



WESTMINSTER  
COLORADO

June 24, 2002  
7:00 P.M.

## CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (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. Proclamation re National Lakes Appreciation Week
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. May 2002 Financial Report
  - B. City Participation in 108<sup>th</sup> Avenue Construction
  - C. Quail Creek/Bull Canal Gas Pipeline Relocation
  - D. Amendment to Contract with VALIC for Administration of the City's Deferred Comp (457) Plan
  - E. Strategic Planning Consulting Services
  - F. Inflow & Infiltration Study Contract Change Order
  - G. Large Water Meter Purchase
  - H. CB No. 25 re Supplemental Appropriation for Walnut Creek Trail (Kauffman-Atchison)
  - I. CB No. 26 re Supplemental Appropriation for Faversham Park (McNally-Hicks)
  - J. CB No. 28 re 2002 Wastewater Tap Fees (Atchison-Dixon)
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Fire Department IGA Mutual Aid Agreement Update
  - B. Resolution No. 35 re Approval of AT&T/Comcast Transfer of Control of Cable Franchise
11. Old Business and Passage of Ordinances on Second Reading
  - A. CB No. 27 re 2002 Water Tap Fees and Waste of Water (Atchison-Dixon)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
13. Adjournment

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 24, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by McNally to accept the minutes of the meeting of June 10, 2002 with addition wording "voicing his concerns" added regarding Chris Spahn's comments under Citizen Communication. The motion carried unanimously.

PRESENTATIONS

Councillor Dittman presented Kipp Scott, Water Quality Administrator, with a certificate proclaiming June 30 – July 7 as "National Lakes Appreciation Week."

CITIZEN COMMUNICATION

Terry Jensen, 10396 Quail St, and Robbie Baker, 9735 Iris St, addressed Council in reference to the Junior High School planned by Jefferson County School District to be located near Standley Lake on 100<sup>th</sup> Avenue, and presented Council with a petition in opposition to the proposed school with 375 signatures.

Robert Patlovany, 11328 Eaton St, addressed Council voicing his opposition to the speed bumps located within his neighborhood.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the dedication, at 5:30 this evening of the Statue of Repentance which was donated to the City in honor of previous Mayor Nancy Heil. The sculpture was donated by Jim Sullivan. He also advised the audience that there would be an executive session item to discuss an Economic Development issue.

COUNCIL COMMENTS

Councillor Dixon commented on the Colorado Municipal League conference she attended in Breckenridge. She also congratulated Councillor Hicks on being elected vice chair of the Mayors and Councillor's section of CML.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: May 2002 Financial Report; City Participation in 108<sup>th</sup> Avenue Construction for \$54,596; Quail Creek/Bull Canal Pipeline Relocation with Xcel Energy for \$112,000; Amendment to Contract with VALIC for Deferred Comp Plan; Strategic Planning Consulting Services with Lyle Sumek & Associates not to exceed \$50,000; Inflow & Infiltration Study Contract Change Order with ADS Environmental Services for \$19,515; Large Water Meter Purchase for \$30,295; CB No. 25 re Supplemental Appropriation for Walnut Creek Trail; CB No. 26 re Supplemental Appropriation for Faversham Park; CB No. 28 re 2002 Wastewater Tap Fees. 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. Councillor Dixon asked that the Quail Creek/Bull Canal Gas Pipeline Relocation item be removed for separate discussion.

Councillor Dittman moved, seconded by McNally to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

QUAIL CREEK/BULL CANAL GAS PIPELINE RELOCATION

Councillor Dixon moved, seconded by Atchison to authorize the City Manager to execute an agreement with Xcel Energy to lower the existing gas transmission pipelines necessary to construct the Quail Creek/Bull Canal Relocation project and make payment to Xcel in the amount of \$112,000 for the relocation. The motion carried unanimously.

FIRE DEPARTMENT IGA MUTUAL AID AGREEMENT UPDATE

Councillor Dixon moved, seconded by McNally to authorize the City Manager and Fire Chief to execute an Intergovernmental Agreement regarding Mutual Aid between the City of Westminster and participating Fire Departments or Fire Protection Districts throughout the Denver-Front Range area. The motion carried unanimously.

RESOLUTION NO. 35 RE APPROVAL OF AT&T/COMCAST TRANSFER OF CABLE FRANCHISE

Councillor Kauffman moved, seconded by Dittman to adopt Resolution No. 35 consenting to the transfer of control of the City's cable television system franchise to AT&T/Comcast Corporation. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 27 RE 2002 WATER TAP FEES AND WASTE OF WATER

Mayor Pro-Tem Atchison moved, seconded by Dixon to pass Councillor's Bill No. 27 on second reading implementing the 2002 modifications to the City Code regarding water tap fees and the introduction of language addressing waste of water.

Councillor Hicks moved, seconded by Dixon for a call of the question. The motion carried unanimously.

Upon roll call vote on the main motion, the motion carried with dissenting votes from Kauffman, McNally, and Moss.

CITIZEN COMMUNICATION

Robbie Baker, 9735 Iris St, and Dan Seymour, 9948 W 99<sup>th</sup> Ave., addressed Council regarding the Standley Lake Dam.

Mike Farley, 7370 Vrain, addressed Council requesting a sign on Bradburn Boulevard at 72<sup>nd</sup> Avenue warning drivers that their vehicle may roll into the intersection. He also addressed vehicles located on private property that is not properly licensed, and suggested the City issue a permit and vehicle not be required to be licensed.

Kathy Oister, 9727 Kipling Street and Donna Nespoli, 9881 Kline Street addressed Council regarding the Jefferson County R-1 School District proposed Junior High School to be located near Standley Lake

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an Economic Development item.

ADJOURNMENT:

The meeting was adjourned at 8:15 P.M.

ATTEST:

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City Clerk

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Proclamation re National Lakes Appreciation Week

**Prepared By:** Kipp Scott, Water Quality Administrator

**Recommended City Council Action**

Proclaim the week of June 30 – July 7, 2002 as “National Lakes Appreciation Week” in the City of Westminster.

**Summary Statement**

- National Lakes Appreciation Week focuses on the importance and limited nature of our Nation’s water supply, specifically our lakes.
- The objective of this week is to draw attention to the value and importance of lakes and reservoirs.
- The North American Lake Management Society (NALMS) and the State chapter, the Colorado Lake and Reservoir Management Association (CLRMA), are promoting the Second Annual Lakes Appreciation Week during June 30 – July 7, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

The North American Lake Management Society (NALMS) sets aside one week per year to educate and inform others of the value that lakes and reservoirs bring to their everyday life. The policy issue is whether the City of Westminster should support this endeavor of NALMS.

**Alternatives**

Choose not to proclaim the week of June 30 – July 7, 2002 as National Lakes Appreciation Week in the City of Westminster.

**Background**

The surface area and number of lakes in North America far exceed those of any other continent. Yet, lakes are our nations most under appreciated natural resource. The public uses lakes for a variety of purposes: water supply for municipal, industrial and agricultural use; recreation including boating, swimming, and fishing; flood control; and aesthetic enjoyment. Lakes are often considered as "free" resources by lake users and this can result in abuse and neglect.

However, Westminster has succeeded in taking on the challenge of managing this broad spectrum of uses at Standley Lake. Most importantly, it serves as raw water storage for the City's drinking water supply, but it is also a valuable resource for the many other purposes listed above.

Development of the regional park will serve to increase its value as a recreational facility as well as enhance the overall aesthetic enjoyment of the area.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Lakes and ponds in general are important resources to Westminster's way of life and its environment, providing water supply, sources of recreation, scenic beauty and habitat for wildlife; and

**WHEREAS**, Standley Lake is an integral part of the Westminster community as a water supply, recreational area and an aesthetic resource; and

**WHEREAS**, Westminster recognizes the need to protect these lakes and ponds for future generations;

**NOW, THEREFORE**, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of June 30 through July 7, 2002 as

**National Lakes Appreciation Week**

in the City of Westminster and invite all citizens to take due note of the observance and urge them to get out and enjoy the City's many lakes and ponds and become more informed about their importance.

Signed this 24th day of June, 2002.

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Mayor Ed Moss



WESTMINSTER  
COLORADO  
Agenda Memorandum

City Council Meeting  
June 24, 2002

**SUBJECT:** Financial Report for May 2002

**Prepared By:** Mary Ann Parrot, Finance Director

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

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached to this monthly financial report; this reflects April sales tax receipts received in May.

- Across all shopping centers, total receipts are down 7% over the four-month period from last year (Sales and Use Taxes). Sales Tax receipts (only) are down 5% year to date from the same period last year.
- The Westminster Mall is down 6.1% for May, assuming adjustment for two receipts received in one month. The Westminster Mall is down 14.3% year-to-date, compared to last year.
- These figures are generally better than last month's figures for the one-month and year-to-date periods:
  - Shopping center receipts were down 8% year to date and returns (only) were down 5%
  - The mall was down 21% for the month of April and 17.5% year to date.
  - Staff remains cautious with regard to this financial news as it only represents one month of data.

Key features of the monthly financial report for May are as follows:

- At the end of May, five of 12 months or 41.7% of the year has passed. In many cases, actual revenues do not flow evenly at 8.3% per month. Pro-rated revenues will reflect expected revenue flows based on history. Expenditures are pro-rated at 8.3%, reflecting even flows. The Sales and Use Tax Fund is currently \$1,560,122 under the pro-rated budget for the year. The May figures reflect the sales in April, tax receipts received in May. Returns are down for May 2002 compared to May 2001 by 3.0%, and by 9.9% year to date (for 5 months January-May) due to the pressures of the recession in the metropolitan area and unusually large sales tax collections in April of 2001. If the current trend continues for the year, the Sales and Use Tax Fund will be under budget by \$4.2 million. This will affect the General Fund and the General Capital Improvement Fund, as the sales tax transfers comprise a large portion of both these funds. Staff expected the Sales and Use Tax Fund to struggle this year as the City navigates through a year of recession for the Denver area in general.
- The General Fund currently is at 104% of revenues pro-rated for five months. This will help to offset the shortfall in the Sales Tax Fund to some extent, as Taxes, Charges for Other Services and Miscellaneous are all over pro-rated budget. Intergovernmental revenues are below budget. Staff has developed a plan to maintain the integrity of the Sales Tax and General Fund budgets through a variety of measures: carrying forward funds from last year, delaying selected capital projects, reducing General Fund expenditures across all departments and, lastly, implementing a hiring freeze for the remainder of this year. Currently, if the situation does not worsen, the General Fund will have a balanced budget for the year.
- The Water/Wastewater Enterprise revenues are currently over pro-rated budget by \$4.482 million due primarily to tap fees exceeding budget at the beginning of the year.
- With regard to the Golf Course Enterprise, revenues for Legacy are 64% of pro-rated budget; revenues for Heritage are 54% of pro-rated budget.
- All funds except Open Space (note below) and Legacy Golf Course currently stand at less than 100% of their respective expenditures when using pro-rated expenditures for this time of year.

**Expenditure Required:** \$0  
**Source of Funds:** N/A

### **Policy Issue**

A monthly review of the City's financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

### **Alternative**

Conduct a quarterly review. This is not recommended, as the City's budget and financial position are large and complex, warranting a monthly review by the City Council.

### **Background Information**

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. The term "pro-rated," when used with revenues and expenditures, in this report, refers to the expected revenues collected or expenditures incurred by a certain date in time based on historical trends.

### General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, General Services and Information Technology.

At the end of May, the General Fund is in the following position regarding both revenues and expenditures, although it is still too early in the fiscal year to predict end-of-the-year results:

- Over pro-rated budget in revenues by \$1,018,624 (104% of pro-rated budget). However, this does not reflect the reduced tax collections noted in the sales tax section below.
- Under pro-rated budget in expenditures by \$4.8 million (84% of pro-rated budget).

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of May, the Enterprise is in a positive position.

- Over pro-rated budgeted revenues by a combined \$4.482 million:
  - Water revenues over pro-rated budget by \$3.991 million (153% of pro-rated budget), due primarily to a developer paying \$2.3 million for residential tap fees in February, positive variances in rates and charges and interest earnings, due to higher balances in this fund, and a reimbursement for Standley Lake spillway construction expenditures in April. The build up of reserves in this fund will finance capital replacement and necessary expansion over the long term, as planned.
  - Wastewater revenues over pro-rated budget by \$491,023 (112% of pro-rated budget), mostly due to collections for the month from monthly customers and tap fees from builders. Again, these reserves will finance capital replacement and expansion over the long term.
- Under pro-rated budget in expenditures by a combined \$ 3.512 million. The major reasons for this is that debt service payments due in December have not yet been made or accrued, and utility construction and repairs are seasonal expenditures:
  - Water under pro-rated expenditures budget by \$ 2.452 million (74% of pro-rated budget).
  - Wastewater under pro-rated expenditures budget by \$1,060,328 (69% of pro-rated budget).



Sales and Use Tax Funds (Sales Tax Fund and Open Space Fund)

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Funds are pledged to meet debt service on the POST bonds and to buy open space and make park improvements on a pay-as-you-go basis. At the end of April, the position of these funds is as follows:

- Sales Tax Fund - Under pro-rated budget in revenues by \$1,560,122 million (93% of pro-rated budget). If this continues, the Sales Tax Fund will be under budget for the year by approximately \$4.2 million.
- Sales Tax Fund - Even with expenditures because of the transfers to various other funds.
- Open Space Tax Fund - Over pro-rated budget in revenues by \$523,826 (127% of pro-rated budget), for the following reason: interfund transfers from the General Capital Improvement Fund were made as scheduled, according to the December 2001 appropriation of Year 2000 funds from excess Jeffco and Adco Attributable Shares for Open Space and also to recognize interest earnings on bond proceeds.
- Open Space Tax Fund - Over pro-rated budget in expenditures by \$38,128 (102% of pro-rated budget). This is caused by an early land purchase. These “lumpy” purchases will skew the appearance of the flow of expenditures in this fund, as expenditures often do not flow at 8.3% per month.

Golf Course Funds (Legacy and Heritage- the Golf Course Enterprise)

These funds reflect the operations of the City’s two municipal golf courses.

- Legacy - Under pro-rated budget in revenues by \$258,305 (64% of pro-rated budget).
- Legacy - Over pro-rated budget in expenses by \$15,980 (103% of pro-rated budget). This variance is operations only and excludes the impact of the debt service payments that will be due in December.
- Heritage - Under pro-rated budget in revenues by \$342,812 (54% of pro-rated budget).
- Heritage – Under pro-rated budget in expenditures by \$44,807 (92% of pro-rated budget). Again, this excludes the impact of the debt service payments due in December.

Staff will attend at the June 24th City Council Meeting to address any questions.

Respectfully submitted,

J Brent McFall  
City Manager

Attachments

City of Westminster  
 Revenue Report For Council  
 For the Month Ended May 31, 2002

| Description                          | Budget               | Current Period        | Year-to-Date                         | Notes | Budget               | Current Period        | Year-to-Date                         |
|--------------------------------------|----------------------|-----------------------|--------------------------------------|-------|----------------------|-----------------------|--------------------------------------|
|                                      | 2002<br>YTD          | Actual<br>2002<br>May | Actual<br>01/02-05/02<br>Grand Total |       | 2001<br>YTD          | Actual<br>2001<br>May | Actual<br>01/01-05/01<br>Grand Total |
| <b>General Fund Revenues</b>         |                      |                       |                                      |       |                      |                       |                                      |
| Carryover                            | 4,279,983.00         |                       |                                      |       | 3,616,502.00         |                       | 0.00                                 |
| Taxes                                | 3,288,000.00         | 879,992.36            | 2,360,142.21                         |       | 2,951,000.00         | 501,180.38            | 1,946,736.10                         |
| Licenses & Permits                   | 1,428,000.00         | 158,406.13            | 753,393.67                           |       | 2,318,919.00         | 199,064.49            | 949,445.85                           |
| Intergovernmental Revenue            | 4,655,000.00         | 91,303.83             | 1,373,907.01                         | (1)   | 4,804,690.00         | 281,337.69            | 1,652,758.22                         |
| Recreation Charges                   | 4,604,000.00         | 571,288.62            | 2,236,778.23                         | (2)   | 4,613,100.00         | 441,432.24            | 1,986,147.37                         |
| Franchise Fees                       | 2,475,000.00         | 625,343.78            | 1,208,079.41                         | (1)   | 2,607,047.00         | 375,513.85            | 1,125,213.85                         |
| General Service Charges              | 2,483,677.00         | 316,440.78            | 1,133,930.61                         |       | 2,240,000.00         | 303,378.51            | 1,484,946.22                         |
| Fines                                | 1,900,000.00         | 161,414.39            | 665,017.17                           |       | 1,900,000.00         | 158,763.02            | 713,846.80                           |
| Interest Income                      | 400,000.00           | 54,388.01             | (2,460.76)                           |       | 350,000.00           | 53,573.96             | 163,742.92                           |
| Misc                                 | 216,496.00           | 20,270.53             | 122,765.44                           |       | 238,816.00           | 136,601.88            | 281,006.56                           |
| Leases                               | 575,000.00           | 0.00                  | 143,750.00                           |       | 525,000.00           | 84,246.00             | 168,110.00                           |
| Refunds                              | (65,000.00)          | (3,850.00)            | (3,850.00)                           |       | (51,862.00)          | (1,570.00)            | (2,095.00)                           |
| Interfund Transfers                  | 46,527,000.00        | 3,877,250.00          | 19,386,250.00                        |       | 48,199,000.00        | 3,751,833.33          | 18,759,166.65                        |
| Other Financing Sources              |                      |                       | 0.00                                 |       | 1,003,943.00         | 0.00                  | 0.00                                 |
| <b>Revenues Total General Fund</b>   | <b>72,767,156.00</b> | <b>6,752,248.43</b>   | <b>29,377,702.99</b>                 |       | <b>75,316,155.00</b> | <b>6,285,355.35</b>   | <b>29,229,025.54</b>                 |
| <b>Water Fund Revenues</b>           |                      |                       |                                      |       |                      |                       |                                      |
| Carryover                            | 4,598,304.00         |                       | 0.00                                 |       | 2,916,780.00         |                       | 0.00                                 |
| License & Permits                    | 70,000.00            | 7,800.00              | 40,850.00                            |       | 70,000.00            | 8,040.00              | 40,140.00                            |
| Intergovernmental Revenue            | 50,000.00            | 0.00                  | 31,100.31                            |       | 67,133.00            | 0.00                  | 25,561.51                            |
| Water Sales                          | 20,141,775.00        | 1,954,982.70          | 6,240,149.27                         |       | 18,814,000.00        | 1,217,805.90          | 5,159,736.10                         |
| Water Tap Fees                       | 3,900,000.00         | 412,486.00            | 4,258,619.00                         |       | 4,600,000.00         | 282,873.00            | 3,047,642.25                         |
| Contractor Locate Fee Misc           | 0                    | 297.85                | 4,250.12                             |       | 0.00                 | 0.00                  | 0.00                                 |
| Interest Income                      | 1,000,000.00         | 93,262.85             | (149,252.73)                         |       | 900,000.00           | 103,572.87            | 324,110.78                           |
| Miscellaneous                        | 1,626,422.00         | 208,924.98            | 1,082,230.84                         | (3)   | 6,182,500.00         | 9,627.57              | 2,812,894.07                         |
| Interfund Transfers                  | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Contributions of F/A-amort           | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Other Financing Sources              | 7,000,000.00         |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Total Water Revenues</b>          | <b>38,386,501.00</b> | <b>2,677,754.38</b>   | <b>11,507,946.81</b>                 |       | <b>33,550,413.00</b> | <b>1,621,919.34</b>   | <b>11,410,084.71</b>                 |
| <b>Wastewater Fund Revenues</b>      |                      |                       |                                      |       |                      |                       |                                      |
| Carryover                            | 4,414,473.00         |                       |                                      |       | (97,748.00)          |                       |                                      |
| Wastewater Sales                     | 8,386,834.00         | 700,294.51            | 3,688,524.88                         |       | 8,735,000.00         | 730,674.32            | 3,642,530.24                         |
| Wastewater Tap Fees                  | 1,011,000.00         | 103,974.00            | 1,060,064.00                         |       | 1,050,000.00         | 63,138.00             | 1,591,345.00                         |
| Contractor Locate Fee                | 0.00                 | 0.00                  | 60.00                                |       | 0.00                 | 0.00                  | 0.00                                 |
| Interest Income                      | 750,000.00           | 98,941.73             | (106,599.26)                         |       | 700,000.00           | 109,987.03            | 308,479.72                           |
| Miscellaneous                        | 5,000.00             | 375.00                | 600.00                               | (4)   | 5,000.00             | (234,294.70)          | 39,856.20                            |
| Interfund Transfers                  | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Contributions of F/A-amort           | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Other Financing Sources              | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Wastewater Revenues</b>           | <b>14,567,307.00</b> | <b>903,585.24</b>     | <b>4,642,649.62</b>                  |       | <b>10,392,252.00</b> | <b>669,504.65</b>     | <b>5,582,211.16</b>                  |
| <b>Legacy Ridge Fund Revenues</b>    |                      |                       |                                      |       |                      |                       |                                      |
| Carryover                            |                      |                       |                                      |       |                      |                       | 0.00                                 |
| Miscellaneous                        | 0.00                 | 2,524.00              | 7,327.72                             |       | 22,138.00            | 2,757.00              | 10,552.58                            |
| Rentals                              | 0.00                 | 1,280.44              | 2,540.97                             |       | 10,720.00            | 918.43                | 11,800.86                            |
| Concessions                          | 0.00                 | 3,000.00              | 15,000.00                            |       | 36,000.00            | 3,000.00              | 18,000.00                            |
| Merchandise Sales                    | 192,000.00           | 22,268.46             | 48,112.71                            |       | 230,000.00           | 24,091.63             | 57,564.78                            |
| Lessons                              | 10,000.00            | 3,818.00              | 4,834.00                             |       | 14,000.00            | 5,650.00              | 6,120.00                             |
| Green Fees                           | 964,204.00           | 128,341.00            | 279,534.50                           |       | 1,122,366.00         | 128,747.90            | 276,143.11                           |
| Cart Rental                          | 253,540.00           | 24,124.41             | 49,969.72                            |       | 250,000.00           | 31,348.23             | 62,737.52                            |
| Driving Range                        | 122,199.00           | 12,164.49             | 40,995.25                            |       | 115,942.00           | 15,086.03             | 39,097.82                            |
| Jr. Golf Camp                        | 5,000.00             | 0.00                  | 0.00                                 |       | 5,740.00             | 0.00                  | 0.00                                 |
| Gift Certificates                    | 174,000.00           | 10,970.00             | 23,987.25                            |       | 152,985.00           | 22,281.72             | 46,937.44                            |
| Gift Certificates Used               | 0.00                 | (6,984.73)            | (10,758.88)                          |       | 0.00                 | (19,443.27)           | (36,779.61)                          |
| Interest Income                      | 0.00                 | (1,325.49)            | (5,008.92)                           |       | 0.00                 | (315.45)              | (1,811.15)                           |
| Miscellaneous                        | 16,000.00            | 85.31                 | 2,159.06                             |       | 0.00                 | 1,003.61              | 3,288.28                             |
| Refunds                              | 50,000.00            | 0.00                  | 62.00                                |       | 0.00                 | 3,000.00              | 6,000.00                             |
| Contributions of F/A amort           | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Other Financing Sources              |                      |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Revenues Total Legacy Ridge</b>   | <b>1,786,943.00</b>  | <b>200,265.89</b>     | <b>458,755.38</b>                    |       | <b>1,959,891.00</b>  | <b>218,125.83</b>     | <b>499,651.63</b>                    |
| <b>Heritage at Westmoor Revenues</b> |                      |                       |                                      |       |                      |                       |                                      |
| Miscellaneous                        | 0.00                 | 2,944.21              | 7,091.30                             |       | 29,000.00            | 1,016.80              | 3,526.38                             |
| Rentals                              | 0.00                 | 1,067.50              | 1,632.50                             |       | 9,126.00             | 455.00                | 8,470.00                             |
| Concessions                          | 0.00                 | 3,000.00              | 15,150.72                            |       | 33,000.00            | 2,500.00              | 15,000.00                            |
| Merchandise Sales                    | 185,850.00           | 17,169.49             | 40,420.98                            |       | 202,528.00           | 16,188.76             | 32,109.64                            |
| Lessons                              | 10,000.00            | 1,730.00              | 3,190.00                             |       | 14,000.00            | 1,310.00              | 2,350.00                             |
| Green Fees                           | 1,102,582.00         | 129,654.05            | 251,935.86                           |       | 1,010,965.00         | 111,110.11            | 231,457.83                           |
| Cart Rental                          | 256,454.00           | 36,057.18             | 56,212.23                            |       | 236,547.00           | 28,802.72             | 55,430.62                            |
| Driving Range                        | 117,291.00           | 9,579.77              | 22,988.62                            |       | 81,677.00            | 8,572.02              | 21,483.17                            |
| Jr. Golf                             | 4,500.00             | 0.00                  | 0.00                                 |       | 2,000.00             | 0.00                  | 0.00                                 |
| Gift Certificates                    | 112,088.00           | 5,631.00              | 14,115.00                            |       | 111,120.00           | 4,078.00              | 18,473.41                            |
| Gift Certificates Used               | 0.00                 | (4,079.40)            | (7,582.96)                           |       | 0.00                 | (4,110.67)            | (10,892.65)                          |
| Interest Income                      | 0.00                 | 0.00                  | (2,200.08)                           |       | 0.00                 | 1,419.53              | 3,853.39                             |
| Miscellaneous                        | 25,000.00            | 87.48                 | (447.47)                             |       | 0.00                 | 8,672.73              | 13,275.99                            |
| Refunds                              | 47,989.00            | 0.00                  | 0.00                                 |       | 0.00                 | 2,500.00              | 2,500.00                             |
| Contributions of F/A amort           | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Other Financing Sources              | 0.00                 | 0.00                  | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Revenues Total Heritage Fund</b>  | <b>1,861,754.00</b>  | <b>202,841.28</b>     | <b>402,506.70</b>                    |       | <b>1,729,963.00</b>  | <b>182,515.00</b>     | <b>397,037.78</b>                    |
| <b>Storm Drainage Fund Revenues</b>  |                      |                       |                                      |       |                      |                       |                                      |
| Carryover                            |                      |                       | 0.00                                 |       |                      |                       | 0.00                                 |
| Storm Drainage Fee                   | 830,000.00           | 69,692.80             | 359,649.00                           | (5)   | 350,000.00           | 0.00                  | 0.00                                 |
| Interest Income                      |                      | 2,437.20              | 853.44                               |       | 0.00                 | 0.00                  | 0.00                                 |
| Miscellaneous                        |                      |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Interfund Transfers                  |                      |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Contributions of F/A Amo             |                      |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| Other Financing Sources              |                      |                       | 0.00                                 |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Storm Drainage Revenues</b>       | <b>830,000.00</b>    | <b>72,130.00</b>      | <b>360,502.44</b>                    |       | <b>350,000.00</b>    | <b>0.00</b>           | <b>0.00</b>                          |

