



WESTMINSTER  
COLORADO

NOVEMBER 10, 2003  
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. Employee Service Awards
  - B. Recognition of Environmental Services Program
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - C. 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. Construction of Reclaimed Waterline Extension at 113<sup>th</sup> and Pecos
  - B. CB No. 66 re Red Development BAP (Atchison-Hicks)
  - C. CB No. 67 re 3<sup>rd</sup> Quarter Supplemental Appropriation (Kauffman-Dittman)
  - D. CB No. 68 re Pillar of Fire Vacation of Easement (McNally-Dittman)
  - E. CB No. 69 re Amending Salary of Municipal Judge (Atchison-Dixon)
9. Appointments and Resignations
10. Public Hearings and Other New Business
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
13. Adjournment

Meeting of New City Council

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 10, 2003 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, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Mayor Pro-Tem Atchison was absent.

CONSIDERATION OF MINUTES

Councillor McNally moved, seconded by Councillor Dittman to approve the minutes of the meeting of October 27, 2003 with no corrections or additions. The motion carried unanimously.

EMPLOYEE SERVICE AWARDS

Mayor Moss presented certificates of appreciation to the following employees for 20 years of service: Carol Jones and Tami Cannon. Mayor Moss presented certificates, pins, and checks for \$2,500 to the following employees for 25 years of service: Alice Bosser, Doug Hall, and Marsha Johnson.

ENVIRONMENTAL SERVICES PROGRAM AWARD

Councillor Dixon presented a recognition plaque for a Colorado Environmental Achievement Award to Environmental Services staff, Kathleen Hix, Rachel Harlow Schalk and Anna Maylett.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the dedicated employees of the City of Westminster, he recognized Herb Atchison for his service on City Council, and commented on the significance of the passage of Issue 2A on the November ballot.

CITY COUNCIL COMMENTS

Councillor Kauffman commented on Issue 2A and Staff doing a great job.

Councillor Dixon thanked the citizens who ran the campaign for Issue 2A.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Construction of Reclaimed Waterline Extension at 113<sup>th</sup> & Pecos; CB No. 66 re RED Development Business Assistance Package; CB No. 67 re 2003 3<sup>rd</sup> Quarter Budget Supplemental Appropriation; CB No. 68 re Pillar of Fire Vacation of Easement; and CB No. 69 re Municipal Judge Salary.

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 Dittman moved, seconded by McNally to TABLE Construction of Reclaimed Waterline Extension at 113<sup>th</sup> & Pecos for two weeks. The motion carried unanimously.

Councillor Dittman moved, seconded by Dixon to adopt the remaining consent agenda items as presented. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:29 P.M.

ATTEST:

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City Clerk

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003

**Subject:** Presentation of Employee Service Awards

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

**Recommended City Council Action:**

Present service pins and certificates of appreciation to employees celebrating 20, and 25 years of service with the City, and provide special recognition to our 25 year employees with the presentation of a \$2,500 bonus.

**Summary Statement:**

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20<sup>th</sup> and 25<sup>th</sup> anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are three employees celebrating 25 years of service, and they will be presented with a check for \$2,500, less income tax withholding.

**Expenditure Required:** \$7,500

**Source of Funds:** Fire Department, Finance Department and General Services

**Policy Issue**

No policy issues identified.

**Alternative**

No alternatives identified.

**Background Information**

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

|             |                        |                       |
|-------------|------------------------|-----------------------|
| Carol Jones | Police Department      | Senior Police Officer |
| Tami Cannon | City Attorney's Office | Paralegal             |

The following 25-year employees will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

|                |                    |                      |
|----------------|--------------------|----------------------|
| Alice Bosser   | General Services   | Deputy Court Clerk   |
| Doug Hall      | Fire Department    | Deputy Fire Marshal  |
| Marsha Johnson | Finance Department | Sales Tax Technician |

**ALICE BOSSER:** left the banking industry to work for the City of Westminster as a cashier at the old City Hall in December of 1978. Her husband George was already working for the City in the Utilities Department.

In May of 1979, the Court and Police Department were relocated from 3030 Turnpike Drive to 8800 North Sheridan Boulevard. The Court needed a cashier at the new facility and Alice made the move to the position at the Court. The entire Court staff at that time consisted of four full time employees. In December of 1991, the Court was relocated back to its current address at 3030 Turnpike Drive. Today, the Court Staff consists of twenty-one employees. Alice has outlasted two presiding Judges, two Court Administrators and several Deputy Court Clerks. She remembers what the old City Hall offices looked like and who sat where. Alice has some old Court group photographs she keeps at her desk. From time to time, she will pull them out and share fond and entertaining memories with staff. Believe it or not, Alice still looks the same as she did in 1978!

Alice has experienced many changes within the Court division over the past twenty-five years. Originally, ticket handling and processing was done manually until around 1985 when the first stand-alone Tandy computer system from Radio Shack was installed. The Court has changed computer systems four times in her tenure, the latest being with the installation of another new records management system in March of this year. She survived all of the many years of changes and is still smiling!

Alice's contributions to the Court include her dependability and her sense of humor. She always takes the time to listen to staff and customers and calls everyone "Dear", especially the police officers, since there are just too many now to remember all of their names.

Alice's husband George retired from the City a few years ago. Alice continues to work part-time Monday through Thursday. This gets her out of the house, she says, "to keep the peace." Alice spends time with her four grandchildren whenever she has the chance. Alice and George enjoy making several trips a year in their third wheel RV, and the balloon festival in Albuquerque is of their favorite destinations.

