was \$1,865,357.

The CIRSA quote for 2001 is \$191,816 after receiving a credit of \$10,527 based on the City's loss control audit score. The quote for Boiler and Machinery coverage is \$30,011. These contributions represent an increase over last year's quote of \$28,229 (17.3%) for the excess coverage and \$7,985 (36%) for the Boiler and Machinery coverage. These increases are due to the addition of new properties including the Westin Conference Center, Westview Recreation Center and the Reclaimed Water Plant. Staff made inquiries about the increase that other cities were experiencing for 2001. Liability coverage increases are running between 15% and 20%. Property increases are ranging from 15% to as much as 80%, depending on the amount of growth in facilities and flood zone exposures.

The City has continued to purchase its excess property and liability coverage from CIRSA for several reasons:

- CIRSA has provided favorable quotes for its insurance
- CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns
- Unlike all brokers or private insurance companies, CIRSA does not charge commissions

The services provided by CIRSA include all claims handling, loss control, administrative services and the following excess coverage:

- Property coverage in excess of \$100,000 to \$201,000,000 (limits shared with all pool members)
- \$1,000,000 per occurrence/aggregate business interruption coverage
- Public officials liability coverage from \$150,000 to \$5,000,000 per occurrence/aggregate
- Police Professional Liability insurance from \$150,000 to \$5,000,000 per occurrence/aggregate
- Motor vehicle physical damage from \$100,000 to \$600,000 per occurrence
- General Liability Insurance coverage from \$150,000 to \$600,000 per occurrence

The success of the City's self-insured Property and Liability Program can be attributed to several factors, including the on-going employee safety training and other loss control practices initiated by the individual departments and the Risk Management Staff, the efforts of the City's Employee Safety Committee and the City's effective working relationship with CIRSA claims adjusting Staff. Loss control activities include:

- Off-site inspection of facilities
- Annual defensive drivers training
- The annual snowplow rodeo and training sponsored by the Public Works and Utilities Department

By maintaining a strong focus on loss control, Staff believes that the benefits of the higher self-insured retention continue to outweigh the risks involved over the long term. Therefore, Staff recommends that Council authorize the expenditure for the 2001 contribution to CIRSA for the Property and Liability and the Boiler and Machinery coverage.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 26, 2001

**Subject:** 76<sup>th</sup> Avenue Improvements Contract

**Prepared by:** Stephen C. Baumann, Assistant City Engineer

#### **Introduction**

City Council action is requested to award a contract to TARCO, Inc. for reconstruction of storm sewer and widening of 76<sup>th</sup> Avenue east of Sheridan Boulevard. Funds are available and were specifically allocated in the General Capital Improvement Fund for this project.

#### **Summary**

West 76<sup>th</sup> Avenue east of Sheridan Boulevard has been without curb, gutter and sidewalk along a portion of the north side for many years, even though it is a busy residential collector street. Local residents have long complained about the streets unfinished condition. In addition to the full street improvements, an inspection revealed that the corrugated metal storm sewer in 76<sup>th</sup> Avenue, in place between Little Dry Creek and the Burlington Northern Santa Fe Railroad tracks for 25 years or more, is failing.

Construction drawings for the replacement of storm sewer, and the installation of curb, gutter and sidewalk were sent out and bids were received from three contractors. At \$204,300.38, the bid by TARCO, Inc. was the lowest of the three and is very close to the engineer's estimate and the \$215,500 budget for the project. Staff is recommending acceptance of the bid and award of the contract to TARCO, Inc. so work on this project can begin in mid-March of this year.

#### **Policy Issue**

Should the City address the street and drainage deficiencies along 76<sup>th</sup> avenue at this time?

#### **Staff Recommendation**

Authorize the City Manager to execute a contract for construction of the 76<sup>th</sup> Avenue Improvements with TARCO, Inc. in the amount not to exceed \$204,300.00; authorize a total of \$215,500 for this contract, including construction surveying and a project contingency. In addition, authorize the use of any balance of funds after project completion be applied toward paving the widened 76<sup>th</sup> Avenue under the City's year 2001 Asphalt Replacement Program.

#### **Alternative**

The alternative to awarding this contract to TARCO, Inc. or one of the other qualified bidders is to abandon or delay the project. There seems to be no reason for this approach given that the community has long pressed for the completion of the 76<sup>th</sup> Avenue and with the knowledge that the existing storm sewer is failing. Staff does not recommend this alternative.

**Background Information**

West 76<sup>th</sup> Avenue east of Sheridan Boulevard has long had a three to four block portion that lacked curb, gutter and sidewalk on the north side. Plans to widen this residential collector street were developed several years ago. In 2000, a detailed inspection of the storm sewer located in 76<sup>th</sup> Avenue revealed that the 48-inch corrugated metal pipe between Little Dry Creek and the Burlington Northern Santa Fe Railroad was failing. There were numerous locations where the bottom of the pipe was rusted away. Given the size of the facility and because a good share of the failed pipe is in the area where 76<sup>th</sup> Avenue is planned to be widened, the pipe replacement was incorporated into the 76<sup>th</sup> Avenue improvements plan. A design for replacing the storm sewer on a revised alignment that reduces the sewer cost was then developed.

The project was advertised for bid to four contractors experienced with street and large diameter sewer construction. Bids were received and recorded as follows:

TARCO, Inc.	\$204,300.38
Diamond Excavating, Inc.	\$245,011.50
Tierdael Construction Company	\$274,500.00
Diamond Contracting	Did Not Bid
Engineer's Estimate	\$219,000.00

TARCO, Inc. is an experienced local contractor with whom the City has done several similar projects. Recently, they won the contract award for the second phase of improvements to Big Dry Creek east of Huron Street. TARCO's bid is relatively close to the engineer's estimate and is considered well-balanced. Staff is recommending acceptance of TARCO's bid so that construction can proceed in March and April of this year.

In addition to the \$204,300 bid amount, a contingency of \$11,200 is being recommended for construction surveying and any unanticipated costs. Together they make up the \$215,500 appropriated budget for the construction of this project. Because the contingency is small, around 5%, City Staff and TARCO will review the construction plans and evaluate any cost-savings that can be safely implemented. The construction plans include new curb, gutter and sidewalk facilities along 76<sup>th</sup> Avenue, but does not include paving. The 800 tons or so of asphalt that will be needed for the widening is a relatively small quantity and can be installed at reasonable cost under the City's annual Asphalt Replacement and Rehabilitation Program. Staff is recommending that any portion of the contingency not used under TARCO's contract be transferred to the Asphalt Replacement Program or paid directly to that contractor upon completion of the asphalt work in the widening area.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



WESTMINSTER  
COLORADO

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** 2001 Traffic Signal Project Equipment Purchase  
**Prepared by:** Greg Olson, Transportation Systems Coordinator

**Introduction**

City Council action is requested to authorize the purchase of traffic signal poles, mast arms, controller, cabinet, traffic signal indications, vehicle detection components and emergency vehicle pre-emption equipment for the 2001 Traffic Signal Project. Funds are available and were specifically allocated in the 2001 General Capital Improvement Fund for this expense.

**Summary**

The funding allocation for the 2001 General Capital Improvement Fund is sufficient to install one traffic signal from the 2001 Traffic Signal Priority list. The location receiving the highest point rating was Huron Street and 121<sup>st</sup> Avenue. Staff proposes to purchase the traffic signal equipment prior to the bidding and contract award process to shorten the overall project completion time. The 2001 allocation of \$125,000 will cover the cost of materials and Staff’s estimate of construction as follows:

Controller, Cabinet, Vehicle Detection	Econolite Control Products, Inc.	\$27,000
Traffic Signal Poles	Valmont Industries, Inc.	\$19,298
LED Traffic Signal Indications	Gades Sales, Inc.	\$10,120
Emergency Vehicle Detection	3M, Inc.	\$ 2,385
	<b>Equipment Subtotal</b>	<b>\$58,803</b>
	Construction (City Staff’s estimate)	\$39,739
	Construction Contingency (20%)	\$7,882
	<b>Project Total</b>	<b>\$106,424</b>

**Policy Issues**

Does Council wish to purchase the necessary equipment before bids have been received from prospective bidders for the construction of the 2001 Traffic Signal Project?

**Staff Recommendation**

Authorize the expenditure of \$19,298 to Valmont Industries, Inc. for traffic signal poles and mast arms; authorize the expenditure of \$27,000 to Econolite Control Products, Inc. for the traffic signal controller and cabinet and vehicle detection equipment; authorize the expenditure of \$2,385 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize the expenditure of \$10,120 to Gades Sales, Inc. for the LED (Light Emitting Diode) Traffic Signal Indications and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

**Alternatives**

At Council’s option, any equipment purchases can be delayed until formal construction bids are received. Staff doesn’t recommend delaying the equipment purchases because this will increase project completion time by approximately 60 days.

## Background

As part of the 2001 budget preparation process, City Staff evaluated 18 intersections in the City to determine the need for signalization and establish priorities for such installations (see attached priorities for installation of traffic signals for 2001). The list of locations studied in the attached priority document does not include Pecos and 132<sup>nd</sup>/134<sup>th</sup> as those requests were received after the study period of March and April last year. A total of five intersections met the City's installation criteria for signalization, and they are listed below in priority order:

1. Huron Street & 121<sup>st</sup> Avenue
2. 112<sup>th</sup> Avenue and Stuart Street
3. 104<sup>th</sup> Avenue and Legacy Ridge Parkway (Installed as part of the 2000 Traffic Signal Projects)
4. 112<sup>th</sup> Avenue and Front Range Community College Driveway (1,000 feet east of the main entrance to the college)
5. Huron Street and 124<sup>th</sup> Avenue

Historically, funds have been budgeted each year for the installation of approximately one or two new traffic signals. This was again the case for the year 2001 when \$125,000 was included in the Capital Improvement Project (CIP) budget for the installation of traffic signals. Staff recommends proceeding with installation of a traffic signal at Huron Street and 121<sup>st</sup> Avenue that received the highest point rating on the priority list. It should be noted in July of last year, City Council authorized the installation of a new traffic signal at 104<sup>th</sup> Avenue and Legacy Ridge Parkway as part of the 2000 Traffic Signal Projects. This location has been installed and is scheduled to be activated prior to March of this year. In addition, the two locations on 112<sup>th</sup> Avenue at Stuart Street and at the Front Range Community College Driveway (1,000 feet east of the main entrance) are not recommended for consideration at this time. City Staff needs to evaluate the impact of the new traffic signal to be located at the main entrance to Front Range Community College and the new multi-family development on the south side of 112<sup>th</sup> Avenue. The developer of the multi-family development is providing cash in lieu towards the traffic signal installation to the main entrance of the college. It should also be noted that the installation of a traffic signal at Federal Boulevard and Bruchez Parkway/108<sup>th</sup> Avenue will be constructed by May of this year.

Staff proposes purchasing the traffic signal equipment prior to the construction bidding process and contract award to speed up project completion time. Delivery lead times for the traffic signal poles are now exceeding 22 weeks. Purchasing the equipment prior to receiving construction bids will cut six to eight weeks off the total project time. The City normally purchases the traffic signal equipment directly from the manufacturer to save middleman and contractor markups.

Staff is specifying LED (Light Emitting Diode) traffic signal indications for new installations for energy conservation and reduction in long-term maintenance costs. Traffic signals utilizing LED technology realize an 80% reduction in energy usage. Staff will continue to specify hot burning incandescent lamps for the north facing RED indications to prevent snow buildup during storms.

The following represents Staff's anticipated schedule for completing the traffic signal project, assuming City Council authorizes the purchase of the necessary traffic signal equipment:

February 26th	City Council authorizes the purchase of the traffic signal equipment
March 8 <sup>th</sup>	Request for Bids
March 22nd	Bid Opening for construction
April 9 <sup>th</sup>	City Council awards construction contract
April 24 <sup>th</sup>	Issue Notice to Proceed to the contractor
July 24, 2001	Completion of the traffic signal project

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Purchase of a Front End Loader  
**Prepared by:** Carl F. Pickett, Purchasing Specialist

**Introduction**

City Council action is requested to award the bid for a replacement two and a half yard front end loader in the amount of \$64,586, including the cost of a 5,000 hour warranty. This piece of equipment is used primarily by the Parks Services Division. Funds have been specifically allocated in the 2001 General Fund, Parks, Recreation and Libraries Department budget, Parks Services Division, for this expense.

**Policy Issues**

Using recommended bid processes to replace equipment, and the purchase of extended warranties.

**Summary**

In January 2001, the City’s Purchasing Specialist put out for formal bid a two and a half yard front end loader. This expense was previously approved by City Council in the 2001 Budget. The low bid of \$64,586, submitted to the City by Power Motive is being recommended for this purchase. The bid includes \$4,000 for a 5,000 hour/seven year extended warranty. Based on staff’s experience, this type of equipment has a high incidence of potentially costly repairs. Thus, the purchase of an extended warranty is cost effective.

**Staff Recommendation**

Award the bid for the two and a half yard front end loader and a 5,000 hour/seven year warranty to the low bidder, Power Motive, in the amount of \$64,586 for a Komatsu WA 180-3 and charge the expense to the appropriate 2001 General Fund Parks, Recreation and Libraries Department Budget account.

**Background Information**

As part of the 2001 budget, City Council approved the purchase of a replacement two and a half yard front end loader. The loader is used for general park maintenance and trail construction and maintenance. Unit #7040 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement and trade-in is as follows:

UNIT #	YEAR	MAKE	MODEL	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
7040	1990	John Deere	344 E	5,482	\$23,527.52	\$20,000.00

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.



Purchase of a Front End Loader

Page 2

Bids were received from three vendors. Those bids are as follows:

Vendor	Bid	Trade-in
Power Motive	\$80,586	\$20,000
Power Equipment Co.	\$84,998	\$18,000
Wagner Equipment	\$89,145	\$13,000

The low bid for the front end loader is \$80,586. The amount previously approved in the 2001 budget for this piece of equipment is \$75,000. Trade-in allowances will be applied to the purchase as listed above.

The low bid from Power Motive meets all specifications and requirements set by the City. The cost of the loader, \$80,568, less the trade in value of \$20,000, plus the bid option for a seven year, 5,000 hour extended warranty in the amount of \$4,000, for an expenditure of \$64,568 is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher,  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001

**Subject:** Lease Financing for Computer Aided Dispatch and Records Management System Desktop and Laptop Computers

**Prepared by:** Carol Workman, Communications Supervisor  
Rich Welz, Fire Lieutenant  
Jakki Erosky, Information Systems Manager  
Bob Eiche, Treasury Manager

**Introduction**

City Council action is requested to authorize the City Manager to enter into a lease/purchase for \$589,500 to fund the purchase of desktop and mobile computers for the integrated Computer Aided Dispatch and Records Management System (CAD/RMS). Funds to make the lease purchase payments are budgeted in the Police and Fire Department operating budget for 2001 and the proposed budget for 2002.

**Summary**

On July 10, 2000, City Council authorized the purchase, installation, and implementation of a new CAD/RMS in the Police and Fire Departments. The vendor is Intergraph Public Safety Systems (IPS). Most of the funding for the project is coming from capital improvement program funds budgeted in 2001 and 2002. When the project was presented to Council it was proposed the PCs would be funded by lease purchase. Subsequently the number of PCs needed was determined to be 130 at a cost of \$589,500. The estimated cost per year of the two-year lease is \$315,000.

**Policy Issue**

Should the City lease purchase the PCs for the CAD/RMS?

**Staff Recommendation**

Authorize the City Manager to execute a lease/purchase agreement for the PCs for the CAD/RMS for an amount not to exceed \$589,500. The lease would be through the master lease program approved at the February 12, 2001 City Council meeting and interest will be calculated according to an index determined at the time of closing.

**Background Information**

City Council has previously approved executing the contract of \$1,473,475 with IPS for a new integrated Computer Aided Dispatch, Police Records Management Information System, Fire Records Management Information System, Mobile Computer System for Police and Fire, and the interface to an Automatic Vehicle Locator System (AVL). The system will have an interactive map for dispatching field units, the capability to use the state-determined protocol for Emergency Medical Dispatching (EMD) and the capability for dispatch personnel to send calls for service to the mobile computers in the field. It will also handle bar coding for Property Evidence inventory control. The system will electronically upload data to the Colorado Bureau of Investigation and certify it in the National Incident Based Reporting System (NIBRS), a state mandated program. In addition, the system will provide field reporting for patrol officers and fire personnel and allow for downloading of reports over cellular collection into the two records management systems. The selection process for a new vendor began in March of 1999. The IPS system was selected from a field of twelve vendors after a thorough analysis by the public safety selection team.

The original agenda memo, dated July 10, 2000, proposed the laptop and desktop PCs be lease purchased. The indication from City Council was the lease purchase method was acceptable. Therefore, funds were included in the 2001 budget and the proposed 2002 budget to make the annual lease payments.

The amount to be financed is driven by what is termed "acceptable collateral" by financial institutions (property that can be physically repossessed if payment is not made). The remaining costs of the total system have been paid from the capital improvement fund.

The total number of PCs that will be lease purchased is 130 at a cost of \$589,500. The PCs needed for the CAD/RMS and other software will be rugged laptops that can be mounted and operated in the vehicles. The cases are especially made to withstand the wear and tear of being in and out of safety vehicles. Therefore, the price per PC is more than desktop PCs used by non-uniformed personnel. The cost for each of the 60 rugged laptops is \$7,500. The cost of the other 70 machines averages \$1,992.