City of Westminster  
Revenue Report For Council  
For the Month Ended May 31, 2002

| Description   | Budget               | Current Period        | Year-to-Date                         | Notes | Budget               | Current Period        | Year-to-Date                         |
|---|----------------------|-----------------------|--------------------------------------|-------|----------------------|-----------------------|--------------------------------------|
|   | 2002<br>YTD          | Actual<br>2002<br>May | Actual<br>01/02-05/02<br>Grand Total |       | 2001<br>YTD          | Actual<br>2001<br>May | Actual<br>01/01-05/01<br>Grand Total |
| <b>Sales and Use Tax Fund Revenues</b>              |                      |                       |                                      |       |                      |                       |                                      |
| Carryover   | 900,000.00           |                       | 0.00                                 |       | 1,517,000.00         |                       | 0.00                                 |
| Sales Tax Returns                                   | 44,075,000.00        | 2,958,011.53          | 16,789,379.18                        |       | 43,200,000.00        | 3,051,588.54          | 18,622,167.30                        |
| Sales Tax Audit                                     | 450,000.00           | 65,965.78             | 404,568.56                           |       | 400,000.00           | 43,197.86             | 223,087.63                           |
| Sales Tax Refunds                                   | (55,000.00)          | (283.05)              | (15,334.47)                          |       | (50,000.00)          | (3,539.42)            | (7,891.09)                           |
| Sales Tax Audit Refunds                             | (3,000.00)           | (27.69)               | (45.00)                              |       | (3,000.00)           | (1,346.86)            | (1,794.55)                           |
| Use Tax Returns                                     | 1,900,000.00         | 139,237.37            | 723,585.68                           |       | 1,650,000.00         | 145,034.82            | 857,053.12                           |
| Use Tax Building                                    | 1,850,000.00         | 263,900.71            | 974,799.24                           |       | 1,650,000.00         | 234,172.90            | 1,182,024.31                         |
| Use Tax Auto  | 5,600,000.00         | 440,719.88            | 1,783,387.99                         |       | 5,450,000.00         | 378,013.05            | 1,668,974.17                         |
| Use Tax Audit                                       | 350,000.00           | 22,958.18             | 128,819.91                           |       | 275,000.00           | 19,718.60             | 99,994.29                            |
| Use Tax Refunds                                     | (70,000.00)          | (17,965.80)           | (58,055.60)                          |       | (70,000.00)          | (8,263.59)            | (48,370.45)                          |
| Use Tax Collection Fees                             | (280,000.00)         | (22,036.01)           | (89,169.48)                          |       | (270,000.00)         | (18,900.67)           | (83,448.67)                          |
| Use Tax Audit Enf (Contra)                          |                      | 0.00                  | (16.62)                              |       | 0.00                 | 0.00                  | (13.47)                              |
| Interest Income                                     | 50,000.00            | (4,233.03)            | (19,832.80)                          |       | 50,000.00            | 5,783.26              | 24,820.36                            |
| <b>Revenues Total Sales and Use Tax Revenue</b>     | <b>54,767,000.00</b> | <b>3,846,247.87</b>   | <b>20,622,086.59</b>                 |       | <b>53,799,000.00</b> | <b>3,845,458.49</b>   | <b>22,536,602.95</b>                 |
| <b>Open Space Sales &amp; Use Tax Fund Revenues</b> |                      |                       |                                      |       |                      |                       |                                      |
| Carryover   | 723,330.00           |                       | 0.00                                 |       | 1,651,000.00         |                       | 0.00                                 |
| Sales Tax Returns                                   | 3,867,966.00         | 275,236.59            | 1,521,088.81                         |       | 3,773,625.00         | 280,026.56            | 1,652,588.44                         |
| Sales Tax Audit                                     | 25,000.00            | 5,497.16              | 33,714.03                            |       | 25,000.00            | 3,599.82              | 18,810.57                            |
| Sales Tax Refunds                                   | (4,000.00)           | (23.59)               | (1,278.86)                           |       | (4,000.00)           | (294.89)              | (657.44)                             |
| Sales Tax Audit Refunds                             | 0.00                 | (2.31)                | (3.75)                               |       |                      | (112.24)              | (149.55)                             |
| Use Tax Returns                                     | 160,000.00           | 13,023.01             | 66,137.47                            |       | 138,000.00           | 25,132.28             | 116,032.75                           |
| Use Tax Building                                    | 145,200.00           | 21,991.70             | 81,243.82                            |       | 135,000.00           | 19,514.39             | 98,507.00                            |
| Use Tax Auto  | 459,500.00           | 36,726.62             | 148,615.51                           |       | 447,000.00           | 31,501.05             | 139,081.03                           |
| Use Tax Audit                                       | 20,000.00            | 1,913.18              | 10,734.97                            |       | 15,000.00            | 1,643.21              | 8,558.78                             |
| Use Tax Refunds                                     | (6,000.00)           | (1,497.15)            | (4,886.97)                           |       | (6,000.00)           | (688.62)              | (4,189.65)                           |
| Use Tax Collection Fees                             | (23,000.00)          | (1,836.33)            | (7,430.78)                           |       | (22,000.00)          | (1,575.05)            | (6,954.04)                           |
| Use Tax Audit Enf (Contra)                          | 0.00                 | 0.00                  | (1.38)                               |       |                      | 0.00                  | (1.12)                               |
| Intergovernmental Revenue                           | 0.00                 | 0.00                  | 0.00                                 | (6)   | 1,404,800.00         | 300,000.00            | 745,000.00                           |
| Interest Income                                     | 25,000.00            | 9,845.73              | (23,257.96)                          |       | 25,000.00            | 12,838.89             | 54,496.65                            |
| Miscellaneous                                       | 0.00                 | 500.00                | 3,800.00                             |       | 6,000.00             | 0.00                  | 8,019.67                             |
| Interfund Transfers                                 | 611,115.00           | 0.00                  | 611,115.00                           |       | 0.00                 | 0.00                  | 0.00                                 |
| <b>Revenues Total Open Space Sales/Use Tax</b>      | <b>6,004,111.00</b>  | <b>361,374.61</b>     | <b>2,439,589.91</b>                  |       | <b>7,588,425.00</b>  | <b>671,585.40</b>     | <b>2,829,143.09</b>                  |

- (1) Highway Users Revenue was recorded incorrectly as a Franchise Fee but should have been an Intergovernmental revenue. This will be corrected in June 2002. \$257,817.48
- (2) Increase in revenue partly due to receipt of Countydale Tax revenue \$109,794.39. It was posted to Westview Recreation Miscellaneous revenue.
- (3) Increase in revenue due to receipt of Reimbursement received from South Adams County for Water CCA 5/13/01 8J. \$201,152.00
- (4) Variance from 2001 to 2002 - In 2001 this was correcting an error in posting of revenue from Feb 2001.
- (5) Variance due to Storm Drainage not receiving revenue until July 2001.
- (6) Variance from last year due to receipt of a grant for McKay Lake \$300,000.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description<br>General Fund  | Budget            | Pro-rated<br>for Seasonal<br>Flows | Notes   | Actual            | (Under) Over<br>Budget<br>Pro-Rated | %<br>Pro-Rated |
|------------------------------|-------------------|------------------------------------|---------|-------------------|-------------------------------------|----------------|
| <b>Revenues</b>              |                   |                                    |         |                   |                                     |                |
| Taxes                        | 3,288,000         | 1,780,600                          | (1)     | 2,360,142         | 579,542                             | 133%           |
| Licenses & Permits           | 1,428,000         | 618,540                            | (2)     | 753,394           | 134,854                             | 122%           |
| Intergovernmental Revenue    | 4,655,000         | 1,452,550                          | (3)(13) | 1,373,907         | (78,643)                            | 95%            |
| Charges for Services         |                   |                                    |         |                   |                                     |                |
| Recreation Services          | 4,604,000         | 2,255,960                          | (4)     | 2,236,778         | (19,182)                            | 99%            |
| Other Services               | 4,958,677         | 1,770,700                          | (4)(13) | 2,342,010         | 571,310                             | 132%           |
| Fines                        | 1,900,000         | 760,000                            | (5)     | 665,017           | (94,983)                            | 88%            |
| Interest Income              | 400,000           | 166,667                            | (6)     | (2,461)           | (169,127)                           | -1%            |
| Misc                         | 216,496           | 79,895                             | (7)     | 122,765           | 42,870                              | 154%           |
| Leases                       | 575,000           | 115,000                            | (8)     | 143,750           | 28,750                              | 125%           |
| Refunds                      | (65,000)          | (27,083)                           | (9)     | (3,850)           | 23,233                              | 14%            |
| Interfund Transfers          | 46,527,000        | 19,386,250                         | (10)    | 19,386,250        | 0                                   | 100%           |
| Sub-total Revenues           | <u>68,487,173</u> | <u>28,359,079</u>                  |         | <u>29,377,703</u> | <u>1,018,624</u>                    | <u>104%</u>    |
| Carryover                    | 4,279,984         | -                                  | (11)    | -                 | -                                   |                |
| Revenues                     | <u>72,767,157</u> | <u>28,359,079</u>                  |         | <u>29,377,703</u> | <u>1,018,624</u>                    | <u>104%</u>    |
| <b>Expenditures</b>          |                   |                                    |         |                   |                                     |                |
| City Council                 | 171,123           | 71,301                             |         | 64,056            | (7,245)                             | 90%            |
| City Attorney's Office       | 675,085           | 281,285                            |         | 236,684           | (44,601)                            | 84%            |
| City Manager's Office        | 819,763           | 341,568                            |         | 278,754           | (62,814)                            | 82%            |
| Central Charges              | 19,112,901        | 7,963,709                          |         | 7,326,113         | (637,596)                           | 92%            |
| General Services             | 4,044,553         | 1,685,230                          |         | 1,502,352         | (182,879)                           | 89%            |
| Finance                      | 1,330,439         | 554,350                            |         | 467,748           | (86,602)                            | 84%            |
| Police                       | 15,014,948        | 6,256,228                          |         | 5,821,444         | (434,785)                           | 93%            |
| Fire Emergency Services      | 7,406,010         | 3,085,838                          |         | 2,679,317         | (406,521)                           | 87%            |
| Community Development        | 3,698,158         | 1,540,899                          |         | 1,324,492         | (216,407)                           | 86%            |
| Public Works & Utilities     | 7,341,368         | 3,058,903                          |         | 1,665,300         | (1,393,603)                         | 54%            |
| Parks Recreation & Libraries | 13,152,809        | 5,480,337                          |         | 4,155,619         | (1,324,718)                         | 76%            |
| Total Expenditures           | <u>72,767,157</u> | <u>30,319,649</u>                  | (12)    | <u>25,521,878</u> | <u>(4,797,771)</u>                  | <u>84%</u>     |
| Revenue Over(Under) Expend   | <u>0</u>          | <u>(1,960,570)</u>                 |         | <u>3,855,825</u>  | <u>5,816,395</u>                    |                |

- (1) Property Taxes at 53% to 60% in May; Admissions Taxes average 45%, Qwest at 37% by this time of year.  
(2) Licenses 42%, Comm'l Permits 43%, Res'l Permits 44%.  
(3) Cig Tax 24%, HUTF 32%, AutoOwnr 33%, Veh Regis 30%, Road & Bridge(Adco) 33%, Road & Bridge(Jeffco) 30%.  
(4) Recreation 49%, PubSvc 40%, AT&T 25%, CAM & EMS billings 34%, all others 37%.  
(5) Fines historically at 40%.  
(6) Governmental Accounting Standards Board requires that unrealized gains and losses be recorded.  
    These numbers reflect the reversal of the gain recorded at FYE.  
(7) Miscellaneous and Westminster Faire Receipts.  
(8) Timing delays of lease payments can occur; billed 1st Qtr, received 2nd Qtr - recorded during 1st Qtr with no delay.  
(9) Refund payments generally apply to recreation charges in general.  
(10) Transfers from Sales Tax Fund and Sheridan Park GID.  
(11) Carryover from Year 2001 is always budgeted for the next year; included here to render correct balanced budget perspective.  
    Carryover (Actual) represents use of prior year fund balance, as budgeted.  
(12) Expenditures are based on even 1/12 per month or 8.33% per month.

(13) Highway Users Revenue was recorded incorrectly as Other Services but should have been an Intergovernmental revenue.  
This will be corrected in June 2002. \$257,817.48  
Intergovernmental would have a pro-rated variance of \$179,174 and a percentage variance of 112%.  
Other Services would have a pro-rated variance of \$313,493 and a percentage variance of 118%.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                   | Budget            | Budget<br>Pro-rated | Notes | Actual            | (Under) Over<br>Budget<br>Pro-Rated | %<br>Pro-Rated |
|-------------------------------|-------------------|---------------------|-------|-------------------|-------------------------------------|----------------|
| <b>Water Fund</b>             |                   |                     |       |                   |                                     |                |
| <b>Revenues</b>               |                   |                     |       |                   |                                     |                |
| License & Permits             | 70,000            | 29,167              |       | 40,850            | 11,683                              | 140%           |
| Intergovernmental Revenue     | 50,000            | 20,833              |       | 31,100            | 10,267                              | 149%           |
| Charges for Services          |                   |                     |       |                   |                                     |                |
| Rates and Charges             | 20,141,775        | 5,341,465           | (1)   | 6,240,149         | 898,685                             | 117%           |
| Tap Fees                      | 3,900,000         | 1,663,000           | (1)   | 4,262,869         | 2,599,869                           | 256%           |
| Interest Income               | 1,000,000         | 390,000             | (2)   | (149,253)         | (539,253)                           | -38%           |
| Miscellaneous                 | 1,626,422         | 72,917              | (3)   | 1,082,231         | 1,009,314                           | 1484%          |
| Other Financing Sources       | 7,000,000         | 0                   |       | 0                 | 0                                   |                |
| Sub-total Water Revenues      | <u>33,788,197</u> | <u>7,517,381</u>    |       | <u>11,507,947</u> | <u>3,990,566</u>                    | <u>153%</u>    |
| Carryover                     | 4,598,304         | -                   | (4)   | -                 | -                                   |                |
| Total Revenues                | <u>38,386,501</u> | <u>7,496,548</u>    |       | <u>11,507,947</u> | <u>3,990,566</u>                    | <u>154%</u>    |
| <b>Expenses</b>               |                   |                     |       |                   |                                     |                |
| City Council                  | 26,273            | 10,947              |       | 10,947            | 0                                   | 100%           |
| City Attorney's Office        | 98,463            | 41,026              |       | 41,027            | 0                                   | 100%           |
| City Manager's Office         | 165,597           | 68,999              |       | 68,999            | (0)                                 | 100%           |
| Central Charges               | 7,947,403         | 3,311,418           | (5)   | 2,009,158         | (1,302,260)                         | 61%            |
| General Services              | 323,883           | 134,951             |       | 134,951           | (0)                                 | 100%           |
| Finance                       | 647,726           | 269,886             |       | 238,674           | (31,212)                            | 88%            |
| Fire Emergency Services       | 20,264            | 8,443               |       | 8,443             | 0                                   | 100%           |
| Community Development         | 343,062           | 142,943             |       | 142,942           | (0)                                 | 100%           |
| Public Works & Utilities      | 10,637,431        | 4,432,263           |       | 3,465,758         | (966,505)                           | 78%            |
| Parks, Recreation & Libraries | 47,025            | 19,594              |       | 19,594            | (0)                                 | 100%           |
| Information Technology        | 2,069,175         | 862,156             |       | 710,271           | (151,885)                           | 82%            |
| Total Operating Expenses      | <u>22,326,302</u> | <u>9,302,626</u>    |       | <u>6,850,763</u>  | <u>(2,451,863)</u>                  | <u>74%</u>     |
| Revenues Over(Under) Expenses | <u>16,060,199</u> | <u>(1,806,078)</u>  | (6)   | <u>4,657,184</u>  | <u>6,463,261</u>                    |                |

(1) Res Sales 17%, Commr Sales 18.4%, Wholesale Sales 22.3%, Meter Svc Fees 32.9%, Recl. Chgs projected at 1/12 per mo. until more data is available, Res Taps 34.9%, Commr Taps 47.9%.