**Alternatives:**

1. Direct Staff to find the additional funding within the current 2001 budget or use reserve funds to cover the \$595,235. This is not recommended given the need for conservative budgeting in 2001. Staff considers it financially prudent to use a lease purchase.
2. Use a private placement using other City assets as collateral (such as parkland). This is not recommended. The cost of issuance for a private placement versus a straight lease purchase is greater (estimate of \$20,000), and would not be cost effective or financially prudent for this type or size of purchase.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Financial Report for January 2001  
**Prepared by:** Mary Ann Parrot, Finance Director

#### **Introduction**

City Council is requested to review the attached financial statements, which reflect 2001 transactions through January 2001.

#### **Summary**

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

At this time, typically 8.5% of revenues and expenditures should be realized after the first month in the budget year, unless seasonal fluctuations impact revenue and expenditure streams.

General Fund revenues represent 7% of the total budget estimate while General Fund expenditures and encumbrances represent 5% of the 2001 appropriation.

Utility Fund revenues represent 8% of the total budget estimate. Utility fund expenditures and encumbrances represent 9% of the 2001 appropriation. Water sales are at 7% at this time. Wastewater sales are at 9% at this time.

The Sales and Use Tax Fund revenues represent 12% of the total budget estimate, while expenditures and encumbrances in that fund represent 8% of the 2001 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 5% from the same period last year.

The Open Space Fund revenues represent 22% of the total budget estimate while expenditures and encumbrances in that fund represent 20% of the 2001 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 1% of the total budget estimate while operating expenditures and encumbrances represent 21% of the 2001 appropriation. Operating revenues for Heritage represent 1% of the total budget estimate while operating expenditures and encumbrances represent 20% of the 2001 appropriation.

#### **Policy Issues**

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

**Staff Recommendation**

Accept the report as presented.

**Background**

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Resolution No. 12 Reappointments to Special Permit and License Board  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to consider re-appointments to the Special Permit and License Board where terms of office expired on December 31, 2000.

**Summary**

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire. The Chairperson of the Special Permit and License Board, Nancy Peters is scheduled to meet with City Council prior to Monday night's Council meeting,

Each individual whose term expired December, 2000 was contacted and asked if they were interested in being re-appointed to the Board, if Council so desires. The re-appointments are for a two year term.

**Staff Recommendation**

Adopt Resolution No. 12 making re-appointments to the Special Permit and License Board Commission with all terms to expire on December 31, 2002.

**Background Information**

The terms of office of four members of the Special Permit and License Board expired on December 31, 2000. Michael Condon, Bill Nordberg, David Tracy and John Velasquez are all interested in being re-appointed to the Special Permit and License Board.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **12**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Special Permit and License Board; and

WHEREAS, Each member whose term expired on December 31, 2000 has been contacted and asked if they wish to be re-appointed to the Board where they are currently serving; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Special Permit and License Board listed below with the terms of office to expire December 31, 2002.

<b>NAME</b>	<b>BOARD/COMMISSION</b>
Michael Condon	Special Permit and License Board
Bill Nordberg	Special Permit and License Board
David Tracy	Special Permit and License Board
John Velasquez	Special Permit and License Board

Passed and adopted this 26th day of February, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** February 26, 2001

**Subject:** Councillor's Bill No. 4 re Sign Code Revisions

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

### Introduction:

City Council action is requested on a proposed ordinance making revisions to the City's Sign Code. The proposed changes include new organization, revised definitions, alterations to the enforcement section, elimination of some classes of signs, and changes to the sections of the Code pertaining to flags, window signs, monument signs and election signs.

### Summary

In August of 1999, Staff presented the Planning Commission with a proposal to amend the Westminster Municipal Code (WMC) section pertaining to the sign regulations. At that time, the Planning Commission agreed that the existing Sign Code was difficult to read and should be updated. The Planning Commission also made several suggestions pertaining to strengthening the enforcement section.

Staff then distributed a proposal for Sign Code revisions to the business community and to various interested parties to obtain their input. The response was mostly favorable and supportive of the process and the proposed amendments. In May 2000, the City Council reviewed the draft revisions in Study Session and after discussion, agreed to have individual Councilmembers send comments to Staff for further review. A discussion of these changes is included in the Background Information section.

The package of revisions was scheduled to go back to City Council Study Session during June 2000, but the Metro North Chamber of Commerce requested time for an additional review. Their comments and Staff's recommendation on each is included in the Background Information section as well.

On January 29, 2001, the revised Sign Code was once again reviewed by City Council in Study Session. The Sign Code, as attached, reflects the suggestions that were discussed at that session. A description of those changes is also included in the Background Information section.

As part of the Staff presentation at Monday's Council meeting, slides will be shown depicting various percentages of window sign coverage. This was requested at the last Council Study Session.

### Policy Issues

Whether or not to amend the Sign Code as described in the Background Information section of this report.

### Staff Recommendation

Pass Councillor's Bill No. 4 on first reading making certain changes to Section 11-11 of the Westminster Municipal Code pertaining to signs.



## Background Information

Attached is a copy of the proposed Sign Code revisions. Additions are shown in uppercase and the proposed deletions struck through. Where an entirely new sub-section has been added, the title of that sub-section will be shown in *uppercase italics*. A sub-section heading that is only in uppercase letters indicates that section already exists in the current Code. The significant changes are listed below:

1. The existing Sign Code has been reorganized to be more user friendly.
2. A new definition section has been added in order to clearly define words that only pertain to signs.
3. Window signs have been limited to ten percent of the total window area. At the last Study Session Councilmembers asked that several options be proposed by Staff and that slides be shown at the Council meeting showing various percentages of window sign coverage. Accordingly, this will be presented at the Council meeting. The proposed code will also permit variations on this requirement as part of an ODP review to allow flexibility if it can be shown that any window signs will not detract from the appearance of the area.
4. Off-site residential identification signs have been eliminated as an allowed use. These are the brown "Dodge Signs" which are currently allowed on undeveloped corners and contain directional signs for residential projects. Such corners are becoming increasingly scarce and the developments that are identified are becoming sold out. As the developments that are identified are built out, the current signs would be phased out.
5. The section regarding election signs has been modified with regards to enforceability, and restrictions pertaining to election and "ballot issue" signs on private property have been eliminated except for the height and size of the sign. The size of such signs has been reduced from eight (8) square feet to six (6) square feet, which is the maximum allowed for real estate signs as well. The height is restricted to six (6) feet. The setback requirement has also been eliminated. Election signs within the City rights-of-way will continue as an allowed use per Council's direction, but if they are placed in such a manner as to obstruct traffic or are considered to be hazardous by City traffic officials, they can be removed without notice. As Council requested at the last Study Session, the number of signs permitted in any one area by an individual candidate has been restricted. Staff has proposed no more than one sign per candidate every one-hundred (100) feet. This will help to prevent the clutter caused by too many election signs in one area.
6. The number of individual tenants permitted to be identified for a retail or office center has been increased from two to six, and a minimum letter height for such signs has been added.
7. A new variance section has been added to clarify how the provisions of the Sign Code may be varied.
8. The proposed Sign Code defines a violation of the Sign Code as a nuisance and a criminal violation and may therefore be prosecuted as either a civil matter or a criminal matter if the City is so inclined. Criminal penalties will NOT apply to election sign violations, as requested by Council members at the last Study Session.
9. Staff is proposing that a single flag per lot be allowed without a permit as long as it does not exceed 24 square feet in size, and a new section has been added entitled "Flags" for additional flags. The new section will treat all flags as signs and restrict the total area of the flags by requiring that they be added to the amount of area allowed for wall signs on the property. This way, if a business desires flags, it will reduce the amount of wall signage permitted on the building. The total number permitted would be one per street frontage. These changes are in response to recent court cases in which Cities have been prohibited from regulating signs based on content.

10. Bus bench signage has been eliminated from the Code. All contracts between the City and bus bench providers expired several years ago, so the City is not under any current contractual obligation to continue to allow bus benches with advertising signage. Staff is currently working with a vendor on the details of a contract that would provide for the replacement of many of the existing advertising bus benches with non-advertising benches in exchange for the exclusive right to erect up to 20 bus shelters throughout the City. This proposed contract is scheduled to be presented to the City Council for consideration on March 5, 2001. The proposed elimination of the bus bench signage portion of the Code was not previously discussed with the Planning Commission or the business community.
  
11. Signs for churches in residential areas are proposed to be regulated in order to reduce the impact on neighborhoods. A maximum size of 60 square feet for lots of five acres or more, and 32 square feet for lots of less than five acres has been proposed. This change has been added since the last Study Session of the City Council.

Staff compiled all of the comments received since the May Study Session and a discussion of those issues follows.

Election Signs: At the January 29, 2001 Study Session, City Council members directed Staff to continue to permit election signs in the City rights-of-way, and to regulate the spacing of signage within right-of-way areas. Staff is proposing that no one candidate have more than one election sign within a 100 foot radius. Several comments were received from City Council members objecting to restricting election signs on private property. In response to that concern, Staff has revised the proposed Sign Code to eliminate any restrictions on the number of such signs permitted on a lot and also eliminated the setback requirement.

Window Signs: Staff has recommended a ten percent restriction on all window signs. Comments were received by some Councillors that this was overly restrictive. Staff performed a survey of nearby communities and found that the area requirements on window signs are varied. (Please refer to the attached survey results). Such signs can easily detract from the overall appearance of a retail center or streetscape. Alternatively, Council may elect to increase the maximum allowed area over what Staff has recommended. Staff has prepared several slides showing examples of varying percentages of window signs, as requested by Council members at the last Study Session and will be shown at the Council meeting.

Monument Signs on Pad Sites: A comment was received advocating that pads within shopping centers be permitted individual monument signage. The current policy of the City is that all signs within a shopping center be integrated within the context of the center. There are numerous examples of this including the following shopping centers: Northpark Plaza, Village at Park Center, Sheridan Crossing, City Center Marketplace, Westminster Plaza, Standley Lake Marketplace etc. Individual monument signs on pads would undermine that goal. Currently, monument signs may be allowed on a case by case basis through the Planned Unit Development (PUD) approval process.

Number of Businesses Identified on a Monument Sign: The Sign Code currently allows two businesses to be identified on a monument sign, and Staff is recommending that the number be increased to six. The purpose of the restriction as written is to provide readability for such names for the motoring public, and to allow too many names on the sign would undermine that goal. Staff reviewed this with the Metro North Chamber and both have agreed that six individual sign panels would be a reasonable compromise if the height of the letters within such signs is regulated. Staff is proposing letters of no less than 8 inches on the smaller signs and larger letters on signs with more square feet. This will help to assure the readability of such signs from the abutting street. Alternatively, Council may elect to decrease or increase the number of individual sign panels.

Flags: A comment was received asking if American flags could be deleted from the proposed restrictions on flags in general, or that at least one flag could be exempted from the new proposed restrictions. Staff is recommending that all flags regardless of content be permitted, but that the surface area of the flags count against the total area of wall signage permitted for the site. In response to Council comments, an exemption for a single flag not to exceed 24 square feet in size has also been added.

Garage Sale Signs: A comment was received that the time for garage sale signs should be limited. The current Sign Code has such a provision that such signs be removed no later than three days after the event. No change is recommended by Staff.

Service Building Definition: The definition is listed in Section 11-2-20 S of the Sign Code. A comment was received asking if this definition should pertain to other types of uses other than Mobile Homes. Staff did not review this area of the Sign Code except to delete all terms relating to signs. Those definitions were then added to their own section of the Sign Code. The term "Service Building" is used in the Mobile Home section of the Sign Code and is therefore defined in Section 11-2-20.

The proposed revisions were originally sent to the Metro North and Northwest Metro Chambers of Commerce for review. A discussion of the Metro North comments follows below. A presentation was also made to the City's Business Advisory Group (BAG) in September 2000. The members were supportive of the proposed changes and thought that stronger enforcement of the Sign Code would be desirable.

An announcement was also placed in the City Edition with an overview of the proposed changes. In response to that, a few calls were received asking for general information, but no objections or specific suggestions were made.

The Planning Commission reviewed the final draft at their meeting on January 25, 2000, and unanimously recommended that the new proposed Sign Code be approved.

Below, the comments received from the Metro North Chamber are listed as well as Staff's recommendations.

1. Monument Signs - The Chamber requests that the City increase the number of monument signs permitted for retail developments over ten acres in size and that monument signs be increased from one per frontage to two per frontage.

Recommendation – Staff is not proposing any change to the existing Sign Code regarding this issue and this has not been a significant issue in the past. The Sign Code currently permits one monument sign per street frontage on properties of more than 10 acres. In places like Westfield retail center (Wal-Mart) where there are four monument signs, staff has had comments that it seems excessive. An applicant can be granted additional monument signs through the Official Development Plan process and therefore recommend that the Sign Code remain unchanged.

2. Monument Signs - The Chamber requests that the number of tenant names permitted on a monument sign be increased from two to six.

Recommendation - Staff is recommending that the number of tenants permitted on monument signs be increased from two to six, but that a minimum letter height be added as a requirement to assure readability. The Sign Code has a liberal allowance for wall signage so that businesses can be seen easily from the adjacent streets. Without increasing the allowed size of the monument signs, it is not easy reading the writing on a sign with more than six tenant panels and a center identification name. The Sign Code has an intrinsic policy of not using the monument signs to identify all of the businesses on a site, but to use wall signs for that purpose. The proposed Sign Code as described above seems to meet both the City's goals and the Chamber's concerns.

3. Monument Signs - The Chamber suggests that it is unrealistic to require specific sign details at the Official Development Plan stage since many developers are negotiating leases long after the Official Development Plan needs to be approved.

Recommendation - The specific intent of the Sign Code is to not permit unrelated signs in a particular center. The purpose of requiring such detail in the Official Development Plan is to assure that a unified and cohesive theme be developed for all of the signs in the development. We recommend that the Sign Code remain unchanged.

4. Wall Signs - The Chamber suggests that the Sign Code permit "Endcap" units in shopping centers to have one sign per frontage instead of only one sign. "Endcap" signs are secondary signs in the side walls of end unit shops of an "in-line" center.

Recommendation - Staff concurs that such signs are acceptable and the Sign Code already permits them.

5. Wall Signs - The Chamber suggests that the provision restricting wall signs for office buildings above the first floor of the building will not work for the "New Urbanism" developments where there is retail use on the lower stories of office buildings.

Recommendation - Staff concurs, but recommends that this be treated on a case by case basis on the Official Development Plans for such developments.

6. Directional Signs - The Chamber suggests that these signs which are intended to direct traffic once it is on site be allowed to be larger in all developments. They claim that small signs are difficult to read and therefore cause slowdowns and hindrances.

Recommendations - These are not intended to be monument signs, but small directional signs that for the most part cannot be seen from the street. There should be no problem reading a 16 square foot sign when traveling within a parking area. Staff recommends that the Sign Code remain unchanged in this regard.

7. Variances - The Chamber feels that the variance process is too "challenging" and puts lease negotiations at a stand still.

Recommendation - Included within the proposed revisions to the Sign Code in a provision that permits administrative approvals if the requested change proposed does not exceed 20 percent. This should satisfy that concern. As for straight zone districts, the City Code establishes the Board of Adjustment as the arbiter of such requests and that process is not an overly complicated one.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachment

**Metro Area Window and Election  
Signage Requirements**

	<u>WINDOW</u>	<u>ELECTION</u>
<b>Broomfield</b>	Maximum area 25% of window area; must not exceed 25% total signage area for building.	16 sq. ft. maximum area; 7 ft. maximum height in residential; 32 sq. ft. maximum area; 7 ft. maximum height in business district. Not allowed in ROW.
<b>Thornton</b>	No limitation.	12 sq. ft. maximum area; 6 ft. maximum height; no limit on number; Not allowed in ROW.
<b>Boulder</b>	No more than 4% of window without permit. If greater signage calculated as overall signage.	12. sq. ft. maximum area; 7 ft. maximum height; Not allowed in ROW.
<b>Aurora</b>	No to exceed 50% of any window pane and 200 sq. ft. per business.	6 sq. ft. maximum area; 4 ft max height; no limitation in number. Allowed in ROW.
<b>Arvada</b>	Not to exceed 15% of any window pane	No restrictions on size, height or number. Not allowed in ROW.
<b>Westminster</b>	Allowed; no restrictions with no permit needed.	(Class 9 Election Signs) 50 sq. ft. in zones T1, C1, C2, M1, O1 and similar PUDs. 8 sq. ft. in all other zones in residential PUDs. Allowed in City ROW.

BY AUTHORITY

ORDINANCE NO

COUNCILLOR'S BILL NO **4**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE XI, CHAPTER 2 AND CHAPTER 11 OF THE OFFICIAL CODE PERTAINING TO DEFINITIONS AND SIGN REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 2, is hereby amended as follows:

**11-2-2 "A" (G) AWNING.** ~~A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded, or collapsed against the face of the supporting building.~~ A ROOF-LIKE COVER THAT PROJECTS FROM THE WALL OF A BUILDING AS AN ARCHITECTURAL DETAIL OR FOR THE PURPOSE OF SHIELDING AN AREA, DOORWAY, OR WINDOW FROM THE ELEMENTS.

**11-2-3: "B" (C) BILLBOARD.** ~~Off premise advertising or directional sign.~~ A SIGN AND ITS STRUCTURE ADVERTISING AN ESTABLISHMENT, MERCHANDISE, SERVICE, OR ENTERTAINMENT WHICH IS NOT SOLD, PRODUCED, MANUFACTURED, OR FURNISHED ON THE PROPERTY WHERE THE SAID SIGN IS LOCATED.

**11-2-4: "C" (A) CANOPY.** ~~A permanently roofed shelter covering a sidewalk, driveway, or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.~~ A STRUCTURE OF RIGID OR NON-RIGID MATERIAL ON A FRAMEWORK SHELTERING AN AREA OR FORMING A SHELTERED WALK TO THE ENTRANCE OF A BUILDING.

~~(B) CANOPY SIGN.~~ ~~Any sign which is hung, suspended, or attached to the underside of a canopy. Such sign would be designed and so oriented as to be used only by pedestrian traffic under the canopy and not used for additional signage for frontage advertising.~~

~~(C) CHANGEABLE COPY SIGN.~~ ~~A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.~~

All other subsections of 11-2-4 will be relettered B through D

**11-2-5: "D" (E) DIRECTIONAL SIGN.** ~~A permanent sign limited in subject matter to parking instructions and similar traffic directional information with no merchandise or service advertising.~~

All other subsections of 11-2-5 will be relettered E through J

**11-2-7: "F" (S) FREE STANDING GROUND SIGN.** ~~A sign which is supported by the ground or from an object on the ground, or sign which is erected on the ground, providing that no part of the sign is attached to any part of any building, structure or other sign. The term "freestanding sign" shall include "pole sign," "pedestal sign," and "ground sign."~~

All other subsections of 11-2-7 will be relettered S through U

**11-2-14: "M" (E) MARQUEE.** ~~A permanently roofed structure attached to and supported by a building and projecting from the building. ANY HOOD, CANOPY, AWNING, OR PERMANENT ROOF-LIKE CONSTRUCTION THAT IS SUPPORTED WHOLLY OR IN PART BY A BUILDING AND PROJECTS FROM A WALL OF A BUILDING.~~

**11-2-16: "O" (B) ~~OFF-PREMISE ADVERTISING OR DIRECTIONAL SIGN.~~** ~~Any off-premise sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, community, service or activity conducted, sold, offered elsewhere than on the same lot or within the same building upon which such sign is located.~~

All other subsections of 11-2-16 will be relettered B through E

**11-2-20: "S" (J) ~~SIGN.~~** ~~Any writing, pictorial representation, or decoration (including material used to differentiate sign copy from its background, form, emblem, or trademark) flag, banner, or any other figure of similar character which:~~

- ~~1. Is a structure or any part thereof (including the roof or wall of a building); and~~
- ~~2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon, or designed into a building, board, plate, canopy, awning, vehicle, or upon any material object or device whatsoever; and~~
- ~~3. Which by reason of its form, color, wording, symbol, design, illumination, motion, or otherwise attracts or is designed to attract attention to the subject thereof, is used as a means of identification, advertisement or announcement.~~

**(K) SIGN, CANOPY.** ~~Any sign which is hung, suspended, or attached to the underside of a canopy. Such sign would be designed and so oriented as to be used only by pedestrian traffic under the canopy and not used for additional signage for frontage advertising.~~

**(L) SIGN, CHANGEABLE COPY.** ~~A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.~~

**(M) SIGN, DIRECTIONAL.** ~~A permanent sign limited in subject matter to parking instructions and similar traffic directional information with no merchandise or service advertising.~~

**(N) ~~SIGN, ELECTRIC.~~** ~~Any sign containing electrical wiring, but not including signs illuminated by exterior light sources, such as floodlights, to provide lighting.~~

**(O) ~~SIGN FACE.~~** ~~The surface of a sign upon, against, or through which the message is displayed or illustrated. Advertising display area shall mean the advertising display surface area (copy area) encompassed within any rectangular figure, parallel to the lettering or logo, which would enclose all parts of the sign. The structural supports for a sign, whether they be columns, pylons or a building, or a part thereof, shall not be included in the advertising area.~~

**(P) ~~SIGN, FREE STANDING GROUND.~~** ~~A sign which is supported by the ground or from an object on the ground, or sign which is erected on the ground, providing that no part of the sign is attached to any part of any building, structure or other sign. The term "free standing sign" shall include "pole sign," "pedestal sign" and "ground sign."~~

**(Q) ~~SIGN, ILLEGAL NON-CONFORMING.~~** ~~A sign which was in violation of any of the laws of the City governing the erection or construction of such sign at the time of its erection, which sign has never been erected or displayed in conformance with all such laws, including this Code, and which shall include signs which are pasted, nailed, painted on or otherwise unlawfully displayed upon structures.~~

~~(R) — SIGN, LEGAL NON-CONFORMING. Any sign which does not conform to one or more applicable provisions of this Code, but which was erected and maintained, or approved in an Official Development Plan, prior to the effective date of the applicable provision or provisions.~~

~~(S) — SIGN, MARQUEE. A sign depicted upon, attached to or supported by a marquee as herein defined.~~

~~(T) — SIGN STRUCTURE. Any supports, uprights, braces or framework of a sign.~~

~~(U) — SIGN, WALL. A sign displayed upon or against the wall of an enclosed building where the exposed face of the sign is in a plane parallel to the plane of said wall and extends not more than 15 inches horizontally from the face of said wall. A sign erected upon or against the side of a roof having an angle of 45 degrees or less from the vertical shall be considered to be a wall sign and shall be regulated as such.~~

~~(V) — SIGNS, NUMBER OF. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.~~

All other subsections of 11-2-20 will be relettered J through R

Section 2: Title XI, Chapter 11, is hereby amended as follows:

**11-11-2: DEFINITIONS:**

ABANDONED SIGN - A SIGN, INCLUDING ITS STRUCTURE, WHICH NO LONGER IDENTIFIES OR ADVERTISES A BUSINESS, LESSOR, SERVICE, OWNER, PRODUCT OR ACTIVITY, AND/OR FOR WHICH NO LEGAL OWNER CAN BE FOUND. AN ABANDONED SIGN IS HEREBY DECLARED TO BE A PUBLIC NUISANCE.

ANIMATED ANY SIGN OR PART OF A SIGN THAT CHANGES PHYSICAL POSITION OR LIGHT INTENSITY BY ANY MOVEMENT, ROTATION, ILLUMINATION OR OTHER MEANS OR THAT GIVES THE VISUAL IMPRESSION OF SUCH MOVEMENT, ROTATION, ILLUMINATION OR ROTATION.

AWNING SIGN - ANY SIGN PAINTED, PRINTED, ATTACHED, OR OTHERWISE APPLIED TO ANY FACET OR SUPPORT STRUCTURE OF AN AWNING.

AWNING, INTERNALLY ILLUMINATED - ANY AWNING LIT BY MEANS OF A LIGHT SOURCE WHICH IS WITHIN AN AWNING THAT IS CONSTRUCTED FROM ANY, BUT NOT LIMITED TO, TRANSLUCENT OR OPAQUE MATERIAL.

BANNER SIGN - A SIGN MADE OF FABRIC OR ANY NON-RIGID MATERIAL WITH NO ENCLOSING FRAMEWORK.

CANOPY SIGN - A STRUCTURE OF RIGID OR NON-RIGID MATERIAL ON A FRAMEWORK SHELTERING AN AREA OR FORMING A SHELTERED WALK TO THE ENTRANCE OF A BUILDING.

CHANGEABLE SIGN - A SIGN THAT IS DESIGNED SO THAT THE WORDS, LETTERS, FIGURES, DESIGN, SYMBOLS, FIXTURES, OR COPY CAN BE CHANGED OR REARRANGED WITHOUT ALTERING THE SIGN FACE OR SIGN STRUCTURE IN ANY WAY.



CONSTRUCTION SIGN - A TEMPORARY SIGN ANNOUNCING SUBDIVISION, DEVELOPMENT, CONSTRUCTION, OR OTHER IMPROVEMENT OF A PROPERTY BY A BUILDER, CONTRACTOR, OR OTHER PERSON FURNISHING SERVICES, MATERIALS OR LABOR TO SAID PREMISES. FOR THE PURPOSE OF THIS CODE, A "CONSTRUCTION SIGN" SHALL NOT BE CONSTRUCTED TO BE A "REAL ESTATE SIGN" AS DEFINED BY THIS CODE AND SHALL CONTAIN ONLY THE PROJECT NAME, DEVELOPER, ARCHITECT, BUILDER, AND/OR CONSULTANTS, LENDER, AND OPENING DATE.

DIRECTIONAL/INFORMATIONAL SIGN - AN ON-PREMISE SIGN GIVING DIRECTIONS, INSTRUCTIONS, OR FACILITY INFORMATION AND WHICH MAY CONTAIN THE NAME OR LOGO OF AN ESTABLISHMENT BUT NO ADVERTISING COPY (EG., PARKING OR EXIT AND ENTRANCE SIGNS). MAY CONTAIN LOGO PROVIDED THAT THE LOGO MAY NOT COMPRISE MORE THAN 20% OF THE TOTAL SIGN AREA.

DOUBLE-FACED SIGN - A SIGN WITH TWO FACES BACK-TO-BACK.

ELECTION SIGN - ANY SIGN ADVOCATING OR ADVERTISING THE ELECTION OF ANY CANDIDATE FOR PUBLIC OFFICE OR ANY QUESTION UPON WHICH A PUBLIC VOTE IS BEING TAKEN.

EXPOSED NEON - A NEON SIGN IN WHICH THE NEON TUBES ARE NOT COVERED BY AN OPAQUE SHIELD.

GOVERNMENT SIGN - ANY TEMPORARY OR PERMANENT SIGN ERECTED AND MAINTAINED BY THE CITY, COUNTY, STATE, OR FEDERAL GOVERNMENT FOR TRAFFIC DIRECTION OR FOR DESIGNATION OF OR DIRECTION TO ANY SCHOOL, HOSPITAL, HISTORICAL SITE, OR PUBLIC SERVICE, PROPERTY, OR FACILITY.

ILLEGAL SIGN - A SIGN WHICH DOES NOT MEET THE REQUIREMENTS OF THIS CODE AND WHICH HAS NOT RECEIVED LEGAL NON-CONFORMING STATUS.

ILLUMINATED SIGN - A SIGN LIGHTED BY OR EXPOSED TO ARTIFICIAL LIGHTING EITHER BY LIGHTS ON OR IN THE SIGN OR DIRECTED TOWARD THE SIGN.

ILLUMINATED AWNING - ANY AWNING LIGHTED BY OR EXPOSED TO ARTIFICIAL LIGHTING EITHER BY LIGHTS ON OR IN THE AWNING OR DIRECTED TOWARD THE AWNING.

MAINTENANCE - FOR THE PURPOSE OF THIS CODE, THE CLEANING, PAINTING, REPAIR, OR REPLACEMENT OF DEFECTIVE PARTS OF A SIGN IN A MANNER WHICH DOES NOT ALTER IN ANYWAY THE APPROVED SIGNAGE.

MARQUEE SIGN - ANY SIGN PAINTED, PRINTED, ATTACHED OR OTHERWISE APPLIED TO ANY FACET OR SUPPORT STRUCTURE OF A MARQUEE.

MONUMENT SIGN - ANY SIGN WHICH IS ANCHORED TO THE GROUND WITH A MONOLITHIC BASE AND IS INDEPENDENT OF ANY OTHER STRUCTURE.

NON-CONFORMING SIGN - ANY SIGN THAT DOES NOT CONFORM TO ONE OR MORE APPLICABLE PROVISIONS OF THIS CODE, BUT WHICH WAS LAWFULLY ERECTED AND MAINTAINED, OR APPROVED IN AN OFFICIAL DEVELOPMENT PLAN, PRIOR TO THE APPLICABLE PROVISION OR PROVISIONS.

OFF-SITE COMMERCIAL DIRECTIONAL SIGN - A PERMANENT GROUND SIGN INTENDED TO DIRECT VEHICULAR TRAFFIC THROUGH THE PRIVATE ROADS OR EASEMENTS OF A REGIONAL SHOPPING CENTER TO A COMMERCIAL ESTABLISHMENT.

**OWNER** - A PERSON RECORDED AS SUCH ON OFFICIAL RECORDS. FOR THE PURPOSES OF THIS CODE, THE OWNER OF PROPERTY ON WHICH A SIGN IS LOCATED IS PRESUMED TO BE THE OWNER OF THE SIGN UNLESS FACTS TO THE CONTRARY ARE OFFICIALLY RECORDED OR OTHERWISE BROUGHT TO THE ATTENTION OF THE CITY.

**POLITICAL SIGN** - A TEMPORARY SIGN USED IN CONNECTION WITH A LOCAL STATE OR NATIONAL ELECTION, ISSUE, OR REFERENDUM.

**PORTABLE SIGN** - ANY SIGN DESIGNED TO BE MOVED EASILY AND NOT PERMANENTLY AFFIXED TO THE GROUND OR TO A STRUCTURE OR BUILDING.

**PROJECTING SIGN** - A SIGN, OTHER THAN A FLAT WALL SIGN, WHICH IS ATTACHED TO AND PROJECTS FROM A BUILDING WALL OR OTHER STRUCTURE NOT SPECIFICALLY DESIGNED TO SUPPORT THE SIGN.

**REAL ESTATE SIGN** - A TEMPORARY, NON-ILLUMINATED SIGN INDICATING THE AVAILABILITY FOR SALE, RENT, OR LEASE OF A SPECIFIC LOT, BUILDING, OR PORTION OF A BUILDING ON THE PROPERTY UPON WHICH THE SIGN IS LOCATED.

**ROOF** - FOR THE PURPOSE OF THIS CODE, THE ROOF SHALL MEAN THE OUTSIDE TOP COVERING OF ANY BUILDING OR STRUCTURE.

**ROOF SIGNS** - A SIGN THAT IS MOUNTED ON THE ROOF OF A BUILDING OR THAT IS WHOLLY OR PARTIALLY DEPENDANT UPON THE BUILDING FOR SUPPORT AND THAT PROJECTS ABOVE THE HIGHEST POINT OF A BUILDING WITH A FLAT ROOF, THE EAVE-LINE OF A BUILDING WITH A GAMBREL, GABLE, OR HIP ROOF, OR THE DECK-LINE OF A BUILDING WITH A MANSARD ROOF.

**SIGN** - ANY OBJECT, DEVICE, FLAG, DISPLAY, STRUCTURE, OR PART THEREOF, SITUATED OUTDOORS OR INDOORS, WHICH IS USED TO ADVERTISE, IDENTIFY, DISPLAY, DIRECT, OR ATTRACT ATTENTION TO AN OBJECT, PERSON, INSTITUTION, ORGANIZATION, BUSINESS, PRODUCT, SERVICE, EVENT, OR LOCATION BY ANY MEANS, INCLUDING BUT NOT LIMITED TO WORDS, LETTERS, FIGURES, DESIGNS, SYMBOLS, FIXTURES, COLORS, ILLUMINATION, OR PROJECTED IMAGES.

**SIGN AREA** - THE ENTIRE SIGN FACE, INCLUDING THE ADVERTISING SURFACE AND ANY FRAMING, TRIM, OR MOLDING BUT NOT INCLUDING THE SUPPORTING STRUCTURE. THE SIGN AREA SHALL BE MEASURED AS A RECTANGLE ENCOMPASSING THE LARGEST HORIZONTAL WIDTH AND LARGEST VERTICAL HEIGHT.

**SIGN COPY** - THE GRAPHIC CONTENT OF A SIGN IN EITHER PERMANENT OR REMOVABLE WORDS, LETTERS, FIGURES, DESIGNS, SYMBOLS, FIXTURES, COLORS, ILLUMINATION, OR PROJECTED IMAGES.

**SIGN FACE** - THE AREA OR DISPLAY SURFACE USED FOR THE GRAPHIC MESSAGE.

**SIGN HEIGHT** - THE VERTICAL DISTANCE MEASURED FROM THE HIGHEST POINT OF A SIGN TO THE LOWEST GRADE BENEATH THE SIGN.

**SIGN STRUCTURE** - ANY COMBINATION OF MATERIALS TO FORM A CONSTRUCTION FOR THE PURPOSE OF ATTACHING, FIXING, OR OTHERWISE SUPPORTING A SIGN, WHETHER INSTALLED ON, ABOVE, OR BELOW THE SURFACE OF THE LAND, A BUILDING, OR ANY OTHER SOLID SURFACE.

SUBDIVISION IDENTIFICATION SIGN - A MONUMENT OR WALL SIGN IDENTIFYING A RECOGNIZED SUBDIVISION, CONDOMINIUM COMPLEX, OR RESIDENTIAL DEVELOPMENT.

TEMPORARY SIGN - A SIGN CONSTRUCTED OF EITHER RIGID OR NON-RIGID MATERIAL AND DESIGNED OR INTENDED TO BE DISPLAYED FOR A SHORT PERIOD OF TIME.

UNDER CANOPY SIGN - A SIGN SUSPENDED BENEATH A CANOPY, AWNING, CEILING, MARQUEE, OR ROOF OVERHANG.

WALL SIGN - A SIGN FASTENED TO OR PAINTED ON THE WALL OF A BUILDING OR OTHER STRUCTURE IN SUCH A MANNER THAT THE WALL BECOMES THE SUPPORTING STRUCTURE FOR, OR FORMS THE BACKGROUND SURFACE OF THE SIGN.