(2) Interest Income historically at 31% at this time of year; current variance is due to reversal of FYE gain from 2001, required per the Governmental Accounting Standards Board.

(3) Includes Misc Income only; the spike in April reflects a reimbursement of Standley Lake spillway construction expenses totaling \$842,857.

(4) Carryover from prior year is included to present total budget perspective;

Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(5) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

(6) Revenues are under expenditures due to lower pro-rated revenues, ranging from 17% to 48%, expenditures pro-rated at 33%.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                   | Budget            | Budget<br>Pro-rated | Notes | Actual           | (Under) Over<br>Budget<br>Pro-rated | %<br>Pro-rated |
|-------------------------------|-------------------|---------------------|-------|------------------|-------------------------------------|----------------|
| <b>Wastewater Fund</b>        |                   |                     |       |                  |                                     |                |
| <b>Revenues</b>               |                   |                     |       |                  |                                     |                |
| Charges for Services          |                   |                     |       |                  |                                     |                |
| Rates and Charges             | 8,386,834         | 3,426,528           | (1)   | 3,688,525        | 261,997                             | 108%           |
| Tap Fees                      | 1,011,000         | 416,265             | (1)   | 1,060,124        | 643,859                             | 255%           |
| Interest Income               | 750,000           | 306,750             | (2)   | (106,599)        | (413,349)                           | -35%           |
| Miscellaneous                 | 5,000             | 2,083               |       | 600              | (1,483)                             | 29%            |
| Sub-total Water Revenues      | <u>10,152,834</u> | <u>4,151,627</u>    |       | <u>4,642,650</u> | <u>491,023</u>                      | <u>112%</u>    |
| Carryover                     | 4,414,473         | -                   | (3)   | -                | -                                   |                |
| Total Revenues                | <u>14,567,307</u> | <u>4,151,627</u>    |       | <u>4,642,650</u> | <u>491,023</u>                      | <u>112%</u>    |
| <b>Expenditures</b>           |                   |                     |       |                  |                                     |                |
| City Council                  | 13,724            | 5,718               |       | 5,718            | (0)                                 | 100%           |
| City Attorney's Office        | 49,167            | 20,486              |       | 20,486           | (0)                                 | 100%           |
| City Manager's Office         | 80,819            | 33,675              |       | 33,674           | (0)                                 | 100%           |
| Central Charges               | 1,393,704         | 580,710             | (4)   | 808,074          | 227,364                             | 139%           |
| General Services              | 202,617           | 84,424              |       | 84,424           | 0                                   | 100%           |
| Finance                       | 66,702            | 27,793              |       | 27,793           | 0                                   | 100%           |
| Fire Emergency Services       | 13,510            | 5,629               |       | 5,629            | 0                                   | 100%           |
| Community Development         | 156,932           | 65,388              |       | 65,388           | (0)                                 | 100%           |
| Public Works & Utilities      | 6,146,759         | 2,561,150           |       | 1,273,458        | (1,287,691)                         | 50%            |
| Parks, Recreation & Libraries | 78,373            | 32,655              |       | 32,655           | (0)                                 | 100%           |
| Total Operating Expenses      | <u>8,202,307</u>  | <u>3,417,628</u>    |       | <u>2,357,300</u> | <u>(1,060,328)</u>                  | <u>69%</u>     |
| Revenues Over(Under) Expenses | <u>6,365,000</u>  | <u>733,999</u>      |       | <u>2,285,350</u> | <u>1,551,351</u>                    |                |

(1) Res'l Sales 32.8%, Comm'l Sales 32.2%, Res'l Taps 35.6%, Comm'l Taps 29.5%.

(2) Interest Income historically at 32.6% at this time of year; current variance is due to reversal of gain from 2001, required by the Governmental Accounting Standards Board.

(3) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                   | Budget         | Budget<br>Pro-rated | Notes | Actual         | (Under) Over        | %<br>Pro-rated |
|-------------------------------|----------------|---------------------|-------|----------------|---------------------|----------------|
|                               |                |                     |       |                | Budget<br>Pro-rated |                |
| <b>Storm Drainage Fund</b>    |                |                     |       |                |                     |                |
| <b>Revenues</b>               |                |                     |       |                |                     |                |
| Business Fees                 |                |                     |       |                |                     |                |
| Charges for Services          | 830,000        | 345,833             |       | 359,649        | 13,816              | 104%           |
| Interest Income               | 0              | 0                   | (1)   | 853            | 853                 |                |
| Miscellaneous                 | 0              | 0                   |       | 0              | 0                   |                |
| Total Revenues                | <u>830,000</u> | <u>345,833</u>      |       | <u>360,502</u> | <u>14,669</u>       | <u>104%</u>    |
| <b>Expenses</b>               |                |                     |       |                |                     |                |
| Central Charges               | 0              | 0                   |       | 1,520          | 1,520               |                |
| Organization Support Services | 100,000        | 41,667              |       | 0              | (41,667)            | 0%             |
| Engineering                   | 46,000         | 19,167              |       | 11,586         | (7,580)             | 60%            |
| PW&U Admin                    | 0              | 0                   |       | 0              | 0                   |                |
| Infrastructure Improvements   | 0              | 0                   |       | 0              | 0                   |                |
| Street Maintenance            | 100,000        | 41,667              |       | 5,100          | (36,567)            | 12%            |
| Total Expenses                | <u>246,000</u> | <u>41,667</u>       |       | <u>18,206</u>  | <u>(23,461)</u>     | <u>44%</u>     |
| Revenues Over(Under) Expenses | <u>584,000</u> | <u>304,167</u>      |       | <u>342,296</u> | <u>38,129</u>       |                |

(1) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.



**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                   | Budget            | Budget<br>Pro-rated | Notes | Actual             | (Under) Over<br>Budget<br>Pro-rated | %<br>Pro-rated |
|-------------------------------|-------------------|---------------------|-------|--------------------|-------------------------------------|----------------|
| <b>Sales and Use Tax Fund</b> |                   |                     |       |                    |                                     |                |
| <b>Revenues</b>               |                   |                     |       |                    |                                     |                |
| Sales & Use Tax               |                   |                     |       |                    |                                     |                |
| Sales Tax Returns             | 44,020,000        | 18,708,958          | (1)   | 16,774,045         | (1,934,914)                         | 89.66%         |
| Sales Tx Audit Revenues       | 447,000           | 210,250             |       | 404,524            | 194,274                             | 192.40%        |
| Use Tax Returns               | 9,000,000         | 3,109,167           |       | 3,334,548          | 225,381                             | 107.25%        |
| Use Tax Audit Revenues        | 350,000           | 133,000             |       | 128,803            | (4,197)                             | 96.84%         |
| Interest Income               | 50,000            | 20,833              | (3)   | (19,833)           | (40,666)                            | -95.20%        |
| Sub-total Revenues            | <u>53,867,000</u> | <u>22,182,208</u>   |       | <u>20,622,087</u>  | <u>(1,560,122)</u>                  | <u>92.97%</u>  |
| Carryover                     | 900,000           | -                   | (2)   | -                  | -                                   |                |
| Total Revenues                | <u>54,767,000</u> | <u>22,182,208</u>   |       | <u>20,622,087</u>  | <u>(1,560,122)</u>                  | <u>92.97%</u>  |
| <b>Expenditures</b>           |                   |                     |       |                    |                                     |                |
| Central Charges               | <u>54,767,000</u> | <u>22,819,583</u>   |       | <u>22,819,583</u>  | <u>0</u>                            | <u>100.00%</u> |
| Revenues Over(Under) Expenses | <u>0</u>          | <u>(637,375)</u>    |       | <u>(2,197,497)</u> | <u>(1,560,122)</u>                  |                |

(1) At end of May, historical averages are as follows: Sales Tax Returns 42.5%, Sales Tax Audit 47%,  
Use Tax Returns 42%, Building Use Tax 42%, Auto Use Tax 30%, Use Tax Audit 38%.

(2) Carryover from prior year is always budgeted for the next year; included here to render correct balanced budget perspective.  
Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                 | Budget           | Pro-rated<br>Budget | Notes | Actual           | (Under) Over<br>Budget<br>Pro-rated | %<br>Pro-rated |
|-----------------------------|------------------|---------------------|-------|------------------|-------------------------------------|----------------|
| <b>Open Space Fund</b>      |                  |                     |       |                  |                                     |                |
| <b>Revenues</b>             |                  |                     |       |                  |                                     |                |
| Sales & Use Tax             | 4,644,666        | 1,905,348           | (1)   | 1,847,933        | (57,415)                            | 97%            |
| Intergovernmental Revenue   | 0                | 0                   |       | 0                | 0                                   |                |
| Interest Income             | 25,000           | 10,417              | (3)   | (23,258)         | (33,675)                            | -223%          |
| Miscellaneous               | 0                | 0                   |       | 3,800            | 3,800                               |                |
| Interfund Transfers         | 611,115          | 0                   | (4)   | 611,115          | 611,115                             |                |
| Sub-total Revenues          | <u>5,280,781</u> | <u>1,915,764</u>    |       | <u>2,439,590</u> | <u>523,826</u>                      | <u>127%</u>    |
| Carryover                   | 723,330          | -                   | (2)   | -                |                                     |                |
| Total Revenues              | <u>6,004,111</u> | <u>1,915,764</u>    |       | <u>2,439,590</u> | <u>523,826</u>                      | <u>127%</u>    |
| <b>Expenditures</b>         |                  |                     |       |                  |                                     |                |
| Central Charges             | <u>6,004,111</u> | <u>2,501,713</u>    |       | <u>2,539,841</u> | <u>38,128</u>                       | <u>102%</u>    |
| Revenues Over(Under) Expend | <u>0</u>         | <u>(585,949)</u>    |       | <u>(100,251)</u> | <u>485,698</u>                      |                |

(1) Open Space Sales Taxes 42%; Open Space Use Tax 36%.

(2) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective.  
Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

(4) This was a FYE transfer from General Capital Improvement Fund of carryover funds.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                   | Budget           | Budget<br>Pro-rated | Notes | Actual           | (Under) Over<br>Budget<br>Pro-rated | %<br>Pro-rated |
|-------------------------------|------------------|---------------------|-------|------------------|-------------------------------------|----------------|
| <b>Legacy Ridge Fund</b>      |                  |                     |       |                  |                                     |                |
| <b>Revenues</b>               |                  |                     |       |                  |                                     |                |
| Business Fees                 |                  |                     |       |                  |                                     |                |
| Charges for Services          | 1,720,943        | 717,060             | (1)   | 461,543          | (255,516)                           | 64%            |
| Interest Income               | 0                | 0                   | (3)   | (5,009)          | (5,009)                             |                |
| Miscellaneous                 | 16,000           | 0                   |       | 2,159            | 2,159                               |                |
| Refunds                       | 50,000           | 0                   |       | 62               | 62                                  |                |
| Total Revenues                | <u>1,786,943</u> | <u>717,060</u>      |       | <u>458,755</u>   | <u>(258,305)</u>                    | 64%            |
| <b>Expenses</b>               |                  |                     |       |                  |                                     |                |
| Central Charges               | 501,529          | 208,970             |       | 197,547          | (11,423)                            | 95%            |
| Recreation Facilities         | 1,285,414        | 359,981             | (2)   | 387,385          | 27,404                              | 108%           |
| Total Expenses                | <u>1,786,943</u> | <u>568,952</u>      |       | <u>584,932</u>   | <u>15,980</u>                       | 103%           |
| Revenues Over(Under) Expenses | <u>0</u>         | <u>148,108</u>      |       | <u>(126,177)</u> | <u>(274,285)</u>                    |                |

(1) Revenues and Expenses projected at 41.7%, although weather and seasonal flows will impact revenue flows.

(2) The budget for expenses reflects the City Council decision to subsidize the debt service for the Golf Course by \$200,000 for the FY 2002. Legacy's scheduled debt service is \$621,458 for the year; this will be reduced by \$200,000 to \$421,658 for the year.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2002**

| Description                          | Budget           | Budget<br>Pro-rated | Notes | Actual           | (Under) Over<br>Budget<br>Pro-rated | %<br>Pro-rated |
|--------------------------------------|------------------|---------------------|-------|------------------|-------------------------------------|----------------|
| <b>Heritage at Westmoor Fund</b>     |                  |                     |       |                  |                                     |                |
| <b>Revenues</b>                      |                  |                     |       |                  |                                     |                |
| Business Fees                        |                  |                     |       |                  |                                     |                |
| Charges for Services                 | 1,788,765        | 745,319             | (1)   | 405,154          | (340,165)                           | 54%            |
| Interest Income                      | 0                | 0                   | (3)   | (2,200)          | (2,200)                             |                |
| Miscellaneous                        | 25,000           | 0                   |       | (447)            | (447)                               |                |
| Refunds                              | 47,989           | 0                   |       | 0                | 0                                   |                |
| <b>Total Revenues</b>                | <u>1,861,754</u> | <u>745,319</u>      |       | <u>402,507</u>   | <u>(342,812)</u>                    | <u>54%</u>     |
| <b>Expenses</b>                      |                  |                     |       |                  |                                     |                |
| Central Charges                      | 60,810           | 25,338              |       | 22,016           | (3,322)                             | 87%            |
| Recreation Facilities                | 1,800,944        | 569,286             | (2)   | 527,801          | (41,485)                            | 93%            |
| <b>Total Expenses</b>                | <u>1,861,754</u> | <u>594,623</u>      |       | <u>549,816</u>   | <u>(44,807)</u>                     | <u>92%</u>     |
| <b>Revenues Over(Under) Expenses</b> | <u>0</u>         | <u>150,695</u>      |       | <u>(147,310)</u> | <u>(298,005)</u>                    |                |

(1) Revenues and Expenses projected at 41.7% although weather and seasonal flows will impact revenue flows.

(2) Debt service payments due in December total \$267,329.

These are not reflected in the pro-rated budget above, in order to give the reader a more clear picture of the operating position of the golf course.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** 108<sup>th</sup> Avenue Construction

**Prepared by:** David R. Downing, City Engineer

**Recommended City Council Action**

Authorize the expenditure of \$54,596 for the City's share of arterial street improvements to 108<sup>th</sup> Avenue constructed by MIE Properties, Inc., the developer of Olson Technological Park, which is located at the northeast corner of 108<sup>th</sup> Avenue and Wadsworth Parkway, and charge the expense to the New Development Participation Project of the 2002 General Capital Improvement Fund.

**Summary Statement**

- Section 11-6-7 (D) 1 (d)(ii) of the City Code defines the City's responsibility for the payment of a portion of the costs of the construction of arterial street improvements that are installed by developers of private properties located adjacent to these major roadways. In very general terms, the City has committed to pay for construction within the middle section of arterial streets, and developers of adjacent properties pay for the widening of the roads.
- In many cases, arterial streets can be widened by developers without the need to perform any work within the existing, middle portion of the roads. But, required improvements to 108<sup>th</sup> Avenue at Olson Technological Park (i.e., immediately east of Wadsworth Parkway) included the construction of double left-turn lanes and a significant overlay within the center of the road.
- The City's share of the expenses for this work totaled \$54,596. Funds were budgeted for this purpose in the New Development Participation Project Account of the 2002 General Capital Improvement Fund. These funds were not included within the portion of the New Development Participation Project that was "frozen" earlier this year.

**Expenditure Required:** \$54,596

**Source of Funds:** 2002 General Capital Improvement Fund

**Policy Issues**

Should the City fulfill the commitment that is defined within the City Code by reimbursing the developer of Olson Technological Park for his costs of improving the center section of 108<sup>th</sup> Avenue adjacent to the development at this time?

**Alternatives**

City Staff could attempt to delay this payment until January of 2003 (i.e., the new budget year). This alternative is not recommended due to the damage that such an action could cause to the City's reputation within the local development community.

**Background Information**

In accordance with provisions of the City Code, the Public Improvements Agreement (PIA) between the City of Westminster and MIE Properties, Inc. the developer of Olson Technological Park, included requirements of the developer to improve the abutting portion of 108<sup>th</sup> Avenue to arterial street standards. Also, in accordance with the City Code, the PIA defined the City's obligation to reimburse the developer for work that was performed within the center 24-feet of the roadway. Significant construction, including the installation of double left-turn lanes, was performed within the area of the City's responsibility.

City Staff has carefully reviewed the construction plans and invoices to assure that the \$54,596 request for reimbursement from MIE Properties is fair and accurate. At this time, Staff recommends that the City Council authorize the payment of this reimbursement to the developer. Funds were allocated in the 2002 General Capital Improvement Fund within the New Development Participation Project for this purpose. While certain elements of the New Development Participation Project were "frozen" earlier this year, funds for this payment for 108<sup>th</sup> Avenue construction remain available.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Quail Creek/Bull Canal Gas Pipeline Relocation

**Prepared By:** Dan Blankenship, Special Projects Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute an agreement with Xcel Energy to lower the existing gas transmission pipelines necessary to construct the Quail Creek/Bull Canal Relocation project and make payment to Xcel in the amount of \$112,000 for the relocation.

**Summary Statement**

- On February 11, 2002, Council awarded the Quail Creek/Bull Canal construction contract and authorized expenditures up to \$1,904,000 on the project for construction, and construction services, including \$75,000 for utility relocation.
- The utility relocation was specifically for the lowering of the 10-inch and 16-inch gas mains owned and operated by Xcel Energy.
- The \$75,000 relocation cost authorized by the Council was taken directly from an estimate that was provided by Xcel Energy on November 21, 2001.
- On March 25, 2002, Xcel informed staff that they had updated their cost estimate to \$132,000. After several conversations and meetings, Xcel lowered their cost estimate to \$112,000.
- In light of the cost increase by Xcel, staff re-investigated the other crossing alternatives. However, the proposed lowering was once again determined to be the least expensive and most favorable alternative.
- The total cost increase of \$37,000 can be absorbed by the previously authorized project contingency and no additional expenditure authorization is required.
- To minimize customer disruption, the pipelines will be not only lowered but will be shifted horizontally, that will necessitate a modification to the pipeline easement, which is privately owned by Xcel.

**Expenditure Required:** \$112,000 (Included in the original expenditure authorization for the project. No new expenditure authorization requested.)

**Source of Funds:** 136<sup>th</sup> Avenue Interchange GCIP account.

**Policy Issues**

Should the City proceed with the Bull Canal Utility relocation at a higher cost?

**Alternatives**

1. Demand that Xcel honor their original estimate. This is not recommended because it could take several months or longer to get Xcel to comply. Xcel has stated in writing that they will not initiate the relocation until the City has agreed in writing to pay the relocation costs and makes a deposit payment in the amount of the estimated cost.
2. Utilize an alternative crossing such as a box culvert under the pipelines or exposing the pipelines and supporting them in an aerial crossing. These alternatives are not recommended because the box culvert is estimated at approximately \$135,000 and the aerial crossing, according to Xcel is considerably higher. Also, having the pipelines underground with the open channel above is the most desirable alternative for all parties involved.

**Background Information**

The relocation of the Bull Canal includes a crossing of two existing gas transmission pipelines. The pipelines are located within a private easement owned by Xcel Energy. During the design of the project, alternatives were evaluated for the crossing, which included lowering the gas pipelines so that they would be under the new canal, constructing a box culvert for the canal to pass under the pipelines and constructing an aerial support system for the pipelines. In late November 2001, Xcel provided the City with a cost estimate of \$75,000 to lower the gas pipelines. Based on the cost estimates provided by Xcel Energy and the design engineer, it was determined that the lowering of the gas pipelines was not only the least expensive alternative, but it was also the favored alternative by the City, the Farmers Reservoir and Irrigation Company (owner and operator of the Bull Canal) and Xcel.

On February 11, 2002, Council awarded the Quail Creek/Bull Canal construction contract and authorized expenditures up to \$1,904,000 for construction and construction services, including the utility relocation. The utility relocation was specifically for the relocation of the gas pipelines. Upon execution of the construction contract, the contractor began coordination with Xcel for the lowering of the pipelines. On March 26, 2002, Xcel sent an updated cost estimate to the City, which included an increase in the cost estimate to \$132,000. Staff immediately contacted Xcel to determine the reason for the increase and the Xcel representative stated that he had underestimated the cost initially.

After several phone conversations and meetings with Xcel regarding the revised cost estimate, Xcel hired an independent consultant to evaluate the relocation design and prepare yet another cost estimate. On May 13, 2002, Xcel provided the City with the latest cost estimate in the amount of \$112,000, which is \$37,000 greater than their original estimate. Staff reevaluated the alternatives and confirmed that the proposed lowering of the gas mains was still the least expensive and most favorable alternative.

Prior to proceeding with the relocation of the gas pipelines, Xcel requires the City to enter into a relocation agreement and pay the estimated cost in advance. In order to minimize disruptions to gas customers, the pipelines will not only be lowered but they will be realigned horizontally, which will require a modification to the utility easement. It is recommended that the City Manager be authorized to sign an agreement with Xcel so that the relocation may commence.