WINDOW SIGN - A SIGN INSTALLED ON A WINDOW AND INTENDED TO BE VIEWED FROM THE OUTSIDE.

~~**11-11-2: SIGNS PERMITTED IN ALL ZONING DISTRICTS AND NOT SUBJECT TO PERMIT:** The following signs, which shall be nonilluminated unless specifically stated to the contrary, are permitted in all zoning districts and are exempt from the provisions of the Code and require no permit for erection:~~

~~(A) **Public Signs.** Any sign erected by any governmental agency including, but not limited to, federal, state, county and city governments, school and recreation districts, but not including private water and sanitary sewer districts.~~

~~(B) **Interior or Window Signs.** Signs within any structure or attached to the inside of any window of a structure.~~

~~(C) **Commemorative Plaques.** Any memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building when the sign is build into the building or mounted flat against the wall of the building, or is designed to designate any particular location of historical significance as determined by the City.~~

~~(D) **Address Signs.** Any sign designed to identify a particular parcel of land, provided such contains only the street address and name of the owner of the property or the name of the property and does not exceed two (2) square feet in area for residential land uses and five (5) square feet in area for nonresidential land uses.~~

~~(E) **Special Event Signs.** Signs in conjunction with and in conformance with the Colorado Revised Statutes. Special events such as a philanthropic campaign, church, circus, carnival or of community celebration provided that such are removed within ten (10) days of the termination of the event of which they are a part.~~

~~(F) **Real Estate Signs.** Temporary, nonilluminated real estate signs indicating the availability for sale, rent, or lease of a specific lot, building, or portion of a building upon which this sign is erected or displayed which do not exceed six (6) square feet in total area and four feet (4') in height for residential properties or twenty (20) square feet in total area and six (6) feet in height for nonresidential properties and are located on properties to be sold, limited to one such sign per street frontage. Such signs shall not remain in place more than seven (7) days following sale or rental of the subject property.~~

~~(G) **Building Identification Signs.** Signs which identify by name or number individual buildings within institutional or residential building group complexes which are limited to signs attached to the building, not more than two (2) signs per building, and not more than four (4) square feet each. These signs may be illuminated or non-illuminated.~~

~~(H) **Traffic Directional Signs.** Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three (3) square feet per sign per face in area and eight (8) feet in height, do not contain any advertising or trade name identification, and are nonilluminated, internally or indirectly illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed three (3) square feet per face in area but shall not exceed seven (7) square feet per face. Such signs shall not exceed four (4) feet in height and shall be set back at least five (5) feet from the property line.~~

~~(I) **Information and Directional Signs.**~~

~~1. Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed two (2) square feet in total area and is nonilluminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self Service," "Vacancy," and similar informational signs located at least five feet (5') from the property line.~~

~~2. Off Premises Informational Directional Sign. A single or doublefaced sign designed to give direction to a church, school, philanthropic organization, or similar use of a nonretail or business nature. Sign may contain only name of organization, direction, and number of blocks. Sign shall be metal, no more than two (2) square feet, and shall be mounted on minimum two inch (2") square steel pole. Bottom of sign shall be a minimum of seven (7) feet above grade. Such signs may be located in the right of way.~~

~~(J) **Courtesy Signs.** Nonilluminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted and redemption stamps offered, are not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.~~

~~(K) **Flags.** The flag, pennant, or insignia of any nation, organization of nations, state, county, city, any religious, civic, or fraternal organization or any educational institution.~~

~~(L) **Holiday Decorations.** Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration.~~

~~(M) **Warning Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence or underground cables, gas lines and similar devices.~~

~~(N) **Gasoline Price Signs.** For gasoline or service stations, two (2) unlighted signs listing only the prices and types of gasoline available are permitted with each sign, not to exceed ten (10) square feet in area or six feet (6') in height.~~

~~(O) **Construction Signs.** A temporary sign not exceeding thirty two (32) square feet announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises. For the purposes of this Code, a "construction sign" shall not be construed to be a "real estate sign" as defined herein and shall contain only project name; developer, architect, builder, and/or consultants; lending institution; and opening date.~~

~~(P) **Canopy Signs.** Not to exceed two (2) square feet.~~

~~(Q) **Garage Sale Sign.** A sign advertising the existence of a garage sale for the sale of personal property and advertising the date, time and location of the garage sale with such signs having a maximum area of six (6) square feet, a maximum height of three feet (3'), and a minimum setback of ten feet (10'), posted for the period three days prior and three days following the date of the garage sale. Such signs shall not block or interfere with traffic visibility.~~

### ~~11-11-5~~ 11-11-3: GENERAL PROVISIONS

(A) **Sign Permit Required:** It shall be unlawful for the owner, manager, or occupant, of any property located within the City of Westminster to erect, maintain, or permit the erection or maintenance of any sign on such property without first obtaining a sign permit, UNLESS EXCEPTED IN SECTION 11-11-4, through the following procedure:

1. An application for a sign permit shall be filed with the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DEPARTMENT and must contain the following information unless waived by the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR HIS/HER DESIGNEE.
  - (a) An elevation of the proposed sign, drawn to scale, showing the sign that is proposed to be erected and the message that it will carry.
  - (b) The color scheme and construction materials of the sign.
  - (c) A plot plan showing the location of the sign on the property. if the sign is to be attached to the face of the building, the plan shall also show the outline of the building.
2. If, after review, the ~~Chief Building Official~~ CITY STAFF finds the sign to be in conformity with this code and the building code of the City of Westminster and any applicable official development plans, a sign permit shall be issued. if the application is denied, the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR HIS/HER DESIGNEE shall inform the applicant of the reason for denial.
3. AN APPLICATION FOR A SIGN PERMIT SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE AS REQUIRED IN SECTION 11-9-3 (E) OF THIS CODE.
4. ANY PERSON INSTALLING, STRUCTURALLY ALTERING, OR RELOCATING A SIGN FOR WHICH A PERMIT HAS BEEN ISSUED SHALL NOTIFY THE CITY UPON COMPLETION OF THE WORK. THE CITY MAY REQUIRE A FINAL INSPECTION, INCLUDING AN ELECTRICAL INSPECTION.

(B) Measurement. In determining the size of any sign, the following procedure shall be used:

1. For signs involving individual letters which are placed flat against the facade of a building or which are to be supported on individual standards and which will be freestanding, the area of said sign will be considered to be that of a single rectangle or square encompassing all of the letters, figures, symbols and pictures used to convey the message of the sign, and shall include the open space between letters of words, figures, symbols, and pictures within that square or rectangle. ~~The height of letters will be measured on the upper case letters.~~
2. For signs, either freestanding or facade mounted, with background material, the area measurement shall be determined by the area of the entire sign including the background material.
3. For all two faced freestanding or projecting signs ~~or billboards~~, the area measurement shall be determined by measurement of one face of the sign only. ~~No sign shall have more than two faces.~~
4. The height of any sign shall be determined by the distance between the topmost portion of the sign or the structure supporting the sign, WHICHEVER IS HIGHER, and the elevation of the ground at the base of the sign, OR ITS STRUCTURE OR SUPPORT.

(C) ~~Altering or Moving Existing Signs. A new permit shall be required prior to moving an existing sign from one location to another or altering a sign in any manner other than for normal maintenance. It shall be unlawful to erect or maintain a sign not in conformity with an approved Official Development Plan and a new permit is required prior to moving or altering such a sign in order to bring it into conformity. An alteration to an existing sign or to a sign not in conformity with an approved Official Development Plan, which requires a new permit includes, but is not limited to, a change in text, height, size, shape, construction material, or lighting.~~

(D) ~~LAWFUL Non Conforming Signs: Any legal, nonconforming sign which exists~~ ~~excepting those signs described in Section 12-7-5 (E)~~ prior to the adoption or amendment of this code may be continued subject to the following provisions:

1. No such sign shall be enlarged or altered in such a manner as to increase its nonconformity. However, any sign or portion thereof may be altered to decrease its nonconformity.
2. If any such sign or nonconforming portion thereof be destroyed by any means or removed for any reason, voluntary or otherwise, to an extent of more than fifty percent (50%) of its replacement cost at the time of said removal or destruction, it shall not be reconstructed or reassembled except in conformity with this Chapter.
3. If any such sign should, for any reason, be removed from its location, it shall conform to the provisions of the district in which it is located after it is moved.

(E) ~~SIGNS IN PLANNED UNIT DEVELOPMENTS. ALL OFFICIAL DEVELOPMENT PLAN DOCUMENTS SHALL CONTAIN A SECTION IN WHICH THE SPECIFICATIONS FOR ALL ALLOWED SIGNS ARE INCLUDED. THE PLAN SHALL CONTAIN OVERALL SIGN PROGRAM PERFORMANCE STANDARDS WHICH ADDRESS SIZE, HEIGHT, DESIGN, LIGHTING, COLOR, MATERIALS, LOCATION AND METHOD OF CONSTRUCTION TO ASSURE THAT ALL SIGNAGE WITHIN THE PLANNED UNIT DEVELOPMENT IS DESIGNED IN A HARMONIOUS, CONSISTENT AND COMPATIBLE MANNER.~~

~~SIGNS PERMITTED IN PUD'S SHALL BE ALL SIGNS WHICH ARE PERMITTED AS PER SECTIONS 11-11-4, 11-11-6 AND 11-11-7. DEVELOPMENT STANDARDS AS SPECIFIED IN THOSE SECTIONS MAY BE MODIFIED IF IT CAN BE SHOWN THAT THE CONDITIONS WITHIN A PARTICULAR PUD WARRANT A SIGN PROGRAM WITH STANDARDS WHICH DO NOT CONFORM TO STANDARD ZONE DISTRICTS SUBJECT TO THE PROVISIONS OF SECTION 11-11-8. ANY VARIANCE APPROVED IN ACCORDANCE WITH SECTION 11-11-8 SHALL BE SPECIFICALLY LISTED ON THE OFFICIAL DEVELOPMENT PLAN.~~

~~(E) **Sign Removal.**~~

~~— 1. Any sign which is listed in Section 1275 as a "prohibited sign" and any sign which meets the definitions of "illegal, nonconforming" shall be removed within sixty (60) days following the effective date of adoption of this Chapter. Any sign listed in 1275 erected after the effective date of this Ordinance may be removed in accordance with the following paragraph.~~

~~— 2. Any sign erected without a permit, any sign deemed hazardous by an authorized City official, or any sign for which a permit has expired may be removed and stored by the City for ten (10) days after the owner has been ordered to remove or repair the sign and has not done so, the owner shall be notified of the removal and storage of said sign by registered mail, and if the sign is not claimed within ten (10) days after mailing of said notice the sign may be disposed of by the City. Signs erected without permit within a City street right of way may be removed without notice by the City. Any sign removed from the public right of way having a value in excess of five dollars (\$5.00) shall be stored by the City for three (3) days, excluding Saturdays, Sundays, and holidays, with notice of such removal and storage given to the owner by telephone or other means of communication if the owner is identified on the sign. If the sign removed from public right of way is not claimed within three (3) days, it may be disposed of by the City.~~

~~Any sign removed from the public right of way valued at less than five dollars (\$5.00) may be disposed of by the City without Notice. All written notices required under this Section shall be mailed to the owner, or if the owner is unknown, to the owner of the property on which the sign is located. The City shall have the authority to levy against the owner of the sign or, if the owner is unknown, the owner of the property on which the sign is located, whatever costs are incurred by the City for the removal, storage, and/or disposition of the sign.~~

~~(F) Appeals.~~

~~— 1. Appeals or modifications to the conditions and prohibitions of the applicable class of sign within a Planned Unit Development district shall be submitted in the form of an application for approval of a Preliminary Development Plan or Official Development Plan or an amendment thereto.~~

~~— 2. Appeals to modify conditions of a permitted sign may be made to the Board of Adjustment and Appeals in accordance with the provisions of Title II, Chapter 6, of this Code. However, in no case shall the Board of Adjustment and Appeals be allowed to consider or approve a request for a class of sign other than that which is specifically permitted.~~

~~— 3. In considering a request for a variance to the Sign Code, the Board of Adjustment and Appeals shall determine that:~~

~~(a) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right of way which would substantially restrict the effectiveness of the sign in question provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.~~

~~(b) The variance, if authorized, will weaken neither the general purpose of the Sign Code nor the regulations prescribed for the zoning district in which the sign is located.~~

~~(c) The variance, if authorized, will not alter the essential character of the zoning district in which the sign is located.~~

~~(d) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.~~

~~(G) These conditions and prohibitions shall apply to the area included in the Westminster Urban Renewal Plan except as otherwise specified in the plan.~~

**11-11-2 11-11-4: SIGNS PERMITTED IN ALL ZONING DISTRICTS AND NOT SUBJECT TO REQUIRING PERMITS:** The following signs, which shall be non-illuminated unless specifically stated to the contrary, are permitted in all zoning districts and ~~are exempt from the provisions of the code and~~ require no permit for erection, UNLESS OTHERWISE PROHIBITED IN SECTION 11-11-5 OF THIS CODE:

(A) **Public Signs.** Any sign erected by any governmental agency including, but not limited to, federal, state, county and city governments, school and recreation districts, but not including private water and sanitary sewer districts. PUBLIC SIGNS INCLUDE TEMPORARY OR PERMANENT SIGNS ERECTED BY PUBLIC UTILITY COMPANIES OR CONSTRUCTION COMPANIES TO WARN OF DANGER OR HAZARDOUS CONDITIONS, INCLUDING SIGNS INDICATING THE PRESENCE OF UNDERGROUND CABLES, GAS LINES AND SIMILAR DEVICES.

(B) **Interior or Window Signs.** ~~Signs within any structure or attached to the inside of a window of a structure.~~ AS DEFINED IN SECTION 11-11-2. SUCH SIGNS SHALL BE LIMITED TO TEN (10) PERCENT OF THE TOTAL WINDOW AREA OF EACH SEPARATE PLACE OF BUSINESS. WINDOW SIGNS MAY BE FURTHER RESTRICTED FOR PUD DEVELOPMENTS.

(C) **Commemorative Plaques.** Any memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building when the sign is built into the building or mounted flat against the wall of the building, or is designed to designate any particular location of historical significance as determined by the City.

(D) **Address Signs.** Any sign ATTACHED TO A BUILDING designed to identify a particular parcel of land, provided such contains only the street address and name of the owner of the property or the name of the property and does not exceed two (2) square feet in area for residential land uses and five (5) square feet in area for nonresidential land uses.

(E) **Special Event Signs.** ~~Signs in conjunction with and in conformance with the Colorado Revised Statutes.~~ SIGNS AND DECORATIONS FOR special events such as a philanthropic campaign, church, circus, carnival, HOLIDAYS or of community celebration provided that such are removed within ten (10) days of the termination of the event of which they are a part.

(F) **Real Estate Signs.** Temporary, non-illuminated real estate signs indicating the availability for sale, rent, or lease of a specific lot, building, or portion of a building upon which this sign is erected or displayed which do not exceed six (6) square feet in total area and four feet (4') in height for residential properties or twenty (20) square feet in total area and six (6) feet in height for nonresidential properties and are located on properties to be sold, limited to one such sign per street frontage. Such signs shall not remain in place more than seven (7) days following sale or rental of the subject property.

(G) **Building Identification Signs.** Signs which identify by name or number individual buildings within institutional or residential building group complexes which are limited to signs attached to the building, not more than two (2) signs per building, and not more than four (4) square feet each. These signs may be illuminated or non-illuminated.

(H) **Traffic Directional Signs.**

1. TRAFFIC SIGNS: Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three (3) square feet per sign per face in area and eight (8) feet in height, do not contain any advertising or trade name identification, and are non-illuminated, internally or indirectly illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed three (3) square feet per face in area but shall not exceed seven (7) square feet per face. Such signs shall not exceed four (4) feet in height and shall be set back at least five (5) feet from the property line.

~~(I) Information and Direction Signs~~

- ~~1-2.~~ ON-PREMISE INFORMATION SIGNS: Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed two (2) square feet in total area and is non-illuminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self Service," "Vacancy," and similar informational signs located at least five feet (5') from the property line.



~~2-~~ 3. Off Premises Informational Directional Signs: A single or double-faced sign designed to give direction to a church, school, philanthropic organization, or similar use of a non-retail or business nature. Sign may contain only name of organization, direction, and number of blocks. Sign shall be metal, no more than two (2) square feet, and shall be mounted on minimum two inch (2") square steel pole. Bottom of sign shall be a minimum of seven (7) feet above grade. Such signs may be located in the right of way. NO MORE THAN FIVE SUCH SIGNS SHALL BE PERMITTED FOR EACH INDIVIDUAL ORGANIZATION.

~~(J)~~ ~~—~~ ~~Courtesy Signs.~~ Non illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted and redemption stamps offered, are not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

~~(K)~~ (I) **Flags.** FOR ANY SINGLE LOT, ONE FLAG, PENNANT OR INSIGNIA WHICH IS 24 SQUARE FEET OR LESS. ~~The flag, pennant, or insignia of any nation, organization of nations, state, county, city, any religious, civic, or fraternal organization or any educational institution.~~

~~(L)~~ (J) **Holiday Decorations.** Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration. SUCH DECORATIONS SHALL NOT INCLUDE THE NAME OF ANY BUSINESS OR PRODUCT.

~~(M)~~ ~~—~~ ~~Warning Signs.~~ Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

~~(N)~~ ~~—~~ ~~Gasoline Price Signs.~~ For gasoline or service stations, two (2) unlighted signs listing only the prices and types of gasoline available are permitted with each sign, not to exceed ten (10) square feet in area or six feet (6') in height.

~~(O)~~ (K) **Construction Signs.** A temporary sign not exceeding thirty two (32) square feet announcing subdivision, development, construction or other improvement of the property ON WHICH THE SIGN IS LOCATED by a builder, contractor or other person furnishing services, materials or labor to said premises. For the purposes of this Code, a "construction sign" shall not be construed to be a "real estate sign" as defined herein and shall contain only project name; developer, architect, builder, and/or consultants; lending institution; and opening date.

~~(P)~~ ~~—~~ ~~Canopy Signs.~~ Not to exceed two (2) square feet.

~~(Q)~~ (L) **Garage Sale Sign.** A sign advertising the existence of a garage sale for the sale of personal property and advertising the date, time and location of the garage sale with such signs having a maximum area of six (6) square feet, a maximum height of three feet (3'), and a minimum setback of ten feet (10'), posted for the period three days prior and three days following the date of the garage sale. Such signs shall not block or interfere with traffic visibility.

~~11-11-4~~ 11-11-5: **PROHIBITED SIGNS:** The following types of signs are prohibited in all districts:

(A) Any sign not specifically permitted by the City Code.

(B) Signs Within ~~Street~~ PUBLIC Rights Of Way. Any sign erected upon or over the public right of way of any street, roadway, or alley with the exception of those signs erected by a governmental entity, SIGNS ERECTED IN ACCORDANCE WITH SECTIONS 11-11-4(A) AND 11-11-7(G), and those instances where existing buildings are contiguous with the right of way and a sign is to be attached to said building.

(C) Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, ALL ANIMATED AND ELECTRONICALLY ACTIVATED CHANGEABLE SIGNS AS DEFINED IN SECTION 11-11-2 except for time temperature date signs, traditional barber poles and except for gauges and dials which may be animated to the extent necessary to display correct measurement.

(D) Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.

(E) Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations. Pennants, streamers, balloons, and any other inflatable object or material ~~fastened in such a manner as to move upon being subjected to pressure by wind or breeze~~ SHALL ALSO BE PROHIBITED.

(F) Imitations of Official Government Protective or Warning Signs: Any sign using the word "stop" or "danger" or which otherwise presents or implies the need or requirement of stopping, or a caution for the existence of danger, or which is a copy of, or which for any reason is likely to be confused with any municipally approved official signs, such as those signs approved and shown in the Uniform Traffic Code.

(G) Any sign that obstructs any window, door, fire escape, stairway, ladder, or openings intended to provide light, air, ingress, or egress for any building, as required by law.

(H) Portable Signs.

1. Any ~~portable sign including any sign~~ displayed on a vehicle when said vehicle is used primarily for the purpose of displaying such sign, when used outside a building. Any advertising device used on a vehicle meeting the following criteria shall be excepted:

- a. Such vehicle at no time remains in one visible place for more than twenty four (24) consecutive hours; and
- b. Such vehicle is actually used by its owner or another as a means of transportation of people or goods; and
- c. SUCH VEHICLE DISPLAYS CURRENT REGISTRATION AND IS INSURED TO OPERATE ON PUBLIC STREETS IN THE STATE OF COLORADO.

2. SANDWICH BOARD SIGNS.

(I) Any sign that violates any provision of any law of the State of Colorado relative to outdoor advertising.

(J) Temporary ~~cardboard or paper~~ signs attached to utility poles or UTILITY BOXES ~~stakes~~ that have the intent of advertising merchandise OR SERVICES for sale.

~~(K) Changeable copy signs other than marquees, notice or listing of church services, or gasoline price signs.~~

(K) ~~(L)~~ Any sign which causes any direct glare into or upon any residential building or premises other than the building or premises to which the sign is attached.

(L) EXPOSED NEON SIGNS AND LIGHTING.ALL ROOF SIGNS.

~~(M)~~ (N) Any attached sign projecting above the roof line of a structure.

~~(N)~~ (O) ABANDONED SIGNS AS DEFINED IN SECTION 11-11-2. Any sign advertising an activity, business, product or service which has not been produced or conducted upon the premises upon which such sign is located for a period of ninety (90) days or more. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the City if good cause is shown for such extension. ANY SUCH SIGN ABANDONED FOR A PERIOD OF 90 DAYS OR LONGER SHALL BE CONSIDERED AN ILLEGAL SIGN. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.

~~(O)~~ (P) Off premise advertising or directional sign, except as allowed IN SECTIONS 11-11-4(H)3, AND 11-11-4(L). for a Class 8 billboard sign and as allowed in Section 11-11-2(I)2 and 11-11-2(M)

(Q) BACK-LIT AWNINGS.

(R) FREE-STANDING MONUMENT SIGNS GREATER THAN 100 SQUARE FEET IN SIZE.

**11-11-6: TEMPORARY SIGNS REQUIRING PERMITS:**

**~~11-11-3 (F) Class 6~~ (A) TEMPORARY PROJECT IDENTIFICATION SIGNS**

1. Permitted in all Zoning Districts.
2. Characteristics: Intended to identify or advertise structures being built, sold, leased, rented or remodeled.
3. Maximum Area: one hundred (100) square feet.
4. Maximum Height:
  - ~~(a) Twenty feet (20') for signs over fifty (50) square feet.~~
  - ~~(b) Ten TWELVE feet (12') for signs fifty (50) square feet and under.~~
5. Minimum Setback: Thirty feet (30').
6. Limitation in Number: One (1) sign per sixty (60) acres, not to exceed a total of four (4) and not to exceed an aggregate of two hundred (200) square feet.
7. Restrictions, Additions, Clarifications and Exceptions:
  - (a) Must be located on the property being advertised. Offsite signs are not permitted. ~~except in conjunction with a permitted class 8 billboard sign.~~
  - (b) Signs shall be unlighted.

**~~11-11-3 (L) Class 12~~ (B) Temporary Outside Signs:**

1. Permitted in Zoning Districts B1, C1, ~~S1~~, PUD and M1.
2. Characteristics: A sign, banner, or similar device, not including pennants on a string or rope, or display which is intended for a temporary period of display for the purpose of announcing a special event for a business such as a grand opening, a sale or a new service. Said sign may be constructed of cloth, canvas, cardboard, wallboard, plywood or other light temporary material. Sign must be attached flat against a building.
3. Maximum Area Forty (40) square feet per sign.

4. Maximum Height May not project above the roof line on the building to which the sign is attached.
5. Minimum Allowable Setback Same setback as the building to which the sign is attached.
6. Limitation in Number One (1) per street frontage, not to exceed two (2) signs.
7. Restrictions, additions, clarifications, and exceptions:
  - (a) May be erected for a period not to exceed thirty (30) consecutive days or sixty (60) days in any one-year period for any particular business.
  - (b) Must be removed at the expiration of the temporary permit.

**~~11-11-3 (M) Class 13 Off-Site Residential Directional Signs:~~**

- ~~1. Permitted in undeveloped areas of all zone districts.~~
- ~~2. Characteristics: A ground sign intended to direct vehicle traffic to developments with residential units for sale or lease.~~
- ~~3. Maximum Area: No ground sign structure shall exceed eight feet (8') by four feet (4') in area. Each ground sign structure shall be capable of display of three individual directional signs per face and no single individual directional sign shall exceed twenty four inches (24") in height by forty two inches (42") in length.~~
- ~~4. Minimum Allowable Setback: Ground sign structures in the right of way shall be located within two feet (2') of the property line and shall be located in a manner that does not obstruct traffic visibility. A site plan shall be submitted and shall require approval of the City for all sign placements.~~
- ~~5. Maximum Height: Twelve feet (12').~~
- ~~6. Limitation in /Number: Maximum number of individual directional signs — one (1) per residential development per sign structure and a maximum of three (3) individual directional signs per face of each ground sign structure.~~
- ~~7. Restrictions, Clarifications, and Exceptions:~~
  - ~~(a) Maximum of one (1) sign on each undeveloped corner at an intersection of two arterial streets.~~
  - ~~(b) Animation or Illumination: No sign shall be illuminated or have moving, rotating, or otherwise animated parts.~~
  - ~~(c) Identification: Each sign shall bear in a prominent position thereon a clearly legible identification plate stating the name of the person responsible for the construction of the sign and the date of installation.~~
  - ~~(d) Maintenance: Signs erected under this Section shall be structurally sound and satisfactorily maintained so as not to become a nuisance to the surrounding neighborhood or an eyesore to passersby.~~
  - ~~(e) Sign Design, Color, and Construction: Support posts, frame, and plywood backing shall be painted cream, tan, or beige. Sign panels may be of any color except fluorescent, dayglo, or other reflective or brilliant colors. All signs shall be designed and constructed in accordance with guidelines prepared by the City of Westminster.~~

- ~~(f) No individual directional signs shall be permitted that advertise developments outside the City limits of the City of Westminster.~~
- ~~(g) Signs shall be removed within thirty (30) days of completion of the project, as determined by the Community Development Director or his/her designee.~~
- ~~(h) Any person desiring to install a ground sign structure within six hundred sixty feet (660') of a State Highway right of way shall first obtain a permit from the Colorado Highway Department and then submit an application for a City sign permit. The application shall include a copy of the State Permit.~~

**11-11-3 (I) Class 9 (C) Election AND POLITICAL Signs:**

1. Permitted in all zone districts.
2. Characteristics: A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.
3. Maximum Size: Fifty (50) square feet in zones T1, B1, C1, C2, M1 and O1 and portions of Planned Unit Developments with comparable uses; SIX (6) ~~eight (8)~~ square feet in all other zones and portions of Planned Unit Developments with residential uses ~~or uses comparable to allowed uses in B1 Districts.~~
4. Maximum Height: Six feet (6').
5. ~~Minimum Setback Ten feet (10').~~
6. 5. Limitation in Number: No limitation.
7. 6. A permit application for an election sign must include name, address and phone number of person responsible for maintenance and removal of signs.

~~7. Restrictions, Additions, Clarifications, and Exceptions:~~

- ~~(a) Such signs shall not be erected more than thirty (30) days before an election or in the case of a mailed ballot election, signs shall not be erected more than thirty (30) days before the first day to mail ballots to all registered elections. All election signs shall be removed within ten (10) days following an election. Exception: Successful primary candidates may leave their signs up until ten (10) days after a general or run-off election.~~
- ~~(b) A permit application for an election sign must include name, address and phone number of person responsible for maintenance and removal of signs.~~
- ~~(c) Election signs may be located in City right of way provided:
 
  - ~~(i) They do not block or otherwise interfere with traffic visibility;~~
  - ~~(ii) They are not located within fifty feet (50') of an intersection;~~
  - ~~(iii) They do not exceed three (3) square feet in area.~~~~

**7. WITHIN ANY CITY RIGHT-OF-WAY, NO SINGLE CANDIDATE OR ISSUE SIGN MAY BE LOCATED WITHIN 100 FEET OF ANY OTHER SIGN FOR THE SAME CANDIDATE OR ISSUE.**

**11-11-7: PERMANENT SIGNS REQUIRING PERMITS:**

**11-11-3 (A) Class 1. Free Standing Ground Signs (A) Monument Signs:**

1. Permitted in Zoning Districts **PUD**, B1, C1, C2, ~~S1~~, T1, and M1.

~~2. Characteristics: Intended to identify shopping or business centers, office/industrial/technical parks or centers and individual structures which are not with a shopping or business center.~~

~~3~~ 2. Maximum Area:

(a) For developments over ten (10) acres in size one hundred (100) square feet.

(b) For developments ten (10) acres or less in size and individual structures on lots over two (2) acres in size sixty (60) square feet.

(c) For individual lots two (2) acres in size or less thirty two (32) square feet.

(d) FOR INDIVIDUAL USES OVER 100,000 SQUARE FEET IN AREA, SIGNAGE RESTRICTIONS MAY VARY FROM THE PROVISIONS OF THIS SECTION AND SHALL BE AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN.

~~4~~ 3 Maximum Height:

(a) For signs over sixty (60) square feet in area twenty ~~five~~ feet (20').

(b) For signs over thirty two (32) square feet in area but less than sixty (60) square feet in area eight feet (8').

(c) For signs thirty two (32) square feet in area or less six feet (6').

~~5~~ 4. Minimum Allowable Setback From Property Line:

(a) For Signs over eight feet (8') in height or over sixty (60) square feet in area twenty five feet (25').

(b) For signs eight feet (8') in height or less and under sixty (60) square feet in area ten feet (10').

~~6~~ 5. Limitation and Number:

(a) For developments or individual structures over ten (10) acres in size one (1) per frontage with a maximum of two (2), with said signs to be identical in design.

(b) For developments or individual structures ten (10) acres in size or less one (1).

~~7~~ 6. Restrictions, Clarifications and Exceptions:

(a) Identification signs for ~~non~~-retail business centers or office/industrial/technical parks or centers shall contain only the name, address and logo or trademark of the office park or center. Such signs may include the name of not more than ~~two~~ ~~six~~ of the tenants therein, with said names to be integrated into the overall design of the sign with the name of the ~~structure~~ CENTER utilizing at least ~~25%~~ ~~50%~~ of the sign area. MINIMUM LETTER HEIGHT FOR TENANT NAMES SHALL BE EIGHT INCHES FOR 32 SQUARE FOOT SIGNS, TEN INCHES FOR 60 SQUARE FOOT SIGNS AND 12 INCHES FOR 100 SQUARE FOOT SIGNS. ~~Identification signs for retail shopping centers shall contain the name of the center and may include not more than two names of any structure or tenants therein with the overall design of said signs to be of an integrated design.~~

(b) ILLUMINATED ~~Lighted~~ signs are permitted.

- (c) No MONUMENT ~~freestanding~~ signs over eight feet (8') in height are permitted within one hundred feet (100') of any residential district boundary or residential development.
- (d) Supporting structure of MONUMENT ~~permanent ground~~ signs must be solid construction at least two thirds the dimension of the width and thickness of the sign it supports.
- (e) Where a non-retail business center or office/industrial/technical park or center is planned as a series of individual structures on individual lots with each individual lot having frontage on a public street, each individual structure may be permitted to have freestanding signs in accordance with this paragraph if said sign(s) are included and approved on an Official Development Plan(s). Where a non-retail business center or office/industrial/technical park is planned as a series of individual structures on a single lot, each individual structure is permitted to have a freestanding sign of not more than 32 square feet in area and 6 feet in height. Such signs shall be consistent in design and color.
- (f) MONUMENT ~~freestanding~~ signs must be located on the premises of the use being advertised or identified. For use in this Section, premises does not include easements or similar adjacent parcels of land.
- (g) Menu Boards. Menu boards in conjunction with restaurant drive-through pick up activities ~~and automobile service facilities including car washes, lubrication shops, detail shops and similar uses~~ may be allowed under the following restrictions:
  - (1) Not more than two (2) such signs.
  - (2) Twenty five foot (25') setback from property lines.
  - (3) Forty (40) square feet maximum area.
  - (4) Six foot (6') maximum height.
  - (5) May be freestanding or wall mounted.
- (h) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards to be included in the Official Development Plan, shall be submitted which address size, LOCATION, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner. The overall sign program shall be included in required Official Development Plans.
- (i) FOR INDIVIDUAL USES OVER 100,000 SQUARE FEET IN AREA, SIGNAGE RESTRICTIONS MAY VARY FROM THE PROVISIONS OF THIS SECTION AND SHALL BE AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN.
- (J) MONUMENT SIGNS FOR CHURCHES: FOR CHURCHES IN RESIDENTIALLY DESIGNATED AREAS OR ADJACENT TO RESIDENTIALLY DESIGNATED AREAS, THE FOLLOWING REQUIREMENTS SHALL APPLY:

FOR SITES OF 5 ACRES OR MORE:

- (A) MAXIMUM SIZE 60 SQUARE FEET
- (B) MAXIMUM HEIGHT 8 FEET
- (C) NO ELECTRONICALLY CHANGEABLE SIGNS

FOR SITES OF LESS THAN 5 ACRES:

- (A) MAXIMUM SIZE – 32 SQUARE FEET
- (B) MAXIMUM HEIGHT – 6 FEET
- (C) NO ELECTRONICALLY CHANGEABLE SIGNS

11-11-3 (B) Class 2 (B) Wall Signs.