The Quail Creek/Bull Canal Relocation project is currently underway. The project is phased so that the work in the area of the proposed pipeline relocation is not scheduled to occur until late summer or early fall, which should allow ample time to complete the pipeline relocation. The entire project is scheduled to be completed by mid-December of this year.



**SUBJECT:** Quail Creek/Bull Canal Gas Pipeline Relocation

Page 3

Funds for this project are available in the General Capital Improvement Program, 136<sup>th</sup> Avenue Interchange account. The expenditure authorization for the construction portion of the project is \$1,904,000, which includes \$75,000 for the utility relocation and a contingency of \$166,232. It is recommended that the additional utility relocation cost of \$37,000 be taken from the project contingency. Therefore, no additional expenditure authorization is required.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Variable Annuity Life Insurance Company (VALIC) Amendment for Administration of City's Deferred Compensation (457) Plan

**Prepared By:** Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Approve an amendment to the original contract with VALIC, for a term of five years, to account for .05% for amortization of Market Value Adjustment for the Nationwide Fixed Fund.

**Summary Statement**

City Council approved a contract with the Variable Annuity Life Insurance Company (VALIC) on February 25, 2002, selecting VALIC as the City's exclusive provider for the City's 457 Deferred Compensation Program. The consolidation of assets from the two previous providers, ICMA and Nationwide Retirement Solutions, to VALIC was completed May 31, 2002. The contract with VALIC was approved by Council because VALIC was able to offer high quality service and a wide selection of products at a considerable cost savings for participants.

- The original contract with Nationwide Retirement Solutions included a Market Value Adjustment applied in the event the contract was terminated.
- The initial Market Value Adjustment was estimated at .03% or \$62,000, resulting in a cost to participants to be amortized over ten years.
- The actual Market Value Adjustment as of May 30 was .05% or \$80,325.32, resulting in a cost to participants of .05% over ten years; a difference from the original estimate of .03% or \$18,325.32 to be spread over ten years. This is an increased cost to each participant of \$23.00 per year over ten years.
- Staff requests City Council to approve the Market Value Adjustment of .05%.
- This will increase the annual total cost to each participant from .08% to .10%, but still represents a considerable savings to each member compared to charges by ICMA (.95% per year) and Nationwide Retirement Solutions (.90% per year).

**Expenditure Required:** None for the City

**Source of Funds:** A base fee of .05% per annum will be charged to each employee's account pro-rated on a quarterly basis. An additional .05% is to be charged for amortization of the \$80,325.32 Market Value Adjustment for liquidating the Nationwide Fixed Fund. This will be amortized over 10 years.

### **Policy Issues**

Does City Council desire to amend the contract with VALIC to allow for the higher Market Value Adjustment?

### **Alternatives**

1. Do not approve the extra .02% in amortization costs. This is not recommended for the following reason: If the Market Value Adjustment were not purchased, the assets of those participants with money in the Fixed Fund would be decreased by the amount not purchased.
2. The City purchases the additional Market Value Adjustment cost. This is not recommended for the following reason: The City would need to pay VALIC \$18,325 for the extra Market Value Adjustment not covered by participant fees, which is not required.

### **Background Information**

On February 25, 2002, City Council voted unanimously to adopt Resolution No. 13 approving selection of the Variable Annuity Life Insurance Company as the City's exclusive provider for the City's 457 Deferred Compensation Program. The approved contract was for a term of five years at a cost of .05% per employee annually with an additional .03% annual amortization for the Nationwide Fixed Fund Market Value Adjustment.

The Market Value Adjustment for the Nationwide Fixed Fund is based upon interest rate conditions at the time the assets are sold. In February, the Market Value Adjustment was estimated to be \$62,000.00. The actual Nationwide Fixed Fund Market Value Adjustment on May 30 was \$80,325.32. This was an increase of \$18,325.32 over the amount estimated by Nationwide in February. Participants in VALIC's program will pay .10% annually over a ten-year period, which includes the Market Value Adjustment for the Nationwide Fixed option. This cost remains the lowest of the four providers who provided a proposal for the deferred compensation program. VALIC also agreed to re-negotiate the costs when the City's account breaks even and becomes profitable, estimated to be sometime in the third year of the contract.

Staff will be present at the June 24 City Council meeting to answer any questions.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Strategic Planning Consulting Services

**Prepared By:** Brent McFall, City Manager

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Lyle Sumek Associates, Inc., for the development of a Strategic Plan for the City of Westminster, authorizing the total amount not to exceed \$50,000 from the General Fund Central Charges operating account.

**Summary Statement**

This contract covers the Strategic Planning project, which consists of identification and discussion of the City Council and Executive Management Team's management profile and action orientation; development of a Strategic Plan for the City of Westminster for calendar years 2003-2008; and facilitation services to be utilized with the City Council and Executive Management Team in identifying and developing the City's Strategic Plan.

**Expenditure Required:** Not to exceed \$50,000

**Source of Funds:** General Fund, Central Charges operating budget

**Policy Issue**

Does the City Council wish to complete Strategic Planning efforts?

**Alternative**

City Council could decide not to complete the Strategic Plan but this is not recommended as considerable City Council and staff time has been committed to completing this project.

**Background Information**

In December 2001, staff began working with Lyle Sumek in preparation of the City Council goal setting retreat in March/April of 2002. Funds were budgeted in the 2002 Central Charges operating budget for a facilitator for the City Council goal setting retreat. As the original amount of work with Lyle Sumek Associates, Inc., was anticipated to be under the \$25,000 authorization level required for Council approval, staff proceeded to work with Mr. Sumek.

Preparation work with staff included five full days working directly with staff plus multiple hours of preparation work by Mr. Sumek. In addition, Mr. Sumek spent two full days with City Council and staff, plus several hours of preparation work one-on-one with City Council. As the work product developed, it has become apparent that the dollar amount will exceed the \$25,000 authorization level and therefore City Council approval is required.

No bids were solicited as Mr. Sumek's expertise and work product were viewed to be in the best interest of the City. Additionally, this contract covers all travel and materials expenses that Mr. Sumek incurs while working on this project. Whenever possible, Mr. Sumek has combined his trips to Westminster with other facilitation projects he has in Colorado to minimize the travel expenses and share such costs with the other municipalities.

The final product is currently being completed and will outline the City's Strategic Plan, including the City's Principles, Core services, Goals, Objectives, and Action Steps for 2003-2008 and all supporting documentation.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Inflow & Infiltration (I&I) Study Contract Change Order

**Prepared By:** Richard A. Clark, Utilities Operations Manager

**Recommended City Council Action**

Authorize the City Manager to execute a change order to the 2002 Inflow & Infiltration (I&I) Study Contract with ADS Environmental Services in the amount of \$19,515 for additional monitoring of the sanitary sewer collection system. Charge the expense to the appropriate project account in the Utility Fund – Water and Wastewater Capital Improvement Projects.

**Summary Statement**

- Funds have been approved and allocated in the 2002 Utility Fund Capital Improvement Program budget for an Inflow/Infiltration Study.
- The original contract with ADS Environmental was approved by City Council on March 25, 2002, for the amount of \$98,986.
- Initial planning for this study indicated that twenty flow monitors and eight rainfall gauges would be adequate to conduct a flow study for the sanitary sewer system.
- During installation and calibration, it was determined that five additional flow meters were required to complete the project. Some sites initially selected could not be used and alternate locations had to be used.

**Expenditure Required:** \$19,515

**Source of Funds:** Utility Fund: Inflow & Infiltration Capital Improvement Project Account

**Policy Issue**

Should staff proceed with full monitoring program as installed for the I&I Study Contract to allow sewer flow data in specific areas to be captured and included in the final report related to the condition and operation of the sanitary sewer system.

**Alternative**

Proceed with the original contract amount, which does not include the five additional monitoring sites and terminate the monitoring 14 days early to stay under the awarded amount. However, valuable flow monitoring data related to the condition and operation of the sanitary sewer system could be missed.

**Background Information**

The 2002 Utility Fund Capital Improvement Program Budget includes funding for the I&I Study. This study is being conducted to gather data on the condition and operation of the sanitary sewer system. At the conclusion of the study, the City will receive a final report and recommendations from the consultant related to the data captured and its impact on the overall system. That information will be utilized to develop a plan for budgeting and scheduling needed repairs to minimize or eliminate sanitary sewer surcharging and residential backups.

Staff and the consultant initially identified strategic locations for placement of flow monitors within the sanitary sewer system. A total of twenty locations were identified and installation of flow monitors started on May 11, 2002. Shortly after this time, the City's consultant, ADS Environmental, indicated to City Staff that a few of the initial locations posed concerns as far as manhole access and the ability to install needed equipment for monitoring purposes. They recommended the addition of five monitoring sites in close proximity to the initial sites to allow installation of flow monitors and to have access to them for data collection.

Utilities Division Staff has met and discussed this plan with the consultant and is in agreement with the need for the additional monitors to ensure a comprehensive effort in collecting flow data on the sanitary sewer system.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Large Water Meter Purchase

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

**Recommended City Council Action**

Authorize the purchase of large water meters and associated measuring chambers to allow for the routine shop testing of large water meters (3-inch and larger) in the amount of \$30,295.

**Summary Statement**

- Utilities Division has CIP funds available for the purchase of large water meters and measuring chambers to allow for enhanced testing during 2002. These funds were previously approved by City Council as part of the 2002 CIP budget.
- The Badger TRACE meter system is a proprietary item and the meters and measuring chambers are available only from Badger Meter Company through their local distributor, Mountain States Pipe and Supply Company.

**Expenditure Required:** \$30,295

**Source of Funds:** Utility Fund – 2002 Capital Improvement Project Budget



**Policy Issue**

Should the Utilities Division purchase large water meters and measuring chambers using available CIP funds originally intended for Commercial Meter Retrofit.

**Alternative**

Deny the request to use available funds and rebudget for this expense in the next budget year.

**Background Information**

The water meter retrofit program for commercial accounts is nearly completed. These meters are now able to be read remotely by radio frequency through transponders on each meter. The meters and associated parts are produced by Badger Meter and furnished to the City by Mountain States Pipe and Supply Company, the sole Badger distributor in this area.

Commercial (large) water meters obviously are the largest meters found in the water distribution system. These meters can range from three inches up to ten inches in size. They are installed by size and type based on the requirements of a specific location (i.e., apartment buildings, businesses, irrigations). Because the commercial accounts are larger than the typical residential meters, the water usage is much higher and the associated revenue produced from a large water meter is greater. The accuracy of these large water meters in the system to measure the actual water usage and produce the subsequent utility bill is critical to generating the estimated revenues for the Utility Fund. Even small deviations in measuring water usage of commercial accounts can result in the loss of substantial revenue to the City.

Once these large meters and measuring chambers are purchased, Utilities personnel will then have the ability to test various commercial size water meters and make any necessary repairs to ensure that accurate water usage is recorded and billed to the commercial customer. This purchase is a one-time expense, to provide spare meter bodies and chambers to allow for shop testing the measuring chambers.

Attachment "A" provides a complete listing of the large water meters and measuring chambers to be purchased this year.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

Attachment "A"

Large meters and measuring chambers for testing large meters

| <u>Meter (complete with direct read register)</u> |                           | <u>Cost</u>               |
|---|---------------------------|---------------------------|
| 1 each  | 8-inch Turbo Series       | \$ 5,390.00               |
| 1 each  | 6-inch Turbo Series       | 4,890.00                  |
| 1 each  | 4-inch Turbo Series       | 3,275.00                  |
| 1 each  | 3-inch Turbo Series       | 2,850.00                  |
| 1 each  | 2-inch Turbo Series       | <u>2,975.00</u>           |
|   |                           | <b>\$19,380.00</b>        |
| <br><u>Measuring Chambers only</u>                |                           |                           |
| 1 each  | 6-inch Model FSA-01       | \$ 2,300.00               |
| 1 each  | 6-inch TM-01              | 2,300.00                  |
| 1 each  | 10-inch Recordall II      | 2,375.00                  |
| 1 each  | 6-inch Recordall II       | 1,990.00                  |
| 1 each  | 3-inch Recordall Compound | <u>1,950.00</u>           |
|   |                           | <b>\$10,915.00</b>        |
|   | <b>TOTAL:</b>             | <b><u>\$30,295.00</u></b> |



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. **25** re Supplemental Appropriation for the Walnut Creek Trail

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

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which appropriates grant money into the Capital Improvement Program for enhancements to the Walnut Creek Trail system.
- This Councillor's Bill was passed on first reading on June 10, 2002.

**Expenditure Required:** \$14,700

**Source of Funds:** **Colorado State Trails Program**

**Recommended City Council Action:** Pass Councilor's Bill No. **25** on second reading June 24, 2002

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **25**

SERIES OF 2002

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$14,700, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,074,813. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado State Trails Program grant for the improvements along the Walnut Creek Trail corridor.

Section 2. The \$14,700 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <u>Description</u>                        | <u>Current Budget</u> | <u>\$ Increase</u> | <u>Final Budget</u> |
|---|-----------------------|--------------------|---------------------|
| <u>REVENUES</u>                           |                       |                    |                     |
| State Grants 7501.40620.0000              | \$0                   | <u>\$14,700</u>    | \$14,700            |
| Total Revenue                             |                       | <u>\$14,700</u>    |                     |
| <u>EXPENSES</u>                           |                       |                    |                     |
| Trails Development 80175050135.80400.8888 | \$1,066,090           | <u>\$14,700</u>    | \$1,080,790         |
| Total Expenses                            |                       | <u>\$14,700</u>    |                     |

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. **26** re Supplemental Appropriation for Faversham Park

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

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading which appropriates grant money into the Capital Improvement Program for enhancements to Faversham Park.
- This Councillor's Bill was passed on first reading on June 10, 2002.

**Expenditure Required:** \$81,000

**Source of Funds:** **Jefferson County Joint Venture Grant**

**Recommended City Council Action:** Pass Councilor's Bill No. **26** on second reading June 24, 2002

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **26**

SERIES OF 2002

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$81,000, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,060,113. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Joint Venture grant for the improvements at Faversham Park.

Section 2. The \$81,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <u>Description</u>                                 | <u>Current Budget</u> | <u>\$ Increase</u> | <u>Final Budget</u> |
|--|-----------------------|--------------------|---------------------|
| <b><u>REVENUES</u></b>                             |                       |                    |                     |
| County Open Space Grants-Jefferson 7501.40630.0020 | \$0                   | <u>\$81,000</u>    | \$81,000            |
| Total Revenues                                     |                       | <u>\$81,000</u>    |                     |
| <b><u>EXPENSES</u></b>                             |                       |                    |                     |
| Faversham Park 80275050513.80400.8888              | \$200,000             | <u>\$81,000</u>    | \$281,000           |
| Total Expenses                                     |                       | <u>\$81,000</u>    |                     |

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 28 re 2002 Wastewater Tap Fees

**Prepared By:** Stu Feinglas, Water Resources Analyst  
Bob Krugmire, Water Resources Engineer  
Kelly DiNatale, Water Resources and Treatment Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 28 on second reading implementing the 2002 modifications to the City Code regarding wastewater tap fees.

**Summary Statement**

- In May 2001, Council was briefed on potential modifications to the water tap fee calculation process and associated Municipal Code sections in response to research showing that current Industrial, Commercial, and Irrigation (ICI) tap fees do not recover the actual cost of raw water acquisitions, treatment costs, or delivery and storage. While researching the water tap fee calculation process, inequities within the sewer tap fee process were identified and revisions developed to insure 100% cost recovery for the provision of sewer service facilities to new sewer customers.
- Modification of the sewer tap fee process, and associated Municipal Code sections, is being recommended based on current process inequities. Proposed revisions will reflect current research and current Metro Wastewater Reclamation District charges to Westminster for tap fees in the Metro service sewer area of the City, generally south of 92<sup>nd</sup> Avenue.
- Sewer services in Westminster are provided by both Metro and the City, depending on the basin drainage area served. The proposed restructure of the sewer tap fee components will also allow for the independent adjustment of the City or Metro portions.
- City Council passed Councillor's Bill No. 28 on First Reading on June 10, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF SEWER TAP FEES AND ASSOCIATED FEES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

NOW THEREFORE, be it ordained by the City Council of the City of Westminster as follows:

Section 1. Title VIII, Chapter 8, Section 1, Westminster Municipal Code, is hereby amended by the addition of the following definitions as follows:

TRANSPORT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE COLLECTION AND TRANSPORT OF WASTEWATER INCLUDING PIPES, PUMPS, LIFT-STATIONS AND RELATED FACILITIES.

TREATMENT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE CITY OF WESTMINSTER TREATMENT FACILITIES.

METRO FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE METRO WASTEWATER RECLAMATION DISTRICT TREATMENT FACILITIES.

Section 2. Title VIII, Chapter 8, Section 5, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) RATE SCHEDULES:

1. Residential Fee Schedule: Residential sewer tap fees are based on a FIVE-EIGHTHS INCH (5/8") BY three-quarter-inch (3/4") water tap size and assessed on a per-dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single-family detached dwelling units. SINGLE FAMILY DETACHED SEWER TAP FEES FOR ANY OTHER WATER METER SIZE SHALL BE BASED ON THE NON-RESIDENTIAL SEWER TAP FEE SCHEDULE PURSUANT TO SECTION 8-8-5(B)(2).

The following RESIDENTIAL sewer tap fee schedule CALCULATION METHOD shall be in effect for all tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-8-5(C):

| Residential Connection            | SC              | Total Per DU       |
|-----------------------------------|-----------------|--------------------|
| <del>Single Family Detached</del> | <del>1.0</del>  | <del>\$2,200</del> |
| <del>Mobile Home Space</del>      | <del>1.0</del>  | <del>\$2,200</del> |
| <10 DU per net acre               | 0.7             | \$1,540            |
| >10 DU by <24 DU per net acre     | 0.5             | \$1,100            |
| >=24 DU per net acre              | 0.4             | \$ 880             |
| <del>Elderly Housing</del>        | <del>0.35</del> | <del>\$ 770</del>  |

RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: THE TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE NUMBER OF UNITS TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE DWELLING TYPE AS DEFINED BELOW:

| RESIDENTIAL CONNECTION | SINGLE FAMILY DETACHED | MOBILE HOME SPACE | <10 DU PER NET ACRE | ≥10 DU AND <24 DU PER NET ACRE | ≥24 DU PER NET ACRE | ELDERLY HOUSING |
|------------------------|------------------------|-------------------|---------------------|--------------------------------|---------------------|-----------------|
| SC FACTOR              | 1.0                    | 1.0               | 0.7                 | 0.5                            | 0.4                 | 0.35            |

THE TREATMENT FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE TREATMENT FACILITIES FEE TIMES THE NUMBER OF LIVING UNITS. FOR PURPOSES OF THE TREATMENT FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE METRO WASTEWATER FEE, AS SAME SHALL BE SET BY THE METRO DISTRICT, TIMES THE NUMBER OF UNITS. FOR PURPOSES OF THE METRO FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

|                          |            |
|--------------------------|------------|
| TRANSPORT FACILITIES FEE | \$1,018.00 |
| TREATMENT FACILITIES FEE | \$1,400.00 |
| METRO FACILITIES FEE     | \$1,400.00 |

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the ~~sewer tap fees~~ TRANSPORT FACILITIES FEE ~~contained in this paragraph~~ shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

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

2. Non-Residential Fee Schedule: Non-residential sewer tap fees are based on the SUM OF THE FOLLOWING SERVICE COMMITMENT FACTORS, ASSOCIATED WITH THE size of the water tap(S) used by the building served BY A SINGLE SEWER TAP. The table below determines the appropriate sewer tap fee SERVICE COMMITMENT FACTOR.

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

THE FOLLOWING SEWER TAP FEE CALCULATION METHOD SHALL BE IN EFFECT FOR ALL NON-RESIDENTIAL TAP FEE PAYMENTS MADE ON OR AFTER JULY 1, 2002 PURSUANT TO SECTION 8-8-5(C):

NON-RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE. THE TREATMENT FACILITIES FEE AND THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE BASE TREATMENT FACILITIES FEE OR BASE METRO FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

|                          |            |
|--------------------------|------------|
| TRANSPORT FACILITIES FEE | \$1,018.00 |
| TREATMENT FACILITIES FEE | \$1,400.00 |
| METRO FACILITIES FEE     | \$1,400.00 |

ALTERNATE CALCULATION METHOD: NEW CONNECTIONS SERVED BY MULTIPLE NEW WATER SERVICE TAPS WITH A COMBINED SERVICE COMMITMENT OF GREATER THAN OR EQUAL TO 205 SHALL HAVE THE NUMBER OF SERVICE COMMITMENTS DETERMINED AS FOR CONNECTIONS WITH SERVICE TAPS 6" OR LARGER.

FOR WATER SERVICE TAPS 6" OR LARGER, THE NUMBER OF SERVICE COMMITMENTS FOR CALCULATING THE SEWER TAP FEE SHALL BE DETERMINED FROM THE FOLLOWING FORMULA:

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

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

AT MINIMUM, THE FOLLOWING VALUES SHALL BE USED IN THE ABOVE FORMULAS:

| TAP SIZE | FLOW    | BOD    | SS     | TKN    |
|----------|---------|--------|--------|--------|
| 6"       | 45,125  | 323.13 | 323.13 | 48.47  |
| 8"       | 74,250  | 520.17 | 520.17 | 78.02  |
| 10"      | 136,125 | 953.64 | 953.64 | 143.05 |

THE CITY SHALL MAKE THE FINAL DETERMINATION OF THE ESTIMATED FLOW, BOD, SS AND TKN USED TO DETERMINE THE NUMBER OF SERVICE COMMITMENTS FOR EACH NEW CONNECTION, WHICH IS SUBJECT TO THE ABOVE FORMULA.

FOLLOWING ARE THE FRACTIONS USED FOR THE TREATMENT OF FLOW AND LOADINGS, EFFECTIVE JULY 1, 2002: FLOW (F) = 0.5459, BOD (B) = 0.2187, SS (S) = 0.1647, TKN (T) = 0.0707.

The following water tap fee schedule shall be in effect for all non-residential tap fee payments made on or after March 1, 1999 pursuant to Section 8-8-5(C):

| Meter Size Inches | Service Commitments | Total Tap Fee |
|-------------------|---------------------|---------------|
| 5/8 x 3/4         | 1.0                 | \$ 2,200      |
| 3/4               | 1.5                 | \$ 3,300      |
| 1                 | 2.5                 | \$ 5,500      |
| 1-1/2             | 5.0                 | \$ 11,000     |
| 2                 | 8.0                 | \$ 17,600     |
| 3                 | 17.5                | \$ 38,500     |
| 4                 | 30.0                | \$ 66,000     |
| 6                 | 62.5                | \$137,500     |
| 8                 | 90.0                | \$198,000     |
| 10                | 145.0               | \$ *          |
| 12                | 215.0               | \$ *          |

\*To be determined by the City Manager at the time of application.

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the ~~sewer tap fees~~ TRANSPORT FACILITIES FEE contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

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

Section 3. Title VIII, Chapter 8, Section 5, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the sewer tap fee shall be made no earlier than the date upon the which application is approved for a building permit and no later than the date upon which the ~~certificate of occupancy~~ WATER METER(S) ARE INSTALLED for the property connecting to the City sewer system. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

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

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

Section 4. Title VIII, Chapter 8, Section 15, Westminster Municipal Code, is hereby added as follows:

8-8-15: CHANGE IN WATER USE

ANY CHANGE IN CUSTOMER WATER USE, METER OR TAP SIZE, THAT RESULTS IN AN ADDITIONAL ASSESSMENT TO THE CITY OF METRO WASTEWATER DISTRICT CHARGES SHALL RESULT IN THOSE CHARGES BEING ASSESSED TO THE CUSTOMER BY THE CITY.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 10TH day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Fire Department IGA re Mutual Aid Agreement Update

**Prepared By:** Jim Cloud, Fire Chief

**Recommended City Council Action**

Authorize the City Manager and Fire Chief to execute an Intergovernmental Agreement regarding Mutual Aid between the City of Westminster and participating Fire Departments or Fire Protection Districts throughout the Denver-Front Range area.

**Summary Statement**

The original Intergovernmental Agreement (IGA) for mutual aid between Adams County Fire Departments was executed in July of 1977. This agreement was updated in January 1991 to be identical to the Denver Mutual Aid System contract. This contract has been utilized many times over the years by the thirteen signatory departments and remains in effect today.

As a result of the terrorism to the nation on September 11, 2001, many, if not all, Fire Departments and Fire Protection Districts in the Denver Metro area have indicated an interest in creating and participating in a Front Range mutual aid agreement. As a result of this interest, the Denver Metro Fire Chiefs Association took the original Denver Mutual Aid System contract, revised this contract to include verbiage concerning pre-existing IGAs between departments, received general approval from several different legal counsels representing communities and districts, and submitted the document for approval and adoption by any Fire Department or Fire Protection Districts between Fort Collins and Colorado Springs. It is estimated that this intergovernmental agreement will have between 50 and 60 signatories.

The agreement does not make substantive changes to the current Mutual Aid Agreement that is in place.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Should the City continue to contract for mutual aid with other Fire Departments and Fire Protection Districts in the Front Range area?

**Alternatives**

City Council could choose not to execute the update to the Adams County Mutual Aid Contract. This will limit the number of Fire Departments and Fire Protection Districts that could be contacted in the event of a major disaster.

**Background Information**

In July of 1977, the City entered into an agreement with Adams County Fire Departments and Districts to provide or receive emergency response assistance upon request. The original mutual aid agreement included nine participating departments or districts and was increased to 13 participating departments with the January, 1991 update to the Adams County Mutual Aid Contract. The January 1991 updated also provided for future participation of the Adams County Fire Departments with the Denver Mutual Aid System at a later date.

In the event of a large-scale event, such as Columbine or the September 11, 2001 tragedy, emergency fire suppression and medical equipment can be quickly deployed with the utilization of this mutual aid contract. The City of Westminster uses the existing mutual aid contract approximately 120 to 150 times a year for the provision of aid and the receipt of aid from neighboring Fire Departments or Fire Protection Districts.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Resolution No. 35 re Approval of AT&T/Comcast Transfer of Control of the Cable Franchise

**Prepared By:** Gary Casner, Senior Telecommunications Administrator

**Recommended City Council Action**

Adopt Resolution No. 35 consenting to the transfer of control of the City's cable television system franchise to AT&T/Comcast Corporation.

**Summary Statement**

- The City's cable television franchise with Mountain States Video, Inc. DBA AT&T requires City approval of any transfer of control of the franchise to another company.
- AT&T has requested a transfer of control to AT&T/Comcast Corporation.
- The City's franchise agreement sets the conditions that allow for a transfer.
- This transfer of control meets the conditions set forth in the franchise agreement.
- The transfer of control was investigated by the Greater Metro Telecommunications Consortium (GMTC), and the GMTC recommends approval.
- Additional financial investigation was performed by City Staff and no concerns were identified.

**Expenditure Required:** \$0

**Source of Funds:** N/A



### **Policy Issue**

Shall City Council approve the transfer of control of the cable television franchise from AT&T to AT&T/Comcast Corporation.

### **Alternatives**

Take no action, which will result in approval of the transfer of control, per the current franchise agreement.

Take specific action to not approve the agreement. Staff does not recommend this action because there is no clear basis for not approving the transfer.

### **Background Information**

On October 11, 1995, City Council approved the current franchise agreement with TCI of Colorado. AT&T purchased the franchise and had City Council approval of the sale in January 25, 1999. AT&T has requested approval of a transfer of control of the franchise to AT&T/Comcast Corporation.

Under the City's franchise agreement, there are a number of areas that must be addressed by the Grantee for approval of a transfer. AT&T has complied with the requirements of the franchise agreement. Additionally, through negotiations with the GMTC, AT&T/Comcast Corporation has agreed to the following conditions:

- To comply with the existing franchise obligations
- To comply with any changes in Federal law regarding classification of services
- To comply with our customer service standards
- To maintain staffing levels necessary to meet these standards and all Federal regulations regarding technical standards of cable systems
- To comply with all applicable laws regarding rates for cable services and all applicable laws covering issues of cross-subsidization
- To comply with all lawful requirement with respect to nondiscriminatory access to the franchise's cable modem platform for providers of Internet and on-line services

Additionally:

1. The ordinance makes clear that AT&T and AT&T Comcast have made representations to us regarding this transaction, and that we are relying upon the accuracy of their information in granting approval.
2. The transaction that will close between AT&T and Comcast is based upon the documents that they have provided to us. If the deal changes prior to final closing, this transfer approval does not apply. This is important because due to federal regulatory approvals and shareholder approvals, the actual closing may not take place for three to six more months.
3. AT&T Comcast represents that it will take no actions that would keep the subsidiary entity, Mile Hi Cable Partners, L.P., from complying with all lawful terms, conditions and obligations of the franchise.

4. The cable operator and AT&T Comcast will take no actions to “bundle” cable and non-cable services for the purpose of evading or avoiding franchise fees. What does this mean? AT&T sells both cable services (generally, video programming) and non-cable services (such as telephone service and high speed internet access through cable modems). We want to avoid a situation where the cable company will sell a “bundle” or package of multiple services, but allocate only a disproportionately small amount to the price of cable services, in order to minimize its franchise fee obligations. The cable company only pays franchise fees on revenues generated from the sale of cable services. The Ordinance contains language that protects us in this regard.
5. If the cable operator or AT&T Comcast violates any term of the ordinance, the City can treat and enforce it as a violation of the franchise (a very important protection for the City).
6. Usually when a transfer occurs, the cable company wants the franchising authority to waive any claims to franchise violations that may have occurred prior to the transfer. In this ordinance, the City is *not* waiving any such claims.
7. The subsidiary that holds the franchise, Mile Hi Cable Partners, L.P., and AT&T Comcast must acknowledge in writing, within thirty (30) days after the City notifies them that the ordinance has been approved, that they accept all terms and conditions of the ordinance. If written acknowledgement of approval has not been received within thirty (30) days, the cable operator and AT&T Comcast will be in default. In addition, within thirty (30) days after the transaction has closed, the cable operator is obligated to provide written notice to the City that the transaction has, in fact, closed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **35**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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**APPROVING AT&T/ COMCAST TRANSFER OF CONTROL OF CABLE FRANCHISE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, CONSENTING TO THE TRANSFER OF CONTROL OF THE CITY'S CABLE TELEVISION SYSTEM FRANCHISEE TO AT&T COMCAST CORP.

WHEREAS, on October 11, 1995, the City of Westminster, Colorado (the "City") granted to Mountain States Video, Inc. dba TCI of Colorado ("Franchisee"), a franchise to own and operate a cable television system in the City as set forth in Section 17.2 of Chapter 16 of the Westminster Code (the "Ordinance"), and entered into a Franchise Agreement with Franchisee dated as of October 11, 1995 (the "Franchise"), pursuant to the Ordinance; and

WHEREAS, Franchisee is a subsidiary of, and controlled by AT&T Corp., a New York corporation ("AT&T"); and

WHEREAS, Section 17.2 of the Franchise requires the City's consent to any transfer of ownership or control thereof; and

WHEREAS, AT&T and Comcast Corporation, a Pennsylvania corporation ("Comcast") , together with AT&T Broadband Corp. and certain of their respective affiliates have entered into an Agreement and Plan of Merger, and AT&T and AT&T Broadband Corp. have entered into a Separation and Distribution Agreement, both dated December 19, 2001 (the "Merger Agreement"), to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast"); and

WHEREAS, this merger will effect a change of control of AT&T and Franchisee pursuant to the Franchise; and

WHEREAS, pursuant to Section 17.2 of the Franchise, and 47 U.S.C. Sec. 537, as amended, AT&T and Comcast have requested that the City approve of the transfer of control of the Franchisee from AT&T to AT&T Comcast; and

WHEREAS, the City has investigated both the status of the Franchise, the Franchisee's compliance therewith, and the technical, legal and financial ability of AT&T Comcast to control the Franchisee's compliance with the Franchise; and

WHEREAS, through the Greater Metro Telecommunications Consortium ("GMTC"), the City has negotiated this form of resolution to approve the transfer of control in a manner consistent with the approvals being granted by most GMTC jurisdictions; and

WHEREAS, based upon the City's investigation, and representations made to the City by AT&T and Comcast, upon which the City is relying, the City is prepared to approve the transfer of control of the Franchisee from AT&T to AT&T Comcast, pursuant to the conditions described herein.

NOW THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado, as follows:

1. The City hereby consents to and approves the transfer of control of the Franchise from AT&T to AT&T Comcast.

2. The City confirms that the Franchise is currently in full force and effect and expires on October 11, 2010.
3. This Resolution approving the transfer of control is based in part upon the following representations and acknowledgments made by Franchisee, AT&T and AT&T Comcast to the City, all of which are considered material and have been relied upon by the City:
  - (a) That the Merger Agreement, and all of the attachments to that document, provided to the City with FCC Form 394 (except for those materials which have been redacted pursuant to law, and are identified by title or topic in the Merger Agreement and its attachments) constitutes the entire agreement regarding the merger between AT&T, AT&T Broadband and Comcast;
  - (b) That all customer service standards adopted by the City remain in full force and effect, and Franchisee will maintain staffing levels necessary to meet those standards, and all federal regulations regarding technical standards of cable systems;
  - (c) That Franchisee remains obligated to comply with all lawful terms, conditions and obligations of the existing franchise agreement and any other existing contractual agreement between the Franchisee and the City.
  - (d) That AT&T Comcast will take no actions that will negatively impact Franchisee's ability to comply with its obligations under the Franchise;
  - (e) That no future intra-corporate transfers, mergers, or other changes of ownership or control, affecting Franchisee, will change the obligations or liability of Franchisee to the City with respect to any of the terms, conditions and obligations of the Franchise, unless prior approval is granted by the City in writing;
  - (f) That Franchisee will comply with all applicable laws regarding rates for cable services within the Franchise area and all applicable laws covering issues of cross subsidization;
  - (g) That during the term of the Franchise, and any extension thereto, Franchisee will continue to pay franchise fees on gross revenues generated by sale of cable services, regardless of how cable services and non-cable services may be bundled together and sold to subscribers. Franchisee shall not take any action to evade or avoid payment of franchise fees based upon the reasonable value of the revenues received for cable services from paying subscribers. The City and Franchisee continue to reserve all rights, claims, defenses and remedies regarding the City's authority to impose and/or enforce requirements related to the revenue allocation methodology to be used when cable services and non-cable services are bundled together for the purpose of calculating franchise fees.
  - (h) That in the event of any failure to comply with the terms, conditions, representations and/or acknowledgments contained in this Resolution, or any material misrepresentations concerning the same, the City may enforce any damages or penalty provisions pursuant to the Franchise and exercise any other remedy available to it by law.
4. By passage of this Resolution, the City makes no representations concerning whether any violations or non-compliance issues exist with respect to the Franchise. Nothing in this Resolution shall be construed by the Franchisee, AT&T, or AT&T Comcast as precluding the City from addressing any prior acts of noncompliance by Franchisee, pursuant to the terms of the Franchise.
5. This Resolution shall take effect upon the closing of the Merger Agreement.
6. This Resolution is conditioned upon approval of the transaction between AT&T, Comcast and AT&T Comcast, by their respective shareholders, and all required federal government agencies, in substantially the same form as the transaction described in the Merger Agreement, and related

documents delivered to the City with AT&T's and Comcast's Form 394 filing, and in documents delivered in response to the City's/County's requests for supplemental information. Should the transaction as approved by the shareholders and federal government agencies differ in any material respect from that represented in the documents described herein, this Resolution shall be voidable, at the sole option of the City.

7. Within thirty (30) days following the adoption of this Resolution, Franchisee and AT&T Comcast shall give written notice to the City that it unconditionally agrees with and shall be bound by all terms contained in this Resolution.
8. Within thirty (30) days following the closing of the Merger Agreement, Franchisee shall file with the City a written representation that the above conditions have been met.

Passed and adopted this 24th day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 24, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 27 re 2002 Water and Tap Fees and Waste of Water

**Prepared By:** Stu Feinglas, Water Resources Analyst  
Bob Krugmire, Water Resources Engineer  
Kelly DiNatale, Water Resources and Treatment Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 27 on second reading implementing the 2002 modifications to the City Code regarding water tap fees and the introduction of language addressing waste of water.

**Summary Statement**

- In May 2001, Council was briefed on potential modifications to the water tap fee calculation process and associated Municipal Code sections in response to research showing that current Industrial, Commercial, and Irrigation (ICI) tap fees do not recover the actual cost of raw water acquisitions, treatment costs, or delivery and storage. In contrast, residential tap fees have been established that ensure recovery of 100% of the capital costs.
- Revisions to the existing tap fee calculations would attempt to provide an equitable solution by using historical consumption in future tap size and fee calculations. An initial 80% cost recovery rate would increase to 100% within two years.
- Water is a limited and precious resource in Colorado. While Westminster's supplies are adequate, the City will never have enough water to waste. The proposed Waste of Water ordinance would prohibit several of the most common wasteful practices.
- The ordinance focus is on customer education, though punitive measures and compliance timeframes are available for use when necessary.
- As Westminster exists in a semi-arid climate, and the potential for drought is always present, it is recommended that an ordinance be in place to address abuse, if needed.
- Similar ordinances are in effect in Arvada, Aurora, and Broomfield and are being proposed for the City of Northglenn.
- City Council passed Councillor's Bill No. 27 on first reading on June 10, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment

**Atchison-Dixon**

A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF WATER TAP FEES AND ASSOCIATED FEES AS WELL AS THE INTRODUCTION OF A WASTE OF WATER SECTION

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VIII, Chapter 7, Section 1, Subsection (H), Subsection (L) and Subsection (P), Westminster Municipal Code, are hereby added and Sections (I) through (O) are re-lettered as follows:

(H) MULTI FAMILY: ANY RESIDENTIAL HOUSING OTHER THAN SINGLE-FAMILY DETACHED OR SINGLE FAMILY ATTACHED.

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

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

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

(L) SINGLE FAMILY ATTACHED: A SINGLE DWELLING UNIT CONTAINED IN A FREE-STANDING STRUCTURE WHICH HAS PARTY WALLS WITH OTHER STRUCTURES.

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

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

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

(P) CITY MANAGER: MEANS THE MANAGER OF THE CITY OF WESTMINSTER, ADAMS AND JEFFERSON COUNTIES, COLORADO, OR HIS DESIGNEE.

Section 2. Title VIII, Chapter 7, Section 2, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the tap fee shall be made no earlier than the date upon which a building permit is issued and no later than ~~the date upon which the certificate of occupancy for the property connecting to the City water system is issued~~ A DATE PRIOR TO THE WATER METER INSTALLATION. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, the amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

Section 3. Title VIII, Chapter 7, Section 2, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes ON THE SAME PARCEL is issued within one year of the date of demolition, AND THE RECONSTRUCTED UNIT MAINTAINS THE SAME WATER USE PATTERNS OF THE PRE-EXISTING UNIT, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code

of the City.

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Section 4. Title VIII, Chapter 7, Section 2, Subsection (F), Westminster Municipal Code, is hereby amended as follows:

(F) ~~Where any~~ ANY unit ~~currently~~ having a water tap METER is ~~vacant~~ NOT REGISTERING USAGE, AND FOR WHICH PAYMENT OF THE MONTHLY METER CHARGE HAS NOT BEEN MADE, for more than thirty-six (36) consecutive months, ~~it~~ shall constitute an abandonment of the ASSOCIATED water tap and service commitments and the meter shall be removed by the City. NOTIFICATION OF THE EFFECTIVE DATE OF THE ABANDONMENT OF THE WATER TAP SHALL BE MAILED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR MANAGER. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.

Section 5. Title VIII, Chapter 7, Section 2, Subsection (G), Westminster Municipal Code, is hereby added as follows:

(G) AN ACCOUNT MAY BE DECLARED INACTIVE IF A REQUEST IS MADE IN WRITING BY THE CUSTOMER TO THE CITY. UPON BEING DECLARED INACTIVE, THE CITY SHALL REMOVE THE WATER METER. INACTIVE ACCOUNTS WILL NOT ACCRUE MONTHLY FEES. THE CUSTOMER SHALL HAVE 36 MONTHS TO REACTIVATE THEIR ACCOUNT, AT WHICH TIME THE METER SHALL BE REINSTALLED AND THE CUSTOMER SHALL PAY THE CURRENT APPLICABLE CONNECTION FEE. IN THE EVENT THE ACCOUNT IS NOT RETURNED TO ACTIVE STATUS WITHIN 36 MONTHS, SECTION 8-7-2(F) SHALL APPLY.

Section 6. Title VIII, Chapter 7, Section 3, Subsection (A)(1), Westminster Municipal Code, is hereby amended as follows:

1. Water Resources FEE, being the share of the cost to provide adequate raw water supply to be utilized by the tap;

Section 7. Title VIII, Chapter 7, Section 3, New Subsection (A)(2), Westminster Municipal Code, is hereby added as follows:

2. TREATED WATER INVESTMENT FEE, BEING THE SHARE OF THE UTILITY SYSTEM RELATED TO TREATING AND DISTRIBUTING WATER TO BE UTILIZED BY THE TAP;





Section 8. Title VIII, Chapter 7, Section 3, Subsection (A)(2), Westminster Municipal Code, is hereby renumbered and amended as follows:

23. Connection FEE, being the actual City cost for ~~making a~~ INSTALLATION OF A 5/8 x 3/4 inch meter ~~or a 3/4 inch~~ meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing ~~and installation~~, when applicable; account and billing activation and other administrative procedures. A Connection Charge shall be assessed for each tap and meter;

Section 9. Title VIII, Chapter 7, Section 3, Subsection (A)(3), Westminster Municipal Code, is hereby amended as follows:

~~3. Treated water investment, being the share of the utility system related to treating and distributing water to be utilized by the tap;~~

Section 10. Title VIII, Chapter 7, Section 3, Subsection (A)(4), Westminster Municipal Code, is hereby amended as follows:

4. Fire Demand FEE, being that charge for the benefit of fire protection,

Deleted: ¶

Section 11. Title VIII, Chapter 7, Section 3, Subsection (A)(5), Westminster Municipal Code, is hereby amended as follows:

5. Water taps, WATER TAP LINES, ~~service lines~~, and meters for the same service shall normally be the same size UNLESS OTHERWISE APPROVED AND/OR REQUIRED BY THE CITY. If the tap and meter are of different sizes, the fee shall be paid for the larger, UNLESS A LARGER TAP IS APPROVED AND/OR REQUIRED BY THE CITY IN WHICH CASE THE FEE FOR THE METER SIZE SHALL BE PAID. ~~If more than one tap and/or meter are required for one service by the Director of Community Development, solely for the purpose of fire service safety, the fee shall be based on the size of the tap/meter being used for domestic purposes.~~ Water taps cannot be issued prior to building and/or tap entitlement approval. Exceptions must be approved by the City Manager; i.e., conversion from well to the City water system.