1. Permitted in Zoning Districts **PUD**, T1, B1, **C2**, C1, ~~S1~~ and M1.
2. Characteristics: Intended to identify individual businesses, offices, office buildings, industrial, technical and employment establishments. Signs may be either placed flat against the building or projecting from the building.
3. Maximum Area:
  - (a) The greater of thirty (30) square feet or one (1) square foot sign area for each lineal foot of building or tenant frontage, not to exceed one hundred fifty (150) square feet in area for all types of signs except that signs composed of individual raised letters may contain two (2) square feet of sign area for each lineal foot of building or tenant frontage, not to exceed A TOTAL OF three hundred (300) square feet in area. This criteria shall not apply to signs for individual tenants in buildings that are primarily multi-tenant office buildings.
  - (B) COMBINATIONS OF CABINET AND INDIVIDUAL LETTER SIGNS SHALL NOT BE PERMITTED, EXCEPT THAT A CABINET STYLE LOGO NOT EXCEEDING NINE (9) SQUARE FEET MAY BE ADDED TO INDIVIDUAL LETTER SIGNS. THE TOTAL SQUARE FEET PERMITTED FOR SUCH SIGNS SHALL NOT EXCEED THE TOTAL PERMITTED IN SECTION 3.(A) ABOVE.
4. Maximum Height: May not project above the roof line of the building to which sign is attached.
5. Minimum Allowable Setback: Same setback as the building to which sign is attached.
6. Limitation in Number: One (1) sign per street frontage not to exceed two (2) frontages, or three (3) frontages with an area not to exceed the total sign area permitted for two (2) frontages.
7. Restrictions, Additions, Clarifications and Exceptions:
  - (a) Projecting signs may not exceed thirty (30) square feet in area. Projecting signs may not project over public right of way or more than five feet (5') from the building wall.
  - (b) The total length of any individual sign may not exceed seventy five percent (75%) of the length of the frontage of the establishment, store front or tenant space on which the sign is placed.
  - (c) ILLUMINATED ~~Lighted~~ signs are permitted.
  - ~~(d) Uses that have no external building frontage, such as might be located within a shopping mall, may have one (1) external sign not to exceed forty (40) square feet.~~
  - ~~(e)~~ (d) Buildings that are primarily office buildings may have no tenant or user signs above the first floor with the exception that building identification signs may be located above the first floor.
  - ~~(f)~~ (e) Changeable copy signs are permitted for motion picture theaters or theater complexes with a total maximum area not to exceed the greater of eighty (80) square feet or thirty (30) square feet per individual theater.



~~(e)~~ (f) Where approved on an Official Development Plan the total allowable square footage of signage for an individual use containing over twenty thousand (20,000) square feet of gross floor area may be divided into a primary sign and not more than two (2) secondary signs with each secondary sign not to exceed more than sixty (60) square feet in area.

~~(h) Projecting signs may not project over public right of way or more than five feet (5') from the building wall.~~

~~(j)~~ (g) For individual uses over 100,000 square feet in area, signage restrictions may vary from the provisions of this Section and shall be as approved on an Official Development Plan.

~~(j)~~ (h) Tenant Sign. For multi-tenant office buildings, a maximum of forty (40) square feet per sign, one hundred twenty (120) square feet per frontage shall conform to 7(b) and 7(d). The building identification sign shall be in conformance with (b) above with a maximum of one hundred (100) square feet except signs composed of individual letters which will have a maximum of two hundred (200) square feet.

~~(k)~~ (i) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards shall be submitted which address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.

(J) WALL SIGNS MUST BE LOCATED ON THE PORTION OF THE BUILDING IN WHICH THE BUSINESS BEING ADVERTISED IS LOCATED.

(K) WALL SIGNS MAY NOT BE LOCATED ON THE REAR OF BUILDINGS WHICH ABUT A RESIDENTIAL ZONE DISTRICT OR PROPERTY.

**~~11-11-3 (C) Class 3. Information and (C) Directional/INFORMATIONAL Signs.~~**

1. Permitted in Zoning Districts T1, B1, *PUD*, *C2*, C1, ~~S1~~, and M1.
2. Characteristics: A freestanding sign intended to provide information and directions related to the principal permitted use on that lot.
3. Maximum Area:
  - (a) Wall Sign Fifteen (15) square feet.
  - (b) Free Standing Sign Five (5) square feet.
4. Maximum Height:
  - (a) Wall Sign: Eight feet (8').
  - (b) Free Standing Sign: ~~Thirty Two (32) inches.~~ THREE FEET (3')
5. Minimum Allowable Setback: Twenty five feet (25') from the property line.
6. Limitation in Number: Two (2).
7. Restrictions, Additions, Clarifications and Exceptions: ILLUMINATED ~~Lighted~~ signs are permitted.

**~~11-11-3 (D) Class 4. (D) Directory Sign for Retail Shopping Centers.~~**

1. Permitted in Zoning Districts B1 and C1.

2. Characteristics: A freestanding sign intended to list and locate all merchants within the center for pedestrian or internal automobile traffic.
3. Maximum Area:
  - (a) For a retail center four (4) acres or less in area Sixteen (16) square feet.
  - (b) For a retail center over four (4) acres in area Thirty (30) square feet.
4. Minimum Allowable Setback Fifty feet (50') from property line.
5. Limitation in Number:
  - (a) For retail center four (4) acres or less in area - One (1) sign.
  - (b) For retail center over four (4) acres in area - One (1) per four (4) acres, not to exceed four (4) signs.
6. Restriction, Additions, Clarifications and Exceptions: Internally illuminated signs are permitted.

**~~11-11-3 (E) Class 5~~ (E) Permanent Residential Subdivision Identification Signs.**

1. Permitted in Zoning Districts PUD, RE, R1, RA, R2, R3, R4, R5 and T1.
2. Characteristics:
  - (a) A freestanding sign intended to provide identification of a residential subdivision by name AND LOGO only.
3. Maximum Area Forty (40) square feet.
4. Maximum Height Seven feet (7').
5. Minimum Allowable Setback:
  - (a) Three feet (3') from the curb. This sign may be located in the right of way but not over existing or future utilities. Location and placement shall insure traffic visibility as determined by the City.
6. Limitation in Number One (1) per subdivision or one (1) per each arterial or collector street entrance. ~~The permitted signage~~ may be split and two signs may be permitted per each arterial or collector street entrance; however, no more than forty (40) square feet of signage may be located at any such entrance.
7. Restrictions, Additions, Clarifications and Exceptions:
  - (a) A right of way maintenance agreement must be on file with the City signed by the responsible party from the homeowners association if the signs(s) are to be located in public right of way.
  - (b) External lighting is permitted.
  - (c) Sign material and design must be approved by the City.
  - (d) Under unusual hardship circumstances, as determined appropriate by the City Manager, a single offsite sign may be permitted with the permission of the property owner on whose property said sign would be located. Such a sign will have a maximum area of 20 square feet and a maximum height of 3 feet.

**~~11-11-3 (G) Class 7~~ (F) Home Occupation Signs.**

1. Permitted in all zone districts.
2. Characteristics: To identify a home occupation. Wall or window signs only.
3. Maximum Area: One (1) square foot.

4. Maximum Height Below the eave of the building on which the sign is located.
5. Minimum Setback Must be attached to the front of the building on which the sign is located.
6. Limitation in number One (1).
7. Restrictions, additions, clarifications and exceptions: Signs may not be illuminated.

**~~11-11-3 (H) Class 8 Billboards.~~**

- ~~1. Permitted in Zone Districts O1 and M1.~~
- ~~2. Characteristics: Large faced signs advertising any product or event. Such signs will be considered a principal use of the lot or parcel on which they are located and therefore may not be located on any lot or parcel where another principal permitted use exists.~~
- ~~3. Maximum Area Three hundred (300) square feet per sign; maximum two (2) signs per facing.~~
- ~~4. Maximum Height Thirty feet (30').~~
- ~~5. Minimum Setback Fifty feet (50') from property line or two hundred feet (200') from any intersection of streets, whichever is greater.~~
- ~~6. Limitation in Number One (1) per lot or parcel, with the provision that said lot or parcel is a minimum of two (2) acres in size.~~
- ~~7. Restrictions, Additions, Clarifications, and Exeptions:~~
  - ~~(a) May not be located within five hundred feet (500') of another Class 8 sign.~~
  - ~~(c) May not be located within five hundred feet (500') of a residential district or residential portion of a Planned Unit Development.~~

**~~11-11-3 (J) Class 10. Bus Bench Signs.~~**

- ~~1. Bench Design: Benches must be constructed of substantial material and must be no longer than eight feet (8'), no higher than forty two inches (42"), no wider than thirty inches (30"), and must weigh no less than four hundred (400) pounds. Bench shall be located only on top of a four foot by eight foot (4' x 8') concrete, stone, asphalt, concrete block, cinder block or crushed dolomite pad which serves as a means of preventing mud and weeds from accumulating near the bus benches. The crushed dolomite must be applied wet, a minimum of four inches (4") thick, and must be tamped and rolled. In addition to the materials listed above, the City may permit the pad to be constructed of alternate materials insofar as said materials accomplish the performance standard of the prevention of mud and weeds in the vicinity of the bench.~~
- ~~2. Sign Design and Color on Bus Benches: Bench sign background color covering no less than fifty percent (50%) of the visible area of the whole sign shall be beige, cream, tan, green, or white insofar as the background color is identical on all bus bench signs in the City. A sign is permitted only on a single, vertical face of the bus bench. Lettering on the sign may be of any single color or any single color in combination with black. A multicolored logo which does not exceed a coverage of fifteen percent (15%) of the total area of the permitted sign and which is located not closer than four inches (4") from the edge of the sign shall be permitted. No fluorescent, Day Glo, or other reflective or brilliant colors are permitted anywhere on the sign.~~

~~The sign that is permitted only on a single, vertical face of the bus bench shall be no higher than twenty four inches (24") and no longer than eight feet (8'). No part of the sign shall be projecting, nor shall it interfere with normal seating. The area covered by the bus bench advertising shall be no more than sixteen (16) (22) square feet. The bench company name and phone number must be on each bench. The bus bench seat may be painted dark green, dark brown, black, or any earth tone color insofar as all permitted bus bench seats in the City are painted the same color. The side of the vertical surface of the bus bench back may be painted to match the bus bench seat or the background color of the permitted sign insofar as all vertical surfaces not containing a sign in the City are painted the same color.~~

- ~~3. Placement of Bus Benches: Benches bearing advertising may be located only at officially designated RTD bus stops and must be no closer than three feet (3') to the roadway edge, either in front of or behind a public sidewalk. Bus benches must not obstruct public walkways, sidewalks, sight triangles or pedestrian access to traffic control devices. Bus benches shall be placed adjacent to residential property only with the consent of the adjacent property owner. In residential districts, there shall be only one bus bench per bus stop. In nonresidential districts, two benches per bus stop may be allowed at intersections of designated arterial streets. In all other locations a maximum of one (1) bench per bus stop shall be allowed.~~
- ~~4. Award of Exclusive Right: The applicant shall file an application on a form furnished by the City. The City will accept bus bench advertising applications which will be evaluated using the following categories. If an applicant with existing benches is not awarded the exclusive right to advertise on bus benches for the five (5) year period, all benches belonging to the applicant must be removed.~~

Points

~~0-101. Bus bench design, materials and colors.~~

~~0-202. Method of weed and mud control.~~

~~0-103. Sign design and color controls.~~

~~0-304. References from other cities.~~

~~0-205. Method of selection of locations and determination of number of benches to be placed.~~

~~0-106. What premium, if any, would be offered the City for the exclusive right to place bus benches within the City limits. Premiums may take form of each or benches with no advertising for public use.~~

~~The applicant receiving the most points will be awarded the exclusive right to place bus benches with advertising within the City limits.~~

- ~~5. Permits: A building permit is required before the placement of all bus benches~~
  - ~~(a) One permit will be issued for each bench, provided the bench complies with the commitment in the application and with this Section. The successful applicant shall be required to have applicable City licenses. If a bench is not installed within thirty (30) days from the date the permit is issued, the permit will become null and void.~~
  - ~~(b) Such bus benches shall not be constructed or maintained in a manner which will constitute a violation of any section of the Municipal Code of the City.~~
  - ~~(c) Bond Required: Before any license, as provided in this Section, will be issued to an applicant A, such applicant shall file with the City a bond running to the City in the sum of six hundred dollars (\$600) (\$10,000) executed by the applicant as principal and at least one surety bond upon which service of process may be made in the State of Colorado. Such bond to be conditioned that the said applicant shall comply fully with all the provisions of the laws of the City, and statutes of the State of Colorado, regulating and concerning the applicant's business and will pay all judgment rendered against statutes. Such bond must be approved by the City, both as to form and as to the responsibility of the surety thereon.~~

~~(d) Insurance Required: Before any permit, as provided in this Section, will be issued, the applicant shall furnish a certificate of insurance with limits of not less than three hundred thousand dollars (\$300,000) combined single limit bodily injury and property damage, with a thirty (30) day notice of cancellation, to be maintained during the life of the permit. The policy shall hold the City of Westminster harmless from all claims, judgments and liability which may be a result of the applicant's activities under the permit issued in this Section. Should the applicant cause the policy to lapse, be canceled, be withdrawn or be subject to a reduction in the required amount of insurance, the City will cause the operations permitted under this Section to cease.~~

- ~~6. Moving of Bus Benches: Bus benches shall be permitted for one location only. Benches may not be moved from stop to stop without a permit. Relocation or cancellations of a bus stop by will require moving or removing of the bus bench and pad respectively within ten (10) (30) days.~~
- ~~7. Maintenance and Repair of Bus Benches: The permittee shall maintain all benches bearing advertising in a safe and clean condition at all times. Permittee shall repair damaged or disfigured benches within ten (10) days of notification of discovery of such damage or disfiguration.~~
- ~~8. Violations: If provisions of this Ordinance are violated, the City may serve either personally or by mail, written notice upon the owner, or any person having the care and control of said bus bench, or by posting of notice on said bus bench to correct the violations. If the person upon whom said notice is served fails, neglects or refuses to correct the violation within ten (10) days of mailing or service of said notice, the City may have the bus bench removed and the cost of such work plus fifteen percent (15%) for inspection shall be reported by the City Manager to the City Council and shall be assessed against the permit holder and be collected from the bond.~~

**11-11-3 (K) — Class 11. Signs in Planned Unit Developments.** Signs in Planned Unit Developments shall be permitted in accordance with the conditions and prohibitions stated herein.

~~1. Permitted Signs:~~

- ~~(a) Class 1, freestanding signs; Class 2, wall signs; Class 3, information and directional signs; and class 12, temporary outside signs, are permitted in conformance with the conditions and prohibitions of the applicable class of sign described above for designated commercial, office, and industrial uses within Planned Unit Developments.~~
- ~~(b) Class 4, directory signs for retail shopping centers, is permitted in conformance with the conditions and prohibitions of Class 4, signs for designated retail commercial uses within a Planned Unit Development.~~
- ~~(c) Class 5, permanent subdivision identification signs; Class 6, temporary project identification signs; and Class 7, home occupation signs, are permitted in conformance with the conditions and prohibitions of the applicable class of sign designated residential uses within Planned Unit Developments.~~
- ~~(d) Class 9, election signs, are permitted in conformance with the conditions and prohibitions of Class 9 signs with a maximum area of eight (8) square feet allowed in designated residential areas and a maximum area of fifty (50) square feet allowed in designated nonresidential areas within a Planned Unit Development.~~
- ~~(e) Class 10, bus bench signs, are permitted in conformance with the conditions and prohibitions of Class 10 signs with said conditions and prohibitions pertaining to residentially zoned property being applicable to designated residential land uses and conditions and prohibitions pertaining to nonresidential districts being applicable to designated nonresidential land uses within a Planned Unit Development.~~

~~(f) Class 13, offsite development directional signs are permitted in conformance with the conditions and prohibitions of Class 13 signs.~~

~~2. Restrictions, Additions, Clarifications, and Exceptions:~~

~~(a) Preliminary Development Plans, amendments to Preliminary Development Plans, Official Development Plans and amendments to Official Development Plans may include conditions and prohibitions pertaining to signs which are more restrictive than the conditions and prohibitions contained in this Chapter.~~

~~(b) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards shall be submitted which address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.~~

~~(c) Sign performance standards and criteria which are contained in Preliminary Development Plans or Official Development Plans which were approved prior to the adoption of this Chapter shall remain in effect subsequent to the adoption of this Chapter unless modified by an amendment to the Preliminary Development Plan or Official Development Plan.~~

~~**11-11-3 (M) Class 13 Off Site Residential Development Directional Signs.**~~

~~1. Permitted in undeveloped areas of all zone districts.~~

~~2. Characteristics: A ground sign intended to direct vehicle traffic to developments with residential units for sale or lease.~~

~~3. Maximum Area: No ground sign structure shall exceed eight feet (8') by four feet (4') in area. Each ground sign structure shall be capable of display of three individual directional signs per face and no single individual directional sign shall exceed twenty four inches (24") in height by forty two inches (42") in length.~~

~~4. Minimum Allowable Setback: Ground sign structures in the right of way shall be located within two feet (2') of the property line and shall be located in a manner that does not obstruct traffic visibility. A site plan shall be submitted and shall require approval of the City for all sign placements.~~

~~5. Maximum Height: Twelve feet (12').~~

~~6. Limitation in Number: Maximum number of individual directional signs — one (1) per residential development per sign structure and a maximum of three (3) individual directional signs per face of each ground sign structure.~~

~~7. Restrictions, Clarifications, and Exceptions:~~

~~(a) Maximum of one (1) sign on each undeveloped corner at an intersection of two arterial streets.~~

~~(b) Animation or Illumination: No sign shall be illuminated or have moving, rotating, or otherwise animated parts.~~

~~(c) Identification: Each sign shall bear in a prominent position thereon a clearly legible identification plate stating the name of the person responsible for the construction of the sign and the date of installation.~~

- ~~(d) — Maintenance: Signs erected under this Section shall be structurally sound and satisfactorily maintained so as not to become a nuisance to the surrounding neighborhood or any eyesore to passersby.~~
- ~~(e) Sign Design, Color, and Construction: Support posts, frame, and plywood backing shall be painted cream, tan, or beige. Sign panels may be of any color except fluorescent, dayglo, or other reflective or brilliant colors. All signs shall be designed and constructed in accordance with guidelines prepared by the City of Westminster.~~
- ~~(f) No individual directional signs shall be permitted that advertise developments outside the City limits of the City of Westminster.~~
- ~~(g) Signs will be removed within thirty (30) days of completion of the project, as determined by the Chief Building Official.~~
- ~~(h) Any person desiring to install a ground sign structure within six hundred sixty feet (660') of a State Highway right of way shall first obtain a permit from the Colorado Highway Department and then submit an application for a City sign permit to the Chief Building Official. The application shall include a copy of the State Permit.~~

**~~11-11-3 (N) Class 14 (G) Off-Site Commercial Development Directional Signs:~~**

1. Permitted for commercial establishments WITHOUT PUBLIC STREET FRONTAGE on out-parcels surrounding a regional shopping center with access to a public street, which street connects to an arterial street only through use of a private road or easement.
2. Characteristics: A permanent ground sign intended to direct vehicular traffic through the private roads or easements of a regional shopping center to a commercial establishment.
3. Location: Such signs shall be permitted within the public rights-of-way adjacent to the regional shopping center or next to the private drives within the center with written permission of the owner of the parcel within the regional shopping center, for the sole purpose of directing vehicular traffic through the regional shopping center. All such signs shall be located outside the required sight distance triangles.
4. Maximum Area: 16 square feet per sign
5. Maximum Height: 4 feet
6. Limitation in Number: 4 per commercial establishment
7. Restrictions, clarifications and exceptions:
  - (a) Maximum of one (1) sign on each corner (the intersection of two private roads or a private road and a public road) leading to the commercial establishment.
  - (b) Co-location: Where more than one commercial establishment requests signs under this Section, all establishments will be required to use the same sign structures. Such joint signs shall not exceed the sign restrictions for the individual signs.
  - (c) Maintenance: Signs erected under this Section shall be structurally sound and maintained to the satisfaction of the City, or to the regional shopping center so as not to become a nuisance to the surrounding businesses or to the public.

- (d) Sign design, color and construction: The entire sign structure shall be of neutral colors, white, cream, tan or beige. Sign panels shall be coordinated with other directional signs and may be of any color except fluorescent, day-glo, or other reflective or brilliant colors.
  - (e) Signs shall be the minimum number necessary to direct traffic to the establishment: Such signs may only contain the name of the establishment, a directional arrow, or directional words.
  - (f) Supporting structure of ground signs shall be of solid construction at least two-thirds the dimension of the width and thickness of the sign it supports.
8. Approval: A master sign plan that indicates the location and conformance with this section shall be required to be submitted for review and approval by the City Manager or his/her designee.

*(H) FLAGS*

- 1. PERMITTED IN ZONING DISTRICTS PUD, B1, C1, C2, M1, AND T1.
- 2. MAXIMUM HEIGHT: MAY NOT PROJECT ABOVE THE TALLEST BUILDING ON THE LOT ON WHICH THE FLAG IS LOCATED.
- 3. SETBACK: 10 FEET.
- 4. LIMITATION IN NUMBER: ONE (1) PER STREET FRONTAGE.
- 5. MAXIMUM AREA: TOTAL AREA OF ALL FLAGS IN EXCESS OF 24 SQUARE FEET SHALL BE INCLUDED IN THE MAXIMUM ALLOWABLE AREA FOR WALL SIGNS ON THE SITE IN ACCORDANCE WITH SECTION 11-11-7 (B) 3.

11-11-8: VARIANCES

- A. SIGNS IN PLANNED UNIT DEVELOPMENTS. ALL SIGNS PROPOSED FOR OR WITHIN A PLANNED UNIT DEVELOPMENT MAY APPLY FOR MODIFICATIONS TO THE REQUIREMENTS OF THIS SIGN CODE BY MAKING APPLICATION TO THE PLANNING COMMISSION USING THE PROCEDURES SPECIFIED IN SECTION 11-5-8 OR 11-5-10 OF THIS CODE. SUCH VARIANCES MAY BE GRANTED ADMINISTRATIVELY IF THE PROVISIONS OF THIS CODE ARE NOT EXCEEDED BY MORE THAN 20%.
- B. SIGNS NOT IN PLANNED UNIT DEVELOPMENTS. ALL SIGNS WITHIN ANY ZONE DISTRICT OTHER THAN PLANNED UNIT DEVELOPMENT MAY APPLY FOR MODIFICATIONS TO THE REQUIREMENTS OF THIS SIGN CODE BY MAKING APPLICATION TO THE BOARD OF ADJUSTMENTS USING THE PROCEDURES SPECIFIED IN SECTION 2-6-4 OF THIS CODE. IN CONSIDERING A REQUEST FOR A VARIANCE TO THE SIGN CODE, THE BOARD OF ADJUSTMENT AND APPEALS SHALL DETERMINE THAT:
  - (1) THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS SUCH AS THE EXISTENCE OF BUILDINGS, TOPOGRAPHY, VEGETATION, SIGN STRUCTURES, OR OTHER MATTERS ON ADJACENT LOTS OR WITHIN THE ADJACENT PUBLIC RIGHT OF WAY WHICH WOULD SUBSTANTIALLY RESTRICT THE EFFECTIVENESS OF THE SIGN IN QUESTION PROVIDED, HOWEVER, THAT SUCH SPECIAL CIRCUMSTANCES OR CONDITIONS MUST BE PECULIAR TO THE PARTICULAR BUSINESS OR ENTERPRISE TO WHICH THE APPLICANT DESIRES TO DRAW ATTENTION AND DO NOT APPLY GENERALLY TO ALL BUSINESSES OR ENTERPRISES.



- (2) THE VARIANCE, IF AUTHORIZED, WILL WEAKEN NEITHER THE GENERAL PURPOSE OF THE SIGN CODE NOR THE ZONING REGULATIONS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH THE SIGN IS LOCATED.
- (3) THE VARIANCE, IF AUTHORIZED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE ZONING DISTRICT IN WHICH THE SIGN IS LOCATED.
- (4) THE VARIANCE, IF AUTHORIZED, WILL NOT SUBSTANTIALLY OR PERMANENTLY INJURE THE APPROPRIATE USE OF ADJACENT CONFORMING PROPERTY.
- (5) THE BOARD OF ADJUSTMENT MAY NOT GRANT ANY APPLICATION FOR A TYPE OF SIGN THAT WOULD NOT OTHERWISE BE PERMITTED UNDER THIS CODE.

**11-11-9: ENFORCEMENT**

(A) PUBLIC NUISANCE: ANY VIOLATION OF THE PROVISIONS OF THIS CHAPTER IS HEREBY DECLARED TO BE A PUBLIC NUISANCE.

1. ABATEMENT OF PUBLIC NUISANCES SHALL BE ACCORDING TO THE PROVISIONS OF TITLE 8, CHAPTER 4 OF THIS CODE.
2. SUMMARY ABATEMENT PROCEDURES (SECTION 8-4-4(A)) MAY BE FOLLOWED FOR THE FOLLOWING REASONS:
  - a) ANY SIGN WHOSE CONDITION OR PLACEMENT IS FOUND BY THE CODE ENFORCEMENT OFFICER TO CONSTITUTE AN IMMINENT DANGER OF SERIOUS INJURY TO PERSONS OR PROPERTY, INCLUDING BUT NOT LIMITED TO DANGER OF COLLAPSE OR BLOCKING VIEWS OF STREETS, ALLEYS, DRIVEWAYS, OR OTHER ENTRANCES AND EXITS FROM PUBLIC WAYS.
  - b) ANY SIGN PLACED UNLAWFULLY IN THE PUBLIC RIGHT-OF-WAY. SUCH SIGNS MAY BE IMMEDIATELY REMOVED AND DESTROYED WITHOUT NOTICE OR LIABILITY.

(B) CRIMINAL VIOLATIONS: IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER. ANY PERSON FOUND GUILTY OF VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY A FINE PURSUANT TO SECTION 1-8-1 OF THIS CODE. EACH DAY THAT A VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER CONTINUES TO EXIST SHALL BE DEEMED TO BE A SEPARATE AND DISTINCT VIOLATION. THE PROVISIONS OF THIS SUB-SECTION SHALL NOT BE APPLICABLE FOR VIOLATIONS OF SECTION 11-11-6(C).

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 26<sup>TH</sup> day of February, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_  
day of March, 2001 as amended.

ATTEST:

\_\_\_\_\_  
Mayor

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



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 26, 2001

**Subject:** Councillor's Bill No. 5 re Growth Management Program Amendment regarding foundation inspection deadline

**Prepared by:** Shannon Sweeney, Planning Coordinator

#### **Introduction**

City Council action is requested to approve the attached Councillor's Bill amending the City's Growth Management Program to delete the existing requirement for an approved foundation inspection within 60 days of building permit issuance.

#### **Summary**

An existing requirement within the City's Municipal Code stipulates that an approved foundation inspection must occur within 60 days of building permit (and Service Commitment) issuance for new residential projects, or the building permit and associated Service Commitment become null and void. This language was inserted into the Growth Management Program several years ago to help prevent residential developers and builders, who receive Service Commitments through the residential competition process, from "reserving" Service Commitments indefinitely if they did not continue constructing their projects. The City now has other safeguards to prevent this, thereby eliminating the need for this language within the Municipal Code. The City of Westminster Building Division establishes separate expiration dates on all building permits and all Service Commitment Resolutions now specify expiration dates on all Service Commitments awarded.

City Staff believes the attached Councillor's Bill deleting this requirement would offer multiple advantages to the City and its customers by:

- Providing better customer service by giving developers and builders more time to receive an approved foundation inspection; and
- Reducing builder frustration, since builders would no longer be required to pay another building permit fee if the foundation inspection were not approved within 60 days; and
- Reducing City Staff time necessary to track and follow through on the voided building permits; and
- Helping prevent future problems similar to the Westcliff Apartment situation (please see Background section for details).

#### **Policy Issues**

Should the City amend the Growth Management Program deleting the requirement for an approved foundation inspection within 60 days of building permit issuance?

#### **Staff Recommendation**

Pass Councillor's Bill No. 5 amending the City's Growth Management Program to delete the existing requirement for an approved foundation inspection within 60 days of building permit issuance.

### **Background Information**

The current Growth Management Program language regarding an approved foundation inspection requirement reads as follows:

All building permits and service commitments issued for any Category A or B dwelling unit shall be deemed as expired in the event an approved foundation inspection has not occurred within sixty (60) days following the date of issuance of the permit. In such event, both the building permit and the associated service commitment shall be deemed null and void. No refund or credit shall be given for any building permit which expires pursuant to this section.

This Westminster Municipal Code requirement became problematic recently when the Westcliff Apartment developer wished to receive building permits for all the project units at one time, but knew he would not be able to meet the 60-day approved foundation inspection provision. The City had more than \$250,000 to gain in Service Commitment surcharges if the developer were able to receive all of the building permits at one time prior to December 31, 2000. City Staff quickly brought the issue to City Council, and on December 18, 2000, City Council authorized the City Manager to execute an agreement with the developer waiving this requirement for this project.

The agreement was executed prior to the crucial deadline, and the City did receive an additional \$251,175 in surcharges as a result. Drafting this separate agreement and the additional staff time would not have been necessary if the current requirement were not specified within the Municipal Code. Within the December 18 City Council Agenda Memorandum, Staff explained that, because this existing requirement is no longer necessary, an ordinance amendment deleting this stipulation would be brought to City Council early in 2001.

### **Alternative**

Deny the attached Councillor's Bill amending the City's Growth Management Program to delete the existing requirement for an approved foundation inspection within 60 days of building permit issuance.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

ORDINANCE NO.

COUNCILLOR'S BILL NO. **5**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-3-5 (C) of the Westminster Municipal Code is hereby AMENDED as follows:

**11-3-5: ALLOCATION AND ISSUANCE OF SERVICE COMMITMENTS:** (2534 2571 2651 2714 2717 2735)

(A) City Council shall periodically allocate by resolution a number of service commitments to be available for Category A and B development.

(B) Service Commitments for build-out, infill, south Westminster residential and active custom residential developments shall be included as part of the Category A allocation.

~~(C) All building permits and service commitments issued for any Category A or B dwelling unit shall be deemed as expired in the event an approved foundation inspection has not occurred within sixty (60) days following the date of issuance of the permit. In such event, both the building permit and the associated service commitment shall be deemed null and void. No refund or credit shall be given for any building permit which expires pursuant to this section.~~ A service commitment for any Category A or B project shall be deemed as issued when a corresponding building permit has been issued by the Building Division.

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 26<sup>th</sup> day of February, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of March, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001

**Subject:** Resolution No. 16 and 17 re Category B-1 and Category B-2 Service Commitment Awards

**Prepared by:** Shannon Sweeney, Planning Coordinator

**Introduction**

City Council action is requested to adopt the attached resolutions awarding Category B-1 Service Commitments to two new Single-Family Detached (SFD) and Category B-2 Service Commitments to two new Single-Family Attached (SFA) residential projects (see attached map). These Resolutions relate to the City's Growth Management Program and are based on the findings established in Section 11-3-1 of the Westminster Municipal Code.

**Summary**

In December 2000, as part of the City's Growth Management Program, City Council allocated a total of 30 Category B-1 (SFD), 35 Category B-2 (SFA), and 11 Category E (Senior Housing) Service Commitments (SC's) to be awarded on a competitive basis for new development. These SC's were to be awarded to one new SFD project, one or two new SFA project(s), and one new senior housing project in the year 2001. City Staff received a total of four applications (two SFD, two SFA, and no senior housing) by the January 25, 2001 deadline. A map showing the location of each proposed project is attached. Below is a summary of the applications and the SC totals requested per year:

<u>Project/Location</u>	<u>Developer</u>	<u>Acres</u>	<u>Units</u>	<u>du/a*</u>	<u>Score</u>	<u># SC's Requested</u>			
						'01	'02	'03	<b>Total</b>
<b><u>Single-Family Detached Projects:</u></b>									
<b>The Covenant</b> W. of Sheridan Bl. at 115th Ave.	Centex Homes	17.1	47	3.5	<b>3630</b>	0	30	17	<b>47</b>
<b>Tuscany Villas at The Ranch Reserve</b> NEC 112th Ave. & Federal Bl.	Bosch Land Group	8.13	27	3.3	<b>3430</b>	27	0	0	<b>27</b>
<b>TOTALS (SFD)</b>			<b>74</b>		<b>200</b>	<b>27</b>	<b>30</b>	<b>17</b>	<b>74</b>

*point diff.*

**Single-Family Attached Projects:**

<b>88th &amp; Federal Condominiums</b> NWC 88th Ave. & Federal Bl.	Katchen & Company	9.7	96	9.92	<b>2650</b>	11.2	28	28	<b>67.2</b>
<b>Eliot Street Duplexes</b> N. of 104th Ave., east of Eliot St.	Universal Developm.	1.7	12	8.8	<b>2050</b>	4.2	4.2	0	<b>8.4</b>
<b>TOTALS (SFA)</b>			<b>108</b>		<b>600</b>	<b>15.4</b>	<b>32.2</b>	<b>28</b>	<b>75.6</b>

*\*Dwelling Units Per Acre*

*point diff.*

In both of the competitions listed above, the total number of Service Commitments requested for the two projects in each competition for 2001 does not exceed the total number of SC's available for the competitions. For instance, 30 SC's are available for the single-family detached competition, however, only 27 total are requested in 2001 for both projects. Likewise, a total of 35 SC's are available for the single-family attached competition, however, only 15.4 SC's are requested for both of these projects in 2001. Also, as previously mentioned, no senior housing applications were submitted, so the 11 SC's set aside for that competition will not be awarded at this time.

Staff is recommending awarding both SFA projects as authorized by City Council. Although City Council had previously anticipated award of SC's to only one SFD project, Staff recommends award to both projects for the following reasons:

- The SC's requested for both SFD projects in 2001 (27 SC's) do not exceed the 30 SC's set aside for the competition. No supplemental Service Commitment allocation for 2001 would be necessary.
- The lower-scoring SFD project (Tuscany Villas at The Ranch Reserve) is a smaller project proposing 27 units in total, which would not significantly impact the overall Service Commitment supply.
- The total number of units requested for build-out of both projects is 74 units. This is significantly less than the total units awarded in previous SFD competitions. The average number of total units awarded in previous SFD competitions over the last three years was just over 300 total units per competition.
- The difference in point totals for the two SFD projects is only 200 points. The applicant of Tuscany Villas chose various incentive items (totaling 3,430 points) that go beyond the City's minimum design guidelines.
- Tuscany Villas is proposed by part of the development team responsible for development of the rest of The Ranch Reserve. Allowing this project to proceed would help ensure design consistency with the adjacent development under construction and would complete the last remaining residential parcel within that Planned Unit Development.
- Because the City received no senior housing competition submittals, the 11 SC's available in 2001 (and the future year awards that would have been necessary) for that project could be made available for this additional SFD project if necessary.

### **Policy Issues**

One policy issue for City Council consideration is whether to award Service Commitments to two single-family detached projects when only one project was previously planned for in 2001. Staff believes awarding to both projects would not subject the City to any negative effects and would provide another quality-oriented development consistent with the adjacent development. (Please refer to comments detailed in the Summary section above).