Section 12. Title VIII, Chapter 7, Section 3, Subsection (A)(6), Westminster Municipal Code, is hereby added as follows:

6. BEGINNING ON JULY 1, 2002 AND ON APRIL 1<sup>ST</sup> OF EACH YEAR THEREAFTER, THE TAP FEES, INCLUDING THE WATER RESOURCES CHARGE, THE TREATED WATER INVESTMENT CHARGE, THE FIRE PROTECTION CHARGE AND THE CONNECTION CHARGE, SHALL BE AUTOMATICALLY INCREASED IN ACCORDANCE WITH THE CONSUMER PRICE INDEX (CPI) FOR THE PREVIOUS CALENDAR YEAR AS ESTABLISHED FOR THE DENVER METROPOLITAN AREA. CONNECTION CHARGES MAY ALSO BE ADJUSTED SEPARATELY TO REFLECT THE FULL COST TO THE CITY.

Section 13. Title VIII, Chapter 7, Section 3, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) Residential Fee Schedule: The Residential water tap fee is based on a 5/8 x 3/4 inch meter and is assessed on a per dwelling unit basis as determined by the ratio of water usage of various dwelling unit types to single-family detached dwelling units.

The ~~following~~ water tap fee schedule shall be in effect for all RESIDENTIAL tap fee payments made ~~on or after March 1, 1999~~ ON OR AFTER JULY 1, 2002 pursuant to Section 8-7-2(C).

| Residential Connection      | SC   | Water Resources | Treated Water | Total Per DU | Connection Charge Per Tap |
|-----------------------------|------|-----------------|---------------|--------------|---------------------------|
| Single Family Detached      | 1.0  | \$4,680         | \$3,770       | \$8,450      | \$250                     |
| Mobile Home Space           | 1.0  | \$4,680         | \$3,770       | \$8,450      | \$ *                      |
| <10 DU per net acre         | 0.7  | \$3,276         | \$2,639       | \$5,915      | \$ *                      |
| >10 DU and <24 per net acre | 0.5  | \$2,340         | \$1,885       | \$4,225      | \$ *                      |
| ≥ 24 DU per net acre        | 0.4  | \$1,872         | \$1,508       | \$3,380      | \$ *                      |
| Elderly Housing             | 0.35 | \$1,638         | \$1,320       | \$2,958      | \$ *                      |

Connection Charge is based on the installed meter size, and assessed on a per tap basis in accordance with the Connection Charge contained in Section 8-7-3(C).

THE RESIDENTIAL TAP FEES SHALL BE CALCULATED BY APPLYING THE RESPECTIVE SERVICE COMMITMENT FACTOR TO BOTH THE WATER RESOURCES FEE AND THE TREATED WATER INVESTMENT FEE ON A PER UNIT BASIS PLUS THE APPLICABLE CONNECTION FEE BASED UPON METER SIZE ON A PER METER BASIS PLUS ANY APPLICABLE FIRE PROTECTION CHARGE.

BASE WATER TAP FEES ARE AS FOLLOWS:

WATER RESOURCES CHARGE \$5,143.00  
TREATED WATER INVESTMENT CHARGE \$4,144.00  
FIRE PROTECTION CHARGE \$156.00  
CONNECTION CHARGE

CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS.

| RESIDENTIAL CONNECTION | SINGLE FAMILY DETACHED | MOBILE HOME SPACE | <10 DU PER NET ACRE | ≥10 DU AND <24 DU PER NET ACRE | ≥24 DU PER NET ACRE | ELDERLY HOUSING |
|------------------------|------------------------|-------------------|---------------------|--------------------------------|---------------------|-----------------|
| SC FACTOR              | 1.0                    | 1.0               | 0.7                 | 0.5                            | 0.4                 | 0.35            |

~~Beginning on March 1, 2000, and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.~~

Tap fees for irrigation of right-of-way, medians, open space, greenbelt, and private park areas are NOT included in the individual unit water tap fee listed above for ~~single family attached~~ RESIDENTIAL and ~~multi family developments~~. TAP FEES FOR IRRIGATED AREAS IMMEDIATELY ADJACENT TO SINGLE-FAMILY ATTACHED AND MULTI-FAMILY BUILDINGS ARE INCLUDED IN THE INDIVIDUAL UNIT TAP FEE LISTED ABOVE.

SEPARATE IRRIGATION WATER TAPS AND METERS SHALL BE REQUIRED FOR ALL RESIDENTIAL DEVELOPMENTS OTHER THAN SINGLE-FAMILY DETACHED LOTS. IN ANY INSTANCE WHERE A SEPARATE WATER TAP IS REQUIRED AND WHERE THE ASSOCIATED TAP FEE IS INCLUDED IN THE INDIVIDUAL UNIT WATER TAP FEE, THE CUSTOMER SHALL ONLY PAY THE ASSOCIATED CONNECTION CHARGE.

IRRIGATION TAP FEES ARE REQUIRED BASED ON THE AREA AND TYPE OF LANDSCAPING. LANDSCAPE TYPES ARE DEFINED AS EITHER STANDARD OR LOW-WATER. Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in ~~single-family attached and multi-family~~ ANY RESIDENTIAL development are not included in the individual unit water tap fees listed above. Tap fees for these uses, AND SEPARATE IRRIGATION TAPS shall be calculated at the rates listed in paragraph (C), ~~non-residential fee schedule, of this section~~ USING THE PROCESS LISTED IN 8-7-3(C), THE NON-RESIDENTIAL TAP FEE PROCESS, OF THIS SECTION.

AN IRRIGATION WATER TAP SHALL BE USED ONLY FOR IRRIGATION PURPOSES. EACH IRRIGATION WATER TAP SHALL BE ASSIGNED A SERVICE ADDRESS AND BILLING ACCOUNT IN THE NAME OF THE PROPERTY OWNER OR MANAGER.

Section 14. Title VIII, Chapter 7, Section 3, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) The following water tap fee CALCULATION METHOD ~~schedule~~ shall be in effect for all NON-RESIDENTIAL tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-7-2 (C):

| METER SIZE (INCHES) | TREATED WATER INVESTMENT SERVICE COMMITMENTS | CONNECTION CHARGE |
|---------------------|--|-------------------|
| 5/8"                | 1.0  | \$275             |
| 3/4"                | 1.5  | \$275             |
| 1"                  | 2.5  | \$220             |
| 1-1/2"              | 5.0  | \$220             |
| 2"                  | 8.0  | \$275             |
| 3"                  | 17.5   | \$330             |
| 4"                  | 30.0   | \$385             |
| 6"                  | 62.5   | \$440             |
| 8"                  | 90   | \$495             |

EACH TAP SHALL HAVE A MINIMUM OF ONE WATER RESOURCE AND TREATED WATER INVESTMENT SERVICE COMMITMENT ASSIGNED EXCEPT AS NOTED IN 8-7-4(C).

TAP FEES FOR IRRIGATION TAPS SHALL BE CALCULATED AS FOLLOWS: \$0.89 PER SQUARE FOOT FOR STANDARD LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF MORE THAN NINE (9) INCHES, AND UP TO EIGHTEEN (18) INCHES OF WATER PER SQUARE FOOT. \$0.45 PER SQUARE FOOT FOR LOW WATER LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF UP TO NINE (9) INCHES OF WATER PER SQUARE FOOT.

| Meter Size (Inches) | Service Commitments | Water Resources | Treated Water | Total Tap Fees | Connection Charge Per Tap |
|---------------------|---------------------|-----------------|---------------|----------------|---------------------------|
| 5/8 x 3/4           | 1.0                 | \$ 4,680        | \$ 3,770      | \$ 8,450       | \$250                     |
| 3/4                 | 1.5                 | \$ 7,020        | \$ 5,655      | \$ 12,675      | \$250                     |
| 1                   | 2.5                 | \$ 11,700       | \$ 9,425      | \$ 21,125      | \$150                     |
| 1-1/2               | 5.0                 | \$ 23,400       | \$ 18,450     | \$ 41,850      | \$200                     |
| 2                   | 8.0                 | \$ 37,400       | \$ 30,160     | \$ 67,560      | \$250                     |
| 3                   | 17.5                | \$ 81,900       | \$ 65,975     | \$147,460      | \$300                     |
| 4                   | 30.0                | \$140,400       | \$113,100     | \$253,500      | \$350                     |
| 6                   | 62.5                | \$292,200       | \$235,625     | \$527,825      | \$400                     |
| 8                   | 90.0                | \$421,200       | \$339,300     | \$760,500      | \$450                     |
| 10                  | 145.0               | \$ _____*       | \$ _____*     | \$ _____*      | \$ _____*                 |
| 12                  | 215                 | \$ _____*       | \$ _____*     | \$ _____*      | \$ _____*                 |

~~\*To be determined by the City Manager at the time of application based on available pressure and flow.~~

NON-RESIDENTIAL TAP FEES SHALL BE CALCULATED BASED UPON THE ESTIMATED ANNUAL CONSUMPTION, BUSINESS TYPE, AND TAP SIZE REQUIRED AS CALCULATED BY MULTIPLYING THE WATER RESOURCE SERVICE COMMITMENTS BASED ON ANNUAL USAGE AND THE TREATED WATER INVESTMENT SERVICE COMMITMENTS BASED ON METER SIZE USING METHODS AND ESTIMATES DEVELOPED BY THE CITY'S PUBLIC WORKS AND UTILITIES DEPARTMENT, AND ADDING THE CONNECTION CHARGE FOR THE METER SIZE DETERMINED.

THE BASE WATER TAP FEE COMPONENTS SHALL INCLUDE THE WATER RESOURCES FEE, THE TREATED WATER INVESTMENT FEE AND THE CONNECTION FEE. THE BASE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE SHALL BE BASED UPON THE COMPONENTS FEES AS SET FOR THE 5/8 X 3/4 INCH SINGLE FAMILY DETACHED RESIDENTIAL TAP FEE. THE CONNECTION FEE SHALL BE BASED ON INSTALLED METER SIZE, AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN 8-7-3(C).

BASE WATER TAP FEES ARE AS FOLLOWS:

|                                 |   |
|---------------------------------|---|
| WATER RESOURCES CHARGE          | \$5,143.00  |
| TREATED WATER INVESTMENT CHARGE | \$4,144.00  |
| FIRE PROTECTION CHARGE          | \$156.00  |
| CONNECTION CHARGE               | CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS. |

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE MAY BE IMPLEMENTED AT RATES BELOW 100%. THE CONNECTION CHARGE FEE SHALL BE IMPLEMENTED TO COVER 100% OF THE COST TO THE CITY.

THE FOLLOWING SCHEDULE SHALL BE USED TO INCREASE IMPLEMENTATION OF THE TAP FEES TO 100%.

- JULY 1, 2002, 80% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.
- APRIL 1, 2003, 90% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.
- APRIL 1, 2004, 100% OF THE TOTAL TAP FEE AND THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE.

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE FOR CITY OWNED FACILITIES MAY BE IMPLEMENTED AT RATES BELOW 100% AT THE DIRECTION THE CITY MANAGER OR HIS DESIGNEE.

~~Beginning on March 1, 2000 and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.~~

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

Section 15. Title VIII, Chapter 7, Section 3, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) For any size water tap which is intended to also provide fire protection, a fire protection charge shall be added to the total water tap fee in the amount of one hundred fifty SIX dollars ~~(\$150)~~(\$156). For any size tap that is determined by the City Manager, or his designee, to service only fire protection, the connection charge and plant investment charge shall not be charged and only the one hundred fifty SIX dollar fire protection charge shall be collected. The applicant shall furnish all materials as specified by the City, and all labor and work, including any device required to detect any use of water for purposes other than fire protection.

Section 16. Title VIII, Chapter 7, Section 3, Subsection (F), Westminster Municipal Code, is hereby added as follows:

(F) CONSTRUCTION WATER MUST BE METERED. IF ANY WATER IS REQUIRED THROUGH THE TAP FOR CONSTRUCTION PURPOSES, CONSTRUCTION WATER METERS MUST BE INSTALLED, DEPOSITS COLLECTED AS PER SECTION 8-7-10, AND WATER USAGE BILLED AT COMMERCIAL RATES AS PER 8-7-7(D). IT IS PROHIBITED TO INSTALL ANY BY-PASS OR JUMPER TO PROVIDE WATER SERVICE WITHOUT THE INSTALLATION OF A WATER METER AS PER 8-7-12.

Section 17. Title VIII, Chapter 7, Section 4, Subsection (D), Westminster Municipal Code, is hereby amended as follows:

(D) ~~Separate irrigation water taps and meters shall be required for all residential developments other than single family detached.~~ Separate irrigation water taps and meters ~~also~~ shall be required for all non-residential developments if the irrigated area exceeds 40,000 square feet of turf, other high water use landscaping, or combination thereof, as determined by the City Manager. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

Section 18. Title VIII, Chapter 7, Section 5, Westminster Municipal Code, is hereby amended as follows:

#### 8-7-5 ~~RELOCATION~~ MODIFICATION OF WATER TAPS

(A) Existing water taps may be disconnected and relocated to another location if both the location of the existing tap and the location to which the tap is being moved are under the same ownership, ~~or~~ AND permission for the disconnection and relocation in a written form ~~acceptable to the city~~ is obtained from the ~~property owner from which the tap is being relocated~~ CITY. Disconnection of an existing tap and installation of a relocated tap shall be in accordance with Section 8-7-3 and Section 8-7-4.

If the tap is relocated elsewhere on the same property and applied to the same use, a tap permit and the payment of the connection charge shall be required for the relocation. If the tap is relocated to a different property, or applied to a different use on the same property, a water tap fee in an amount equal to the difference between the CURRENT tap fee ~~paid~~ for the existing tap and the current tap fee for the new tap at the new location AND/OR USE shall be collected.

(B) IF A PARCEL OF LAND HAS AN EXISTING WATER TAP IN SERVICE AND THE PROPOSED LAND USE CHANGE, EXPANSION, OR ALTERATION OF THE EXISTING FACILITIES OR STRUCTURES ON THAT LAND NECESSITATE A TAP LARGER THAN THAT WHICH IS EXISTING, THE PROVISIONS STATED IN 8-7-5 (A) (B) SHALL APPLY.

(1) THE APPLICANT SHALL BE RESPONSIBLE FOR ABANDONING AND REMOVING THE EXISTING SERVICE LINE FROM THE METER TO THE CORPORATION STOP AT THE WATER MAIN. AN APPROPRIATE STREET CUT PERMIT SHALL BE REQUIRED TO ASSURE PROPER INSPECTION AND RECONSTRUCTION.

(2) IN THE EVENT A FIVE-EIGHTHS BY THREE-QUARTER INCH (5/8 X 3/4) OR A THREE-QUARTER INCH (3/4) SERVICE TAP IS REMOVED, RELOCATED, OR ABANDONED, THE WATER METER IS AND SHALL REMAIN THE PROPERTY OF THE CITY. THE OWNER SHALL BE RESPONSIBLE FOR RETURNING THAT METER TO THE CITY.

(3) UPON ISSUANCE OF A TAP PERMIT FOR THE FIRST NEW SERVICE TAP, A TAP FEE CREDIT SHALL BE GIVEN IN AN AMOUNT TO BE CALCULATED BY SUBTRACTING THE COST OF THE CURRENT WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE ORIGINAL TAP FROM THE CURRENT VALUE OF THE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE FIRST NEW SERVICE TAP.

(4) THE AMOUNT OF CREDIT SHALL BE FIXED AT THE ISSUANCE OF THE FIRST NEW SERVICE TAP AND MAY BE USED FOR PAYMENT FOR ADDITIONAL SERVICE TAPS THAT ARE USED ON THE SAME PROPERTY.

(5) IN NO INSTANCE SHALL CASH REFUNDS BE GRANTED.

(6) NO CREDIT SHALL BE GIVEN FOR THE CONNECTION FEE OR FIRE DEMAND FEE.

(7) IF ANY TAP IS INSTALLED AND COMPLETED WITHOUT RECEIVING PROPER INSPECTION AND APPROVAL BY THE CITY, NO TAP FEE CREDIT SHALL BE GIVEN.

(8) IF A DEMOLITION OR VACATION OF A UNIT RESULTS IN AN ABANDONMENT OF AN ASSOCIATED WATER TAP AS DEFINED IN 8-7-2(F), NO TAP FEE CREDIT SHALL BE GRANTED AT THE TIME A NEW TAP PERMIT IS ISSUED.

Section 19. Title VIII, Chapter 7, Section 9, Subsection (A), Westminster Municipal Code, is hereby amended as follows:

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the forty fifth day following the date of the bill, the ~~Revenue Administrator, or his delegate~~ CITY MANAGER, OR HIS DESIGNEE, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge for turning the water off and for turning the water on have been paid. The number of turn offs and turn ons for an account accumulate over the most recent twelve month period. The charges for turn offs and turn ons during the twelve month period are as follows:

Section 20. Title VIII, Chapter 7, Section 13, Subsection (H), Westminster Municipal Code, is hereby amended as follows:

(H) If the City Manager finds that any person has failed to comply with any of the requirements of Subsections (C), (D), (E), (F) or (G) of this section, the CITY Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice.

Section 21. Title VIII, Chapter 7, Section 23, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

The ~~City Treasurer, or his staff,~~ CITY MANAGER, OR HIS DESIGNEE, may give credit to any utility customer that has been overcharged. ~~The credit must not exceed the intent of this Ordinance~~

Section 22. Title VIII, Chapter 7, Section 24 Westminster Municipal Code, is hereby amended and renumbered as follows:

(A) In the event of a water shortage or drought emergency that requires the reduction of the use of water from the water utility, the City Manager shall have the authority to immediately require and implement mandatory reductions as he deems necessary for the protection of the public. Such reductions or water restrictions shall be in effect until such time as the City Council or the City Manager removes them.

(B) In the event of a prolonged drought or other water shortage emergency that may require water restrictions or limitations for more than fifteen (15) days, the City Council may adopt by resolution, a long term water conservation plan that may include, but not be limited to, the following:

~~(A)~~(1) Limiting lawn watering to certain days of the week or times during the month.

~~(B)~~(2) Prohibiting wasteful water use as determined by City Council AND FURTHER DESCRIBED IN 8-7-25(A).

~~(C)~~(3) Prohibiting noncommercial car washing and/or sidewalk and driveway washing.

~~(D)~~(4) Prohibiting new lawns from being planted or installed.

~~(E)~~(5) Rationing the amount of water that can be used by each customer, household and/or business.

~~(F)~~(6) Prohibiting any outside irrigation use of water.

~~(G)~~(7) Implementing a major public information program on the need to conserve water.

~~(H)~~(8) Any other similar restrictions the Council deems necessary.

Section 23. Title VIII, Chapter 7, "Waste of Water," Westminster Municipal Code, is hereby added as follows:

8-7-25: WASTE OF WATER:

(A) WASTE OF WATER IS PROHIBITED. WASTE OF WATER IS DEFINED AS THE INTENTIONAL OR NON-INTENTIONAL USE OF WATER FOR A NON-BENEFICIAL PURPOSE, AND INCLUDES CONTINUOUS APPLICATION OF WATER TO ANY LAWN, TURF, SODDED, OR LANDSCAPED AREA RESULTING IN THE POOLING OR FLOWING OF WATER INTO DRAINAGE OR STORM DRAINAGE FACILITIES, FAILURE TO REPAIR ANY IRRIGATION SYSTEM THAT IS LEAKING, AND THE USE OF HOSES FOR WASHING OF VEHICLES AND OTHER OUTDOOR USES OTHER THAN IRRIGATION, NOT EQUIPPED WITH A SHUTOFF VALVE THAT IS NORMALLY CLOSED AND NECESSITATES HAND PRESSURE ON THE VALVE TO PERMIT THE FLOW OF WATER. NOTWITHSTANDING THE ENFORCEMENT PROVISIONS SET FORTH IN THIS SECTION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SHUT OFF OF WATER SERVICE TO A PROPERTY IF THE CITY MANAGER, OR HIS DESIGNEE, REASONABLY FINDS THAT AN EXTREME WASTE OF WATER IS OCCURRING ON THE PREMISES.

(B) THE DIRECTOR OF PUBLIC WORKS AND UTILITIES IS HEREBY AUTHORIZED TO ENFORCE THIS SECTION. THE PERSON BILLED FOR WATER SERVICE TO A PROPERTY, WHETHER OWNER OR OCCUPANT, SHALL BE RESPONSIBLE FOR COMPLIANCE WITH SECTION (A) AND (B), WITHIN 30 DAYS OF THE VIOLATION NOTICE, UNLESS OTHERWISE SPECIFIED BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES, AND SHALL BE SUBJECT TO THE FOLLOWING ACTIONS AND PENALTIES:



(1) UPON A FIRST VIOLATION, THE PERSON BILLED WILL BE ADVISED IN WRITING OF THE VIOLATION AND ISSUED A WARNING FOR THE VIOLATION. THE WARNING SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUE.

(2) A SECOND VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$50.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED.

(3) A THIRD OR ADDITIONAL VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$100.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IN ADDITION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SUSPENSION OF SERVICE TO THE PROPERTY UNTIL ALL OUTSTANDING FINES ARE PAID. RESTORATION OF SERVICE SHALL OCCUR AS DETAILED IN 8-7-9.

(4) UPON ANY NOTICE(S) OF VIOLATION OF THIS SECTION, A COPY OF SUCH NOTICE SHALL ALSO BE MAILED TO THE OWNER(S) OF THE REAL PROPERTY SERVED, IF THE OWNER'S ADDRESS DIFFERS FROM THE SUBJECT PROPERTY ADDRESS.

(C) IF A HEARING IS REQUESTED IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

Section 24. Title VIII, Chapter 7, Section 25, Westminster Municipal Code, is hereby deleted as follows:

~~8-7-25: WATER TAP FEE CREDITS (1251-1311-1788-2126-2634)~~

~~(A) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land necessitate a tap larger than that which is existing, the following provisions shall apply:~~

~~1. Upon issuance of the tap permit for the new service tap, a tap fee credit, equal to the current water resources and treated water elements and, when applicable, the fire protection element for the existing tap size as described in Section 8-7-3, shall be granted.~~

~~2. The applicant shall be responsible for abandoning and removing the existing service line from the meter to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction.~~

~~3. In the event a five eighth by three quarter inch (5/8" x 3/4") or a three quarter inch service tap is removed, relocated, or abandoned, the water meter is and shall remain the property of the City. The owner shall be responsible for returning that meter to the City.~~

~~(B) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land will necessitate a tap or taps smaller than that which is existing, credit shall be given as follows:~~

~~1. Upon issuance of the tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources and treated water elements fee of the small tap from the current value of the water resources and treated water elements fee of the original tap.~~

~~2. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.~~

~~3. In no instance will refunds be granted.~~

~~4. No credit shall be given for connection charge or the fire protection element.~~

~~(C) If any tap is installed and completed without receiving proper inspection and approval by the City, no tap fee credit shall be given.~~

~~(D) Abandonment. If a demolition or vacation of a unit results in an abandonment of a water tap, no cash refund shall be granted for any taps released from service, and no tap fee credit shall be granted at the time a new tap permit is issued.~~

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED THIS 10th day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th  
day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 24, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent None.

The minutes of the June 10, 2002 meeting were approved.

The week of June 30-July 7 was proclaimed as "National Lakes Appreciation Week."

Council approved the following: May 2002 Financial Report; City Participation in 108<sup>th</sup> Avenue Construction for \$54,596; Quail Creek/Bull Canal Pipeline Relocation with Xcel Energy for \$112,000; Amendment to Contract with VALIC for Deferred Comp Plan; Strategic Planning Consulting Services with Lyle Sumek & Associates not to exceed \$50,000; Inflow & Infiltration Study Contract Change Order with ADS Environmental Services for \$19,515; Large Water Meter Purchase for \$30,295; and Fire Department IGA Mutual Aid Agreement.

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE MODIFYING THE DETERMINATION OF WATER TAP FEES AND ASSOCIATED FEES AS WELL AS THE INTRODUCTION OF A WASTE OF WATER SECTION

A BILL FOR AN ORDINANCE MODIFYING THE DETERMINATION OF SEWER TAP FEES AND ASSOCIATED FEES

The following Resolutions were adopted:

Resolution No. 35 re Approval of AT&T/Comcast Transfer of Control of Cable Franchise

At 8:15 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on July 4, 2002.

BY AUTHORITY

ORDINANCE NO. **2953**

COUNCILOR'S BILL NO. **25**

SERIES OF 2002

INTRODUCED BY COUNCILORS

**Kauffman-Atchison**

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$14,700, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,074,813. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado State Trails Program grant for the improvements along the Walnut Creek Trail corridor.

Section 2. The \$14,700 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <u>Description</u>                        | <u>Current Budget</u> | <u>\$ Increase</u> | <u>Final Budget</u> |
|---|-----------------------|--------------------|---------------------|
| <u>REVENUES</u>                           |                       |                    |                     |
| State Grants 7501.40620.0000              | \$0                   | <u>\$14,700</u>    | \$14,700            |
| Total Revenue                             |                       | <u>\$14,700</u>    |                     |
| <u>EXPENSES</u>                           |                       |                    |                     |
| Trails Development 80175050135.80400.8888 | \$1,066,090           | <u>\$14,700</u>    | \$1,080,790         |
| Total Expenses                            |                       | <u>\$14,700</u>    |                     |

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

BY AUTHORITY

ORDINANCE NO. **2954**

COUNCILOR'S BILL NO. **26**

SERIES OF 2002

INTRODUCED BY COUNCILORS

McNally-Hicks

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$81,000, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,060,113. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Joint Venture grant for the improvements at Faversham Park.

Section 2. The \$81,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <u>Description</u>                                 | <u>Current Budget</u> | <u>\$ Increase</u> | <u>Final Budget</u> |
|--|-----------------------|--------------------|---------------------|
| <b><u>REVENUES</u></b>                             |                       |                    |                     |
| County Open Space Grants-Jefferson 7501.40630.0020 | \$0                   | <u>\$81,000</u>    | \$81,000            |
| Total Revenues                                     |                       | <u>\$81,000</u>    |                     |
| <b><u>EXPENSES</u></b>                             |                       |                    |                     |
| Faversham Park 80275050513.80400.8888              | \$200,000             | <u>\$81,000</u>    | \$281,000           |
| Total Expenses                                     |                       | <u>\$81,000</u>    |                     |

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

BY AUTHORITY

ORDINANCE NO. **2955**

COUNCILLOR'S BILL NO. **28**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

*Atchison-Dixion*

A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF SEWER TAP FEES AND ASSOCIATED FEES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

NOW THEREFORE, be it ordained by the City Council of the City of Westminster as follows:

Section 1. Title VIII, Chapter 8, Section 1, Westminster Municipal Code, is hereby amended by the addition of the following definitions as follows:

TRANSPORT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE COLLECTION AND TRANSPORT OF WASTEWATER INCLUDING PIPES, PUMPS, LIFT-STATIONS AND RELATED FACILITIES.

TREATMENT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE CITY OF WESTMINSTER TREATMENT FACILITIES.

METRO FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE METRO WASTEWATER RECLAMATION DISTRICT TREATMENT FACILITIES.

Section 2. Title VIII, Chapter 8, Section 5, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) RATE SCHEDULES:

1. Residential Fee Schedule: Residential sewer tap fees are based on a FIVE-EIGHTHS INCH (5/8") BY three-quarter-inch (3/4") water tap size and assessed on a per-dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single-family detached dwelling units. SINGLE FAMILY

DETACHED SEWER TAP FEES FOR ANY OTHER WATER METER SIZE SHALL BE BASED ON THE NON-RESIDENTIAL SEWER TAP FEE SCHEDULE PURSUANT TO SECTION 8-8-5(B)(2).

The following RESIDENTIAL sewer tap fee schedule CALCULATION METHOD shall be in effect for all tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-8-5(C):

| Residential Connection        | SC   | Total Per DU |
|-------------------------------|------|--------------|
| Single Family Detached        | 1.0  | \$2,200      |
| Mobile Home Space             | 1.0  | \$2,200      |
| <10 DU per net acre           | 0.7  | \$1,540      |
| >10 DU by <24 DU per net acre | 0.5  | \$1,100      |
| >=24 DU per net acre          | 0.4  | \$ 880       |
| Elderly Housing               | 0.35 | \$ 770       |

RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: THE TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE NUMBER OF UNITS TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE DWELLING TYPE AS DEFINED BELOW:

| RESIDENTIAL CONNECTION | SINGLE FAMILY DETACHED | MOBILE HOME SPACE | <10 DU PER NET ACRE | ≥10 DU AND <24 DU PER NET ACRE | ≥24 DU PER NET ACRE | ELDERLY HOUSING |
|------------------------|------------------------|-------------------|---------------------|--------------------------------|---------------------|-----------------|
| SC FACTOR              | 1.0                    | 1.0               | 0.7                 | 0.5                            | 0.4                 | 0.35            |

THE TREATMENT FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE TREATMENT FACILITIES FEE TIMES THE NUMBER OF LIVING UNITS. FOR PURPOSES OF THE TREATMENT FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE METRO WASTEWATER FEE, AS SAME SHALL BE SET BY THE METRO DISTRICT, TIMES THE NUMBER OF UNITS. FOR PURPOSES OF THE METRO FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

|                          |            |
|--------------------------|------------|
| TRANSPORT FACILITIES FEE | \$1,018.00 |
| TREATMENT FACILITIES FEE | \$1,400.00 |
| METRO FACILITIES FEE     | \$1,400.00 |

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the sewer tap fees TRANSPORT FACILITIES FEE contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

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



2. Non-Residential Fee Schedule: Non-residential sewer tap fees are based on the SUM OF THE FOLLOWING SERVICE COMMITMENT FACTORS, ASSOCIATED WITH THE size of the water tap(S) used by the building served BY A SINGLE SEWER TAP. The table below determines the appropriate sewer tap fee SERVICE COMMITMENT FACTOR.

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

THE FOLLOWING SEWER TAP FEE CALCULATION METHOD SHALL BE IN EFFECT FOR ALL NON-RESIDENTIAL TAP FEE PAYMENTS MADE ON OR AFTER JULY 1, 2002 PURSUANT TO SECTION 8-8-5(C):

NON-RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE. THE TREATMENT FACILITIES FEE AND THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE BASE TREATMENT FACILITIES FEE OR BASE METRO FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

|                          |            |
|--------------------------|------------|
| TRANSPORT FACILITIES FEE | \$1,018.00 |
| TREATMENT FACILITIES FEE | \$1,400.00 |
| METRO FACILITIES FEE     | \$1,400.00 |

ALTERNATE CALCULATION METHOD: NEW CONNECTIONS SERVED BY MULTIPLE NEW WATER SERVICE TAPS WITH A COMBINED SERVICE COMMITMENT OF GREATER THAN OR EQUAL TO 205 SHALL HAVE THE NUMBER OF SERVICE COMMITMENTS DETERMINED AS FOR CONNECTIONS WITH SERVICE TAPS 6" OR LARGER.

FOR WATER SERVICE TAPS 6" OR LARGER, THE NUMBER OF SERVICE COMMITMENTS FOR CALCULATING THE SEWER TAP FEE SHALL BE DETERMINED FROM THE FOLLOWING FORMULA:

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

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

AT MINIMUM, THE FOLLOWING VALUES SHALL BE USED IN THE ABOVE FORMULAS:

| TAP SIZE | FLOW    | BOD    | SS     | TKN    |
|----------|---------|--------|--------|--------|
| 6"       | 45,125  | 323.13 | 323.13 | 48.47  |
| 8"       | 74,250  | 520.17 | 520.17 | 78.02  |
| 10"      | 136,125 | 953.64 | 953.64 | 143.05 |

THE CITY SHALL MAKE THE FINAL DETERMINATION OF THE ESTIMATED FLOW, BOD, SS AND TKN USED TO DETERMINE THE NUMBER OF SERVICE COMMITMENTS FOR EACH NEW CONNECTION, WHICH IS SUBJECT TO THE ABOVE FORMULA.

FOLLOWING ARE THE FRACTIONS USED FOR THE TREATMENT OF FLOW AND LOADINGS, EFFECTIVE JULY 1, 2002: FLOW (F) = 0.5459, BOD (B) = 0.2187, SS (S) = 0.1647, TKN (T) = 0.0707.

~~The following water tap fee schedule shall be in effect for all non-residential tap fee payments made on or after March 1, 1999 pursuant to Section 8-8-5(C):~~

| Meter Size Inches | Service Commitments | Total Tap Fee |
|-------------------|---------------------|---------------|
| 5/8 x 3/4         | 1.0                 | \$ 2,200      |
| 3/4               | 1.5                 | \$ 3,300      |
| 1                 | 2.5                 | \$ 5,500      |
| 1 1/2             | 5.0                 | \$ 11,000     |
| 2                 | 8.0                 | \$ 17,600     |
| 3                 | 17.5                | \$ 38,500     |
| 4                 | 30.0                | \$ 66,000     |
| 6                 | 62.5                | \$137,500     |
| 8                 | 90.0                | \$198,000     |
| 10                | 145.0               | \$ *          |
| 12                | 215.0               | \$ *          |

~~\*To be determined by the City Manager at the time of application.~~

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the ~~sewer tap fees~~ TRANSPORT FACILITIES FEE contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

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

Section 3. Title VIII, Chapter 8, Section 5, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the sewer tap fee shall be made no earlier than the date upon the which application is approved for a building permit and no later than the date upon which the ~~certificate of occupancy~~ WATER METER(S) ARE INSTALLED for the property connecting to the City sewer system. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

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

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

Section 4. Title VIII, Chapter 8, Section 15, Westminster Municipal Code, is hereby added as follows:

8-8-15: CHANGE IN WATER USE

ANY CHANGE IN CUSTOMER WATER USE, METER OR TAP SIZE, THAT RESULTS IN AN ADDITIONAL ASSESSMENT TO THE CITY OF METRO WASTEWATER DISTRICT CHARGES SHALL RESULT IN THOSE CHARGES BEING ASSESSED TO THE CUSTOMER BY THE CITY.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 10TH day of June, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

BY AUTHORITY

ORDINANCE NO. **2956**

COUNCILLOR'S BILL NO. **27**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

**Atchison-Dixon**

A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF WATER TAP FEES AND ASSOCIATED FEES AS WELL AS THE INTRODUCTION OF A WASTE OF WATER SECTION

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VIII, Chapter 7, Section 1, Subsection (H), Subsection (L) and Subsection (P), Westminster Municipal Code, are hereby added and Sections (I) through (O) are re-lettered as follows:

(H) MULTI FAMILY: ANY RESIDENTIAL HOUSING OTHER THAN SINGLE-FAMILY DETACHED OR SINGLE FAMILY ATTACHED.

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

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

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

(L) SINGLE FAMILY ATTACHED: A SINGLE DWELLING UNIT CONTAINED IN A FREE-STANDING STRUCTURE WHICH HAS PARTY WALLS WITH OTHER STRUCTURES.

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

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

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

(P) CITY MANAGER: MEANS THE MANAGER OF THE CITY OF WESTMINSTER, ADAMS AND JEFFERSON COUNTIES, COLORADO, OR HIS DESIGNEE.

Section 2. Title VIII, Chapter 7, Section 2, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the tap fee shall be made no earlier than the date upon which a building permit is issued and no later than ~~the date upon which the certificate of occupancy for the property connecting to the City water system is issued~~ A DATE PRIOR TO THE WATER METER INSTALLATION. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, the amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

Section 3. Title VIII, Chapter 7, Section 2, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes ON THE SAME PARCEL is issued within one year of the date of demolition, AND THE RECONSTRUCTED UNIT MAINTAINS THE SAME WATER USE PATTERNS OF THE PRE-EXISTING UNIT, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code

of the City.

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Section 4. Title VIII, Chapter 7, Section 2, Subsection (F), Westminster Municipal Code, is hereby amended as follows:

(F) ~~Where any~~ ANY unit ~~currently~~ having a water tap METER is ~~vacant~~ NOT REGISTERING USAGE, AND FOR WHICH PAYMENT OF THE MONTHLY METER CHARGE HAS NOT BEEN MADE, for more than thirty-six (36) consecutive months, ~~it~~ shall constitute an abandonment of the ASSOCIATED water tap and service commitments and the meter shall be removed by the City. NOTIFICATION OF THE EFFECTIVE DATE OF THE ABANDONMENT OF THE WATER TAP SHALL BE MAILED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR MANAGER. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.

Section 5. Title VIII, Chapter 7, Section 2, Subsection (G), Westminster Municipal Code, is hereby added as follows:

(G) AN ACCOUNT MAY BE DECLARED INACTIVE IF A REQUEST IS MADE IN WRITING BY THE CUSTOMER TO THE CITY. UPON BEING DECLARED INACTIVE, THE CITY SHALL REMOVE THE WATER METER. INACTIVE ACCOUNTS WILL NOT ACCRUE MONTHLY FEES. THE CUSTOMER SHALL HAVE 36 MONTHS TO REACTIVATE THEIR ACCOUNT, AT WHICH TIME THE METER SHALL BE REINSTALLED AND THE CUSTOMER SHALL PAY THE CURRENT APPLICABLE CONNECTION FEE. IN THE EVENT THE ACCOUNT IS NOT RETURNED TO ACTIVE STATUS WITHIN 36 MONTHS, SECTION 8-7-2(F) SHALL APPLY.

Section 6. Title VIII, Chapter 7, Section 3, Subsection (A)(1), Westminster Municipal Code, is hereby amended as follows:

1. Water Resources FEE, being the share of the cost to provide adequate raw water supply to be utilized by the tap;

Section 7. Title VIII, Chapter 7, Section 3, New Subsection (A)(2), Westminster Municipal Code, is hereby added as follows:

2. TREATED WATER INVESTMENT FEE, BEING THE SHARE OF THE UTILITY SYSTEM RELATED TO TREATING AND DISTRIBUTING WATER TO BE UTILIZED BY THE TAP;

Section 8. Title VIII, Chapter 7, Section 3, Subsection (A)(2), Westminster Municipal Code, is hereby renumbered and amended as follows:

23. Connection FEE, being the actual City cost for ~~making a~~ INSTALLATION OF A 5/8 x 3/4 inch meter ~~or a 3/4 inch~~ meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing ~~and installation~~, when applicable; account and billing activation and other administrative procedures. A Connection Charge shall be assessed for each tap and meter;

Section 9. Title VIII, Chapter 7, Section 3, Subsection (A)(3), Westminster Municipal Code, is hereby amended as follows:

~~3. Treated water investment, being the share of the utility system related to treating and distributing water to be utilized by the tap;~~

Section 10. Title VIII, Chapter 7, Section 3, Subsection (A)(4), Westminster Municipal Code, is hereby amended as follows:

4. Fire Demand FEE, being that charge for the benefit of fire protection,

Deleted: ¶

Section 11. Title VIII, Chapter 7, Section 3, Subsection (A)(5), Westminster Municipal Code, is hereby amended as follows:

5. Water taps, WATER TAP LINES, ~~service lines~~, and meters for the same service shall normally be the same size UNLESS OTHERWISE APPROVED AND/OR REQUIRED BY THE CITY. If the tap and meter are of different sizes, the fee shall be paid for the larger, UNLESS A LARGER TAP IS APPROVED AND/OR REQUIRED BY THE CITY IN WHICH CASE THE FEE FOR THE METER SIZE SHALL BE PAID. ~~If more than one tap and/or meter are required for one service by the Director of Community Development, solely for the purpose of fire service safety, the fee shall be based on the size of the tap/meter being used for domestic purposes.~~ Water taps cannot be issued prior to building and/or tap entitlement approval. Exceptions must be approved by the City Manager; i.e., conversion from well to the City water system.

Section 12. Title VIII, Chapter 7, Section 3, Subsection (A)(6), Westminster Municipal Code, is hereby added as follows:

6. BEGINNING ON JULY 1, 2002 AND ON APRIL 1<sup>ST</sup> OF EACH YEAR THEREAFTER, THE TAP FEES, INCLUDING THE WATER RESOURCES CHARGE, THE TREATED WATER INVESTMENT CHARGE, THE FIRE PROTECTION CHARGE AND THE CONNECTION CHARGE, SHALL BE AUTOMATICALLY INCREASED IN ACCORDANCE WITH THE CONSUMER PRICE INDEX (CPI) FOR THE PREVIOUS CALENDAR YEAR AS ESTABLISHED FOR THE DENVER METROPOLITAN AREA. CONNECTION CHARGES MAY ALSO BE ADJUSTED SEPARATELY TO REFLECT THE FULL COST TO THE CITY.

Section 13. Title VIII, Chapter 7, Section 3, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) Residential Fee Schedule: The Residential water tap fee is based on a 5/8 x 3/4 inch meter and is assessed on a per dwelling unit basis as determined by the ratio of water usage of various dwelling unit types to single-family detached dwelling units.

The ~~following~~ water tap fee schedule shall be in effect for all RESIDENTIAL tap fee payments made ~~on or after March 1, 1999~~ ON OR AFTER JULY 1, 2002 pursuant to Section 8-7-2(C).

| Residential Connection | SC  | Water Resources | Treated Water | Total Per DU | Connection Charge Per Tap |
|------------------------|-----|-----------------|---------------|--------------|---------------------------|
| Single Family Detached | 1.0 | \$4,680         | \$3,770       | \$8,450      | \$250                     |

|                             |      |         |         |         |      |
|-----------------------------|------|---------|---------|---------|------|
| Mobile Home Space           | 1.0  | \$4,680 | \$3,770 | \$8,450 | \$ * |
| <10 DU per net acre         | 0.7  | \$3,276 | \$2,639 | \$5,915 | \$ * |
| >10 DU and <24 per net acre | 0.5  | \$2,340 | \$1,885 | \$4,225 | \$ * |
| ≥ 24 DU per net acre        | 0.4  | \$1,872 | \$1,508 | \$3,880 | \$ * |
| Elderly Housing             | 0.35 | \$1,638 | \$1,320 | \$2,958 | \$ * |

Connection Charge is based on the installed meter size, and assessed on a per tap basis in accordance with the Connection Charge contained in Section 8-7-3(C).