### **Staff Recommendation**

1. Adopt Resolution No. 16 awarding Category B-1 Service Commitments to two new single-family detached residential projects: The Covenant, and Tuscany Villas at The Ranch Reserve.
2. Adopt Resolution No. 17 awarding Category B-2 Service Commitments to two new single-family attached projects: The 88<sup>th</sup> & Federal Condominiums, and the Eliot Street Duplexes.

### **Background Information**

The Growth Management Program within the Westminster Municipal Code does not permit City Staff to review any Category B or new senior housing project until Service Commitments have been awarded to the project. The intent of these Service Commitment competitions is to provide a limited number of new residential projects to proceed to the City's development review process. The City requires each applicant to submit a sketch plan as part of the competition process to help ensure developers consider the specific site before agreeing in advance to provide incentive items. This helps prevent developers from making commitments to the City that they ultimately cannot fulfill. The City does not formally review each sketch plan during the competition process. Only after a project is awarded Service Commitments, does Staff begin review of the project with the developer.

The focus of these new residential competitions is on the score sheets submitted by each applicant and the total points received by each project. In order to compete for Service Commitments in any competition, each project must meet all of the minimum requirements in the City's Residential Design Guidelines. Projects receive points in each competition by providing "incentive" items the applicants choose, also listed in the Guidelines. If an applicant chose to provide an incentive item on the score sheet, that item will be required if that project is awarded Service Commitments whether or not it was shown on the sketch plan submitted for the competition. Incentive substitutions may be considered during the development review process, but the substitutions must meet or exceed the score received in the competition.

Because of the uncertainty of whether a project will be chosen in a competition, and the expense and time involved, engineering plans and studies are not required in order to enter the competitions. However, because this detailed level of review is not yet required, the Service Commitment awards do not guarantee approval of a project. A thorough review of each winning project will be necessary, and the sketch plans submitted for the competitions will most likely change prior to City approval. Because development plans are not reviewed as part of this competition process, and the site plans may change dramatically during the development review process, the sketch plans submitted for these competitions are not reviewed with City Council as part of this competition. Staff review, Planning Commission review, and possibly City Council review, of any and all required Preliminary and Official Development Plans are required following the Service Commitment awards.

Notification letters were mailed to the four developers who submitted projects for these competitions. The letters detail the final scores within the competitions and the Staff recommendation for Service Commitment awards for the February 26, 2001 City Council meeting. Because City Staff is recommending award to each of the submitted projects, the developers will not give presentations on their projects at the February 26 City Council meeting.

Applicants for each of these projects chose various incentive items to incorporate should the projects receive Service Commitments as part of these competitions. Some of the amenities the applicants chose, for each of the projects submitted, include the following:

The Covenant (SFD)

- Additional arterial or collector street right-of-way for berming and additional landscape area; and
- Greater side setbacks for all residences; and
- Five-foot wide sidewalks detached five feet from the curb with street trees on both sides of the local street; and
- Land set aside for private open space; and
- 30% or more masonry on front, side, and rear elevations abutting streets, open space, trails, or parks; and
- Additional trees in the front yard of every residence; and
- Additional landscaping in the private landscaped and right-of-way areas, etc.

Tuscany Villas at The Ranch Reserve (SFD)

- Land set aside for private open space; and
- Off-street concrete path through the private open space area; and
- Five-foot wide sidewalks detached five feet from the curb with street trees on both sides of the local street; and
- Offsets in perimeter wall for landscaping; and
- 30% or more masonry on all sides of all residences; and
- Developer-installed, entire front and side yard landscaping with automatic sprinkler systems; and
- Additional landscaping in the private and right-of-way landscaped areas, etc.



88<sup>th</sup> & Federal Condominiums (SFA)

- At least 50% of the required parking within attached garages; and
- Pool and a clubhouse/meeting facility; and
- Two volleyball courts; and
- Private patio and/or balcony area on at least 50% of all units; and
- At least 50% of Each building finished with at least 50% brick or stone; and
- Additional landscaping in the private and right-of-way landscaped areas; and
- Street median/landscape island at the entranceway, etc.

Eliot Street Duplexes (SFA)

- Five-foot wide sidewalks detached five feet from the curb with street trees on both sides of the local street; and
- 100% of the required parking within attached garages (most of which are side-load design); and
- No more than six adjacent units per building; and
- Private patio and/or balcony area on 100% of the units; and
- Private landscaped area above the 40% min. requirement to 50% or more; and
- Additional landscaping in the private and right-of-way landscaped areas; and
- At least 50% of the trees of larger size than the minimums required, etc.

**Alternatives**

1. *Deny Resolution No. 16 awarding Category B-1 Service Commitments to The Covenant and Tuscan Villas at The Ranch Reserve single-family detached projects.* Direct Staff to draft an alternate Resolution awarding B-1 Service Commitments only to the higher scoring project, The Covenant. Because The Covenant is not requesting any Service Commitments in 2001, the 30 Category B-1 Service Commitments City Council previously allocated for 2001 would be returned to the water supply figures at the end of the year. As detailed in the Summary section of this report, Staff believes there is more than adequate justification to allow both projects to proceed.
2. *Deny Resolution No.17 awarding Category B-2 Service Commitments to the 88<sup>th</sup> & Federal Condominiums and the Eliot Street Duplexes single-family attached projects.* Direct Staff to draft an alternate Resolution awarding B-2 Service Commitments only to the higher scoring project, 88<sup>th</sup> & Federal Condominiums. Staff believes it would be beneficial to the City to allow both projects to proceed and would follow City Council's previous direction. Allowing only the top-scoring project to proceed would only slightly reduce the number of Service Commitments needed in 2001 (from 15.4 to 11.2) for this competition and would minimally reduce the total number of Service Commitments necessary for award from 75.6 to 67.2. Even though the lower scoring project is much smaller in size than the higher scoring project (12 units versus 96), the applicant did commit to incentives totaling 2,050 points (only 600 fewer points than the much larger project) helping ensure another quality project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL)  
COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 30 Service Commitments for the year 2001 for use in servicing new single-family detached residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, two applications were received for the single-family detached competition with a total of 74 Service Commitments requested over the next three years for the total build-out of the 74 total single-family detached units proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

- 1. Category B-1 Service Commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>	<b># Service Commitments per Year</b>			
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>Total</u>
The Covenant	0	30	17	<b>47</b>
Tuscany Villas at The Ranch Reserve	<u>27</u>	<u>0</u>	<u>0</u>	<u>27</u>
	27	30	17	<b>74</b>

- 2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.

- b. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
- c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
- d. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such sketch plans will be required once the City's development review process begins for any project.
- e. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- f. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.
- g. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- h. The Category B-1 Service Commitment awards shall be valid for a period of three years from the date of award specified on this Resolution (February 26, 2001) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment awards for each project specified in this Resolution shall expire for the entire project unless at least one building permit is issued for the project during that three-year period. Thereafter, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period. Future year awards are effective as of January 1 of the specified year.
- i. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
- j. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.

3. The Category B-1 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 26<sup>th</sup> day of February, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CATEGORY B-2 (NEW SINGLE-FAMILY ATTACHED RESIDENTIAL)  
COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-2 (new single-family attached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family attached development is limited, and the City of Westminster has previously adopted Resolution No. 94, Series of 2000, specifying the various standards for new single-family attached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 35 Service Commitments for the year 2001 for use in servicing new single-family attached residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, two applications were received for the single-family attached competition with a total of 75.6 Service Commitments requested over the next three years for the total build-out of the 108 total single-family attached units proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

- 1. Category B-2 Service Commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>	<b># Service Commitments per Year</b>			
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>Total</u>
88th & Federal Condominiums	11.2	28	28	<b>67.2</b>
104th & Eliot Street Duplexes	<u>4.2</u>	<u>4.2</u>	<u>0</u>	<b>8.4</b>
	15.4	32.2	28	<b>75.6</b>

- 2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.

b. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.

c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-2 award.

d. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such sketch plans will be required once the City's development review process begins for any project.

e. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.

f. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.

g. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.

h. The Category B-2 Service Commitment awards shall be valid for a period of three years from the date of award specified on this Resolution (February 26, 2001) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment awards for each project specified in this Resolution shall expire for the entire project unless at least one building permit is issued for the project during that three-year period. Thereafter, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period. Future year awards are effective as of January 1 of the specified year.

i. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

j. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.

3. The Category B-2 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 26<sup>th</sup> day of February, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Resolution No. 18 re Acquisition of Water Carriage Easements  
**Prepared by:** Michael Happe, Senior Water Resources Engineer

**Introduction**

City Council action is requested to authorize the acquisition of easements and a permanent right for the carriage of water through two irrigation ditches on the South Platte River to the future Wattenberg water storage reservoirs located in Weld County, through condemnation, if necessary. Funds for these expenses are available in the Gravel Lake Storage Project account of the Water Capital Improvement Project Fund.

**Summary**

The City of Westminster is in the process of developing gravel lake storage near Wattenberg in Weld County, in order to increase the efficiency of its raw water supply system. One of the options to get water to the Wattenberg storage site is through the use of two existing irrigation ditches. Staff has entered into negotiations with the Brighton Ditch Company and the Brantner Ditch Company for the use of unused capacity in these ditches to carry Westminster's water from the South Platte River to the water storage reservoirs. However, if the negotiations fail, it may become necessary to proceed with condemnation.

**Policy Issue**

Should the City use its power of eminent domain, if necessary, to acquire easements and carriage rights in order to carry water through these irrigation ditches to the City's developing gravel lake storage reservoirs?

**Recommendation**

Adopt Resolution No. 18 authorizing City Staff to contact the ditch companies and initiate negotiations to acquire the necessary carriage rights through the Brighton and Brantner/New Brantner Ditches and easements from said ditches needed to carry water from the South Platte River to the Wattenberg Lake storage project, through condemnation, if necessary.

**Alternatives**

Instead of using these irrigation ditches to get water from the South Platte River to the Wattenberg Lake storage project, find other ways to carry water to the project.

**Background Information**

Westminster is in the process of developing gravel lake storage along the South Platte River near Wattenberg, Colorado, in order to increase the overall efficiency of Westminster's overall water supply system. This storage is being constructed in accordance with an agreement with Aggregate Industries and will take several years to complete. Under this agreement, it is Westminster's responsibility to develop inlet facilities to get water into the reservoir from the South Platte River. One of the options to get water from the South Platte River to the Wattenberg storage site is to acquire carriage rights in existing irrigation ditches that take water from the South Platte River and run close to the future storage site. One of the reasons that the Wattenberg site was deemed attractive to Westminster was the proximity to two existing irrigation ditches that take water from the South Platte and run close to the Wattenberg site. These ditches are the Brighton Ditch and the Brantner Ditch.

Staff has begun negotiations with these entities on the possibility of acquiring carriage rights in these ditches to allow Westminster to carry Westminster's water rights to the Wattenberg Lake site. It is Staff's intent to pursue these carriage rights through continued negotiations; however, if the negotiations should fail, it might become necessary to pursue condemnation.

Funds for these acquisitions are available in the Gravel Lake Storage Capital Improvement account in the Water Fund.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **18**

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2001

---

WHEREAS, the City of Westminster is in the process of developing lined gravel storage near Wattenberg, Colorado (“the Property”). The lined gravel storage will be incorporated into the City’s municipal water supply; and

WHEREAS, there exist two irrigation ditches that could serve as a physical means to carry water from the South Platte River for storage in the City’s lined gravel storage at the Property. These ditches are known as the Brighton Ditch and the Brantner Ditch/New Brantner Ditch; and

WHEREAS, the headgate of the Brighton Ditch is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, Township 1 South, Range 67 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado. The Brighton Ditch runs in a northeastern direction and is immediately adjacent to the Property; and

WHEREAS, the headgate of the Brantner Ditch is located on the west bank of the South Platte River in the NE1/4SW1/4 of Section 4, Township 2 South, Range 67 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado. The Brantner Ditch and the New Brantner Ditch divert from the same headgate. The Brantner Ditch runs in a northeastern direction and then becomes the New Brantner Ditch. The New Brantner Ditch continues in a northeastern direction and runs parallel to the Property a distance of approximately 1 mile from the western boundary of the Property; and

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain certain property interests in the form of carriage rights through the Brighton and Brantner/New Brantner Ditches and easements from said ditches to the Property needed to carry water from the South Platte River for storage in the lined gravel storage ultimately constructed at the Property (the “Property Interests”); and

WHEREAS, Westminster City Staff has had a number of ongoing discussions with representatives of the Brighton Ditch Company, the New Brantner Ditch Company and the intervening landowner between the New Brantner Ditch and the Property. Staff intends to continue these discussions for the purpose of securing the necessary Property Interests for purposes of conveying water from the South Platte River to the Property; and

WHEREAS, these continuing efforts will involve the preparation of an appraisal by a professional company experienced in performing appraisals to determine the fair market value for the Property Interests; and

WHEREAS, the City will continue to make an earnest good faith offer of purchase for each of the Property Interests; and

WHEREAS, a municipal public purpose exists to acquire the Property Interests for purposes of conveying the City’s water rights from the South Platte River to the Property. The Property Interests are necessary to fully utilize the lined gravel storage to be constructed at the Property as a part of the City’s municipal water supply system; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and



WHEREAS, the City finds that if acquisition by condemnation of any of the Property Interests described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare.

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the Property Interests.

2. City Staff's negotiations to acquire the Property Interests are hereby ratified. The City Manager is hereby authorized to acquire such Property Interests consistent with applicable law, including the execution of all documents necessary to complete these purchases, on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the Property Interests, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the Property Interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the Property Interests.

4. The City Manager is further authorized to incur reasonable costs associated with acquiring the Property Interests, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the Gravel Lake Storage Account of the Water Capital Improvement Project Fund.

5. The City Manager is hereby authorized to amend the descriptions of the Property Interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement.

PASSED AND ADOPTED this 26<sup>th</sup> day of February, 2001.

---

Mayor

ATTEST:

---

City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 26, 2001  
**Subject:** Change Date for Council Meeting in March  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to change the date of the first City Council meeting in March at this time.

**Summary**

The first City Council meeting of March would normally be held on Monday, March 12th. A majority of the City Council members will be at the National League of Cities legislative meeting. Therefore, it is requested to formally change the date of the first Council meeting in March to Monday, March 5<sup>th</sup>. The second Council meeting of the month would remain on the fourth Monday of March, which is March 26th.

**Staff Recommendation**

Change the date of the first regular meeting of City Council in March from March 12th to March 5<sup>th</sup>.

Respectfully submitted,

William M. Christopher  
City Manager

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 26, 2001.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Moss. Absent was Councillor Kauffman.

The minutes of the February 12, 2001 Council meeting were approved with no additions or corrections.

Mayor Heil presented Employee Service Awards to employees with 10, 15, 20 and 25 years of service. Mayor Heil recognized "Geoie" Writer as 2000 Builder of the Year. Scott Major, Mark Kaiser, Joan Smith and Chuck Henzel of Adams County School District 50 proclaimed February 28, 2001 as Bill Christopher Day recognizing his efforts.

Council re-appointed Michael Condon, Bill Nordberg, David Tracy and John Velasquez to the Special Permit and License Board with all terms of office to expire December 31, 2002.

Council authorized the following: a lease/purchase agreement for the 2001 personal computer replacement program for an amount not to exceed \$419,925; a contract with Western States Reclamation in the amount of \$442,928 with a 10% contingency and payment of a 2" water tap in the amount of \$69,436 for Foxshire Park development; an agreement with CIRSA for the purchase of excess insurance for \$191,816 and Boiler and Machinery insurance for \$30,011; a contract for construction of the 76<sup>th</sup> Avenue improvements with TARCO, Inc. in an amount not to exceed \$204,300, authorize a total of \$215,000 for this contract, including construction surveying and a project contingency and authorize the use of any balance of funds after project completion be applied toward paving the widened 76<sup>th</sup> Avenue under the City's year 2001 Asphalt Replacement Program; bid for a two and a half yard front end loader and a 5,000 hour/seven year warranty to Power Motive in the amount of \$64,586; a lease/purchase agreement for the PCs for the CAD/RMS for an amount not to exceed \$589,500; reviewed the Financial Report for January 2001; change of date of the first regular meeting of City Council from March 12 to March 5, 2001.

Council tabled action on the 2001 Traffic Signal Project Equipment Purchase.

The following Councillor's Bills were introduced on first reading:

A BILL FOR AN ORDINANCE CERTAIN SECTIONS OF TITLE XI, CHAPTER 2 AND CHAPTER 11 OF THE OFFICIAL CODE PERTAINING TO DEFINITIONS AND SIGN REGULATIONS purpose: amending Section 11-11 of the Westminster Municipal Code pertaining to signs. Council discussed several revisions to be brought back on second reading.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM purpose: delete the existing requirement for an approved foundation inspection within 60 days of building permit issuance.

The following Councillor's Bill was adopted on second reading:

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE WATER PORTION OF THE UTILITY

The following Resolutions were adopted:

Resolution No. 12 – Reappointments to Special Permit and License Board  
Resolution No. 16 – Category B-1 Service Commitment Awards  
Resolution No. 17 - Category B-2 Service Commitment Awards  
Resolution No. 18 – Acquisition of Water Carriage Easements as amended

At 9:25 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on March 1, 2001