THE RESIDENTIAL TAP FEES SHALL BE CALCULATED BY APPLYING THE RESPECTIVE SERVICE COMMITMENT FACTOR TO BOTH THE WATER RESOURCES FEE AND THE TREATED WATER INVESTMENT FEE ON A PER UNIT BASIS PLUS THE APPLICABLE CONNECTION FEE BASED UPON METER SIZE ON A PER METER BASIS PLUS ANY APPLICABLE FIRE PROTECTION CHARGE.

BASE WATER TAP FEES ARE AS FOLLOWS:

WATER RESOURCES CHARGE \$5,143.00  
TREATED WATER INVESTMENT CHARGE \$4,144.00  
FIRE PROTECTION CHARGE \$156.00  
CONNECTION CHARGE

CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS.

| RESIDENTIAL CONNECTION | SINGLE FAMILY DETACHED | MOBILE HOME SPACE | <10 DU PER NET ACRE | ≥10 DU AND <24 DU PER NET ACRE | ≥24 DU PER NET ACRE | ELDERLY HOUSING |
|------------------------|------------------------|-------------------|---------------------|--------------------------------|---------------------|-----------------|
| SC FACTOR              | 1.0                    | 1.0               | 0.7                 | 0.5                            | 0.4                 | 0.35            |

Beginning on March 1, 2000, and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.

Tap fees for irrigation of right-of-way, medians, open space, greenbelt, and private park areas are NOT included in the individual unit water tap fee listed above for ~~single family attached and multi family developments~~. TAP FEES FOR IRRIGATED AREAS IMMEDIATELY ADJACENT TO SINGLE-FAMILY ATTACHED AND MULTI-FAMILY BUILDINGS ARE INCLUDED IN THE INDIVIDUAL UNIT TAP FEE LISTED ABOVE.

SEPARATE IRRIGATION WATER TAPS AND METERS SHALL BE REQUIRED FOR ALL RESIDENTIAL DEVELOPMENTS OTHER THAN SINGLE-FAMILY DETACHED LOTS. IN ANY INSTANCE WHERE A SEPARATE WATER TAP IS REQUIRED AND WHERE THE ASSOCIATED TAP FEE IS INCLUDED IN THE INDIVIDUAL UNIT WATER TAP FEE, THE CUSTOMER SHALL ONLY PAY THE ASSOCIATED CONNECTION CHARGE.

IRRIGATION TAP FEES ARE REQUIRED BASED ON THE AREA AND TYPE OF LANDSCAPING. LANDSCAPE TYPES ARE DEFINED AS EITHER STANDARD OR LOW-WATER. Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in ~~single family attached and multi family~~ ANY RESIDENTIAL development are not included in the individual unit water tap fees listed above. Tap fees for these uses, AND SEPARATE IRRIGATION TAPS shall be calculated at the rates listed in ~~paragraph (C), non residential fee schedule, of this section~~ USING THE PROCESS LISTED IN 8-7-3(C), THE NON-RESIDENTIAL TAP FEE PROCESS, OF THIS SECTION.

AN IRRIGATION WATER TAP SHALL BE USED ONLY FOR IRRIGATION PURPOSES. EACH IRRIGATION WATER TAP SHALL BE ASSIGNED A SERVICE ADDRESS AND BILLING ACCOUNT IN THE NAME OF THE PROPERTY OWNER OR MANAGER.

Section 14. Title VIII, Chapter 7, Section 3, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) The following water tap fee CALCULATION METHOD ~~schedule~~ shall be in effect for all NON-RESIDENTIAL tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-7-2 (C):

| METER SIZE (INCHES) | TREATED WATER INVESTMENT SERVICE COMMITMENTS | CONNECTION CHARGE |
|---------------------|--|-------------------|
| 5/8"                | 1.0  | \$275             |
| 3/4"                | 1.5  | \$275             |
| 1"                  | 2.5  | \$220             |
| 1-1/2"              | 5.0  | \$220             |
| 2"                  | 8.0  | \$275             |
| 3"                  | 17.5   | \$330             |
| 4"                  | 30.0   | \$385             |
| 6"                  | 62.5   | \$440             |
| 8"                  | 90   | \$495             |

EACH TAP SHALL HAVE A MINIMUM OF ONE WATER RESOURCE AND TREATED WATER INVESTMENT SERVICE COMMITMENT ASSIGNED EXCEPT AS NOTED IN 8-7-4(C).

TAP FEES FOR IRRIGATION TAPS SHALL BE CALCULATED AS FOLLOWS: \$0.89 PER SQUARE FOOT FOR STANDARD LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF MORE THAN NINE (9) INCHES, AND UP TO EIGHTEEN (18) INCHES OF WATER PER SQUARE FOOT. \$0.45 PER SQUARE FOOT FOR LOW WATER LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF UP TO NINE (9) INCHES OF WATER PER SQUARE FOOT.

| Meter Size (Inches)  | Service Commitments | Water Resources      | Treated Water       | Total Tap Fees       | Connection Charge Per Tap |
|----------------------|---------------------|----------------------|---------------------|----------------------|---------------------------|
| <del>5/8 x 3/4</del> | 1.0                 | <del>\$ 4,680</del>  | <del>\$ 3,770</del> | <del>\$ 8,450</del>  | \$250                     |
| <del>3/4</del>       | 1.5                 | <del>\$ 7,020</del>  | <del>\$ 5,655</del> | <del>\$ 12,675</del> | \$250                     |
| <del>1</del>         | 2.5                 | <del>\$ 11,700</del> | <del>\$ 9,425</del> | <del>\$ 21,125</del> | \$150                     |
| 1-1/2                | 5.0                 | \$ 23,400            | \$ 18,450           | \$ 41,850            | \$200                     |
| 2                    | 8.0                 | \$ 37,400            | \$ 30,160           | \$ 67,560            | \$250                     |
| 3                    | 17.5                | \$ 81,900            | \$ 65,975           | \$147,460            | \$300                     |
| 4                    | 30.0                | \$140,400            | \$113,100           | \$253,500            | \$350                     |
| 6                    | 62.5                | \$292,200            | \$235,625           | \$527,825            | \$400                     |
| 8                    | 90.0                | \$421,200            | \$339,300           | \$760,500            | \$450                     |
| 10                   | 145.0               | \$ *                 | \$ *                | \$ *                 | \$ *                      |
| 12                   | 215                 | \$ *                 | \$ *                | \$ *                 | \$ *                      |

~~\*To be determined by the City Manager at the time of application based on available pressure and flow.~~

NON-RESIDENTIAL TAP FEES SHALL BE CALCULATED BASED UPON THE ESTIMATED ANNUAL CONSUMPTION, BUSINESS TYPE, AND TAP SIZE REQUIRED AS CALCULATED BY MULTIPLYING THE WATER RESOURCE SERVICE COMMITMENTS BASED ON ANNUAL USAGE AND THE TREATED WATER INVESTMENT SERVICE COMMITMENTS BASED ON METER SIZE USING METHODS AND ESTIMATES DEVELOPED BY THE CITY'S PUBLIC



WORKS AND UTILITIES DEPARTMENT, AND ADDING THE CONNECTION CHARGE FOR THE METER SIZE DETERMINED.

THE BASE WATER TAP FEE COMPONENTS SHALL INCLUDE THE WATER RESOURCES FEE, THE TREATED WATER INVESTMENT FEE AND THE CONNECTION FEE. THE BASE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE SHALL BE BASED UPON THE COMPONENTS FEES AS SET FOR THE 5/8 X 3/4 INCH SINGLE FAMILY DETACHED RESIDENTIAL TAP FEE. THE CONNECTION FEE SHALL BE BASED ON INSTALLED METER SIZE, AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN 8-7-3(C).

BASE WATER TAP FEES ARE AS FOLLOWS:

|                                 |            |   |
|---------------------------------|------------|---|
| WATER RESOURCES CHARGE          | \$5,143.00 |   |
| TREATED WATER INVESTMENT CHARGE | \$4,144.00 |   |
| FIRE PROTECTION CHARGE          | \$156.00   |   |
| CONNECTION CHARGE               |            | CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS. |

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE MAY BE IMPLEMENTED AT RATES BELOW 100%. THE CONNECTION CHARGE FEE SHALL BE IMPLEMENTED TO COVER 100% OF THE COST TO THE CITY.

THE FOLLOWING SCHEDULE SHALL BE USED TO INCREASE IMPLEMENTATION OF THE TAP FEES TO 100%.

JULY 1, 2002, 80% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.

APRIL 1, 2003, 90% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.

APRIL 1, 2004, 100% OF THE TOTAL TAP FEE AND THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE.

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE FOR CITY OWNED FACILITIES MAY BE IMPLEMENTED AT RATES BELOW 100% AT THE DIRECTION THE CITY MANAGER OR HIS DESIGNEE.

~~Beginning on March 1, 2000 and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.~~

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

Section 15. Title VIII, Chapter 7, Section 3, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) For any size water tap which is intended to also provide fire protection, a fire protection charge shall be added to the total water tap fee in the amount of one hundred fifty SIX dollars ~~(\$150)~~(\$156). For any size tap that is determined by the City Manager, or his designee, to service only fire protection, the

connection charge and plant investment charge shall not be charged and only the one hundred fifty SIX dollar fire protection charge shall be collected. The applicant shall furnish all materials as specified by the City, and all labor and work, including any device required to detect any use of water for purposes other than fire protection.

Section 16. Title VIII, Chapter 7, Section 3, Subsection (F), Westminster Municipal Code, is hereby added as follows:

(F) CONSTRUCTION WATER MUST BE METERED. IF ANY WATER IS REQUIRED THROUGH THE TAP FOR CONSTRUCTION PURPOSES, CONSTRUCTION WATER METERS MUST BE INSTALLED, DEPOSITS COLLECTED AS PER SECTION 8-7-10, AND WATER USAGE BILLED AT COMMERCIAL RATES AS PER 8-7-7(D). IT IS PROHIBITED TO INSTALL ANY BY-PASS OR JUMPER TO PROVIDE WATER SERVICE WITHOUT THE INSTALLATION OF A WATER METER AS PER 8-7-12.

Section 17. Title VIII, Chapter 7, Section 4, Subsection (D), Westminster Municipal Code, is hereby amended as follows:

(D) ~~Separate irrigation water taps and meters shall be required for all residential developments other than single family detached.~~ Separate irrigation water taps and meters ~~also~~ shall be required for all non-residential developments if the irrigated area exceeds 40,000 square feet of turf, other high water use landscaping, or combination thereof, as determined by the City Manager. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

Section 18. Title VIII, Chapter 7, Section 5, Westminster Municipal Code, is hereby amended as follows:

#### 8-7-5 ~~RELOCATION~~ MODIFICATION OF WATER TAPS

(A) Existing water taps may be disconnected and relocated to another location if both the location of the existing tap and the location to which the tap is being moved are under the same ownership, ~~OR~~ AND permission for the disconnection and relocation in a written form ~~acceptable to the city~~ is obtained from the ~~property owner from which the tap is being relocated~~ CITY. Disconnection of an existing tap and installation of a relocated tap shall be in accordance with Section 8-7-3 and Section 8-7-4.

If the tap is relocated elsewhere on the same property and applied to the same use, a tap permit and the payment of the connection charge shall be required for the relocation. If the tap is relocated to a different property, or applied to a different use on the same property, a water tap fee in an amount equal to the difference between the CURRENT tap fee ~~paid~~ for the existing tap and the current tap fee for the new tap at the new location AND/OR USE shall be collected.

(B) IF A PARCEL OF LAND HAS AN EXISTING WATER TAP IN SERVICE AND THE PROPOSED LAND USE CHANGE, EXPANSION, OR ALTERATION OF THE EXISTING FACILITIES OR STRUCTURES ON THAT LAND NECESSITATE A TAP LARGER THAN THAT WHICH IS EXISTING, THE PROVISIONS STATED IN 8-7-5 (A) (B) SHALL APPLY.

(1) THE APPLICANT SHALL BE RESPONSIBLE FOR ABANDONING AND REMOVING THE EXISTING SERVICE LINE FROM THE METER TO THE CORPORATION STOP AT THE WATER MAIN. AN APPROPRIATE STREET CUT PERMIT SHALL BE REQUIRED TO ASSURE PROPER INSPECTION AND RECONSTRUCTION.

(2) IN THE EVENT A FIVE-EIGHTHS BY THREE-QUARTER INCH (5/8 X 3/4) OR A THREE-QUARTER INCH (3/4) SERVICE TAP IS REMOVED, RELOCATED, OR ABANDONED, THE WATER METER IS AND SHALL REMAIN THE PROPERTY OF THE CITY. THE OWNER SHALL BE RESPONSIBLE FOR RETURNING THAT METER TO THE CITY.

(3) UPON ISSUANCE OF A TAP PERMIT FOR THE FIRST NEW SERVICE TAP, A TAP FEE CREDIT SHALL BE GIVEN IN AN AMOUNT TO BE CALCULATED BY SUBTRACTING THE COST OF THE CURRENT WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE ORIGINAL TAP FROM THE CURRENT VALUE OF THE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE FIRST NEW SERVICE TAP.

(4) THE AMOUNT OF CREDIT SHALL BE FIXED AT THE ISSUANCE OF THE FIRST NEW SERVICE TAP AND MAY BE USED FOR PAYMENT FOR ADDITIONAL SERVICE TAPS THAT ARE USED ON THE SAME PROPERTY.

(5) IN NO INSTANCE SHALL CASH REFUNDS BE GRANTED.

(6) NO CREDIT SHALL BE GIVEN FOR THE CONNECTION FEE OR FIRE DEMAND FEE.

(7) IF ANY TAP IS INSTALLED AND COMPLETED WITHOUT RECEIVING PROPER INSPECTION AND APPROVAL BY THE CITY, NO TAP FEE CREDIT SHALL BE GIVEN.

(8) IF A DEMOLITION OR VACATION OF A UNIT RESULTS IN AN ABANDONMENT OF AN ASSOCIATED WATER TAP AS DEFINED IN 8-7-2(F), NO TAP FEE CREDIT SHALL BE GRANTED AT THE TIME A NEW TAP PERMIT IS ISSUED.

Section 19. Title VIII, Chapter 7, Section 9, Subsection (A), Westminster Municipal Code, is hereby amended as follows:

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the forty fifth day following the date of the bill, the ~~Revenue Administrator, or his delegate~~ CITY MANAGER, OR HIS DESIGNEE, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge for turning the water off and for turning the water on have been paid. The number of turn offs and turn ons for an account accumulate over the most recent twelve month period. The charges for turn offs and turn ons during the twelve month period are as follows:

Section 20. Title VIII, Chapter 7, Section 13, Subsection (H), Westminster Municipal Code, is hereby amended as follows:

(H) If the City Manager finds that any person has failed to comply with any of the requirements of Subsections (C), (D), (E), (F) or (G) of this section, the CITY Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice.

Section 21. Title VIII, Chapter 7, Section 23, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

The ~~City Treasurer, or his staff,~~ CITY MANAGER, OR HIS DESIGNEE, may give credit to any utility customer that has been overcharged. ~~The credit must not exceed the intent of this Ordinance~~

Section 22. Title VIII, Chapter 7, Section 24, Subsection (E), Westminster Municipal Code, is hereby amended and renumbered as follows:

(A) In the event of a water shortage or drought emergency that requires the reduction of the use of water from the water utility, the City Manager shall have the authority to immediately require and implement mandatory reductions as he deems necessary for the protection of the public. Such reductions or water restrictions shall be in effect until such time as the City Council or the City Manager removes them.

In the event of a prolonged drought or other water shortage emergency that may require water restrictions or limitations for more than fifteen (15) days, the City Council may adopt by resolution, a long term water conservation plan that may include, but not be limited to, the following:

- ~~(A)~~(1) Limiting lawn watering to certain days of the week or times during the month.
- ~~(B)~~(2) Prohibiting wasteful water use as determined by City Council AND FURTHER DESCRIBED IN 8-7-24(B).
- ~~(C)~~(3) Prohibiting noncommercial car washing and/or sidewalk and driveway washing.
- ~~(D)~~(4) Prohibiting new lawns from being planted or installed.
- ~~(E)~~(5) Rationing the amount of water that can be used by each customer, household and/or business.
- ~~(F)~~(6) Prohibiting any outside irrigation use of water.
- ~~(G)~~(7) Implementing a major public information program on the need to conserve water.
- ~~(H)~~(8) Any other similar restrictions the Council deems necessary.

Section 23. Title VIII, Chapter 7, "Waste of Water," Westminster Municipal Code, is hereby added as follows:

8-7-25: WASTE OF WATER:

(A) WASTE OF WATER IS PROHIBITED. WASTE OF WATER IS DEFINED AS THE INTENTIONAL OR NON-INTENTIONAL USE OF WATER FOR A NON-BENEFICIAL PURPOSE, AND INCLUDES CONTINUOUS APPLICATION OF WATER TO ANY LAWN, TURF, SODDED, OR LANDSCAPED AREA RESULTING IN THE POOLING OR FLOWING OF WATER INTO DRAINAGE OR STORM DRAINAGE FACILITIES, FAILURE TO REPAIR ANY IRRIGATION SYSTEM THAT IS LEAKING, AND THE USE OF HOSES FOR WASHING OF VEHICLES AND OTHER OUTDOOR USES OTHER THAN IRRIGATION, NOT EQUIPPED WITH A SHUTOFF VALVE THAT IS NORMALLY CLOSED AND NECESSITATES HAND PRESSURE ON THE VALVE TO PERMIT THE FLOW OF WATER. NOTWITHSTANDING THE ENFORCEMENT PROVISIONS SET FORTH IN THIS SECTION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SHUT OFF OF WATER SERVICE TO A PROPERTY IF THE CITY MANAGER, OR HIS DESIGNEE, REASONABLY FINDS THAT AN EXTREME WASTE OF WATER IS OCCURRING ON THE PREMISES.

(B) THE DIRECTOR OF PUBLIC WORKS AND UTILITIES IS HEREBY AUTHORIZED TO ENFORCE THIS SECTION. THE PERSON BILLED FOR WATER SERVICE TO A PROPERTY, WHETHER OWNER OR OCCUPANT, SHALL BE RESPONSIBLE FOR COMPLIANCE WITH SECTION (A) AND (B), WITHIN 30 DAYS OF THE VIOLATION NOTICE, UNLESS OTHERWISE SPECIFIED BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES, AND SHALL BE SUBJECT TO THE FOLLOWING ACTIONS AND PENALTIES:

(1) UPON A FIRST VIOLATION, THE PERSON BILLED WILL BE ADVISED IN WRITING OF THE VIOLATION AND ISSUED A WARNING FOR THE VIOLATION. THE WARNING SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUE.

(2) A SECOND VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$50.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED.

(3) A THIRD OR ADDITIONAL VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$100.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IN

ADDITION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SUSPENSION OF SERVICE TO THE PROPERTY UNTIL ALL OUTSTANDING FINES ARE PAID. RESTORATION OF SERVICE SHALL OCCUR AS DETAILED IN 8-7-9.

(4) UPON ANY NOTICE(S) OF VIOLATION OF THIS SECTION, A COPY OF SUCH NOTICE SHALL ALSO BE MAILED TO THE OWNER(S) OF THE REAL PROPERTY SERVED, IF THE OWNER'S ADDRESS DIFFERS FROM THE SUBJECT PROPERTY ADDRESS.

(C) IF A HEARING IS REQUESTED IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

Section 24. Title VIII, Chapter 7, Section 25, Subsection (E), Westminster Municipal Code, is hereby deleted as follows:

~~8-7-25: WATER TAP FEE CREDITS (1251 1311 1788 2126 2634)~~

~~(A) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land necessitate a tap larger than that which is existing, the following provisions shall apply:~~

~~1. Upon issuance of the tap permit for the new service tap, a tap fee credit, equal to the current water resources and treated water elements and, when applicable, the fire protection element for the existing tap size as described in Section 8-7-3, shall be granted.~~

~~2. The applicant shall be responsible for abandoning and removing the existing service line from the meter to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction.~~

~~3. In the event a five eighth by three quarter inch (5/8" x 3/4") or a three quarter inch service tap is removed, relocated, or abandoned, the water meter is and shall remain the property of the City. The owner shall be responsible for returning that meter to the City.~~

~~(B) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land will necessitate a tap or taps smaller than that which is existing, credit shall be given as follows:~~

~~1. Upon issuance of the tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources and treated water elements fee of the small tap from the current value of the water resources and treated water elements fee of the original tap.~~

~~2. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.~~

~~3. In no instance will refunds be granted.~~

~~4. No credit shall be given for connection charge or the fire protection element.~~

~~(C) If any tap is installed and completed without receiving proper inspection and approval by the City, no tap fee credit shall be given.~~

~~(D) Abandonment. If a demolition or vacation of a unit results in an abandonment of a water tap, no cash refund shall be granted for any taps released from service, and no tap fee credit shall be granted at the time a new tap permit is issued.~~

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED THIS 10th day of June, 2002. PASSED, ENACTED ON SECOND READING, AND  
FULL TEXT ORDERED PUBLISHED this 24th day of June, 2002.