**Doug Hall:** began his career with the Westminster Fire Department as a Firefighter Trainee in October 10, 1978. Doug skills and leadership moved him quickly through the ranks as an Engineer, Lieutenant and Captain. In 1999, Doug moved from the Fire Station to Fire Administration to his current position as Deputy Fire Marshal. He also serves as a member of the City's Safety Committee and has 20 years experience as a hazardous materials technician with the Adams-Jefferson County Hazmat Team. He is certified in the International and Uniform Fire Codes, and serves as a local and regional instructor.

Doug is a Certified Fire Protection Specialist with NFPA. He currently serves as Vice-President of the Fire Marshal's Association of Colorado. Additionally, he works as an instructor and course developer with National Fire Protection Association and Western Fire Chiefs Association in fire protection. Doug also serves as an instructor at the OSHA Education Center at Red Rocks Community College in Denver and for Texas A&M University specializing in fire protection, hazardous materials and occupational safety and health.

Doug has a Bachelor's Degree from Regis University and is currently completing a Master's Degree in Political Science at the University of Colorado. Doug is married to Lisa, a bride of 20 years, and father to three teenagers, Zachary, Brittney, and Cameron. Doug's hobbies include teaching and gardening.

**Marsha Johnson** has been serving Westminster customers since 1978, when the City's population was just 33,000 people. She first joined the Parks and Recreation Department as a part-time Recreation Clerk. She was personally hired by Ken Watson at the very respectable salary of \$3.00 per hour. For the next eight years, she served guests at the Swim & Fit Center. Her job duties included handling phone calls, issuing memberships, and checking in the "hundreds of kids" that would line up at 1:00 every summer day for open swim. In "those days" Marsha knew most of her customers by name.

In October of 1986, Marsha moved over to the new state-of-the-art City Park Recreation Center. There, she quickly adjusted to the "new technology" of computers, voice mail, and office automation. Her "customers" now included 72,000 Westminster residents, many of which she still knew by name.

In January of 1991, Marsha transferred to the Finance Department to apply her office skills to the position of Secretary. Within three years, she was promoted to Tax Technician in the Sales Tax Division. For the past nine years she has patiently assisted our 4,600 taxpaying businesses in complying with the City's tax rules and regulations. Her efforts help to collect and process over \$52 million dollars of Westminster sales and use tax revenue each year. And twenty-five years after launching her career at the City, Marsha still knows many of her customers by name.

On November 19<sup>th</sup>, the City Manager will host an employee awards luncheon at which time 5 employees will receive their 15 years service pin, 5 employees will receive their 10 years of service pin, and 11 employees will receive their 5 years service pin, while recognition will also be given to those who are celebrating their 20<sup>th</sup> and 25<sup>th</sup> anniversary. This is the fourth and last luncheon for 2003 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 295 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Recognition of Environmental Services Program

**Prepared By:** Kathleen Hix, Organizational Support Services Manager

**Recommended City Council Action:**

Present the recognition plaque to the Environmental Services Staff

**Summary Statement**

- City Council is requested to present the Silver Member, Colorado Environmental Achievement Award to the Environmental Services Staff in recognition of their efforts to make significant benefits to the environment and to the citizens of Westminster.
- The City's Environmental Services Program submitted a nomination to the Colorado Department of Public Health and Environment earlier this year summarizing the City's efforts to improve the environment in Westminster.
- The City was selected as one of the 21 Silver Member winners for its innovative and creative approaches to solving environmental challenges as well as striving for continual improvement.
- The Director of the Colorado Department of Public Health and Environment presented the Environmental Services Staff with a plaque at a formal event on October 7, 2003 at the Denver Museum of Nature and Science.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

No policy issue identified.

**Alternative**

No alternatives identified.

**Background Information**

The Colorado Environmental Achievement Award is designed to recognize businesses, municipalities, and others that have made significant achievements in improving the environment in Colorado by:

- Improving air quality
- Improving water quality
- Reducing water usage
- Reducing waste
- Reducing energy usage
- Energy Staff achievement
- Pollution prevention actions
- Other innovative measures that benefit Colorado's environment.

The prospective recipient, State or local inspectors, State or local officials, citizens, or others with knowledge of the environmental achievement may make nominations. Nominations are reviewed by the Colorado Department of Public Health and Environment's Pollution Prevention Program and recipients are recognized at an annual event. Recipients may use the Colorado Environmental Achievement logo for one year following the recognition and the achievement of the recipients will be featured on the Colorado Department of Public Health and Environment's Pollution Prevention/Environmental Leadership Program's website.

Award recipients are selected based on the scope of the achievement or improvement, and the general enforcement history. In addition, recipients must provide data that documents quantifiable reductions or improvements in environmental areas. The City of Westminster's Environmental Services Program provided more than 40 quantifiable results on how they have improved the environment through their efforts. Briefly those include but are not limited to the following examples:

1. 80% decline of City operations' spill events over a three-year period
2. Between 1995 and 2002, saved the City over \$300,000 from costs associated with disposal of hazardous waste.
3. Provided free household hazardous waste pick-up program for citizens.
4. Established on-going environmental compliance training classes for employees.
5. Annual Environmental Audit Review of all City operations, which includes reviewing more than 148 specific items.

The Environmental Services Program addresses internal environmental regulatory operational needs as well as selected environmental needs of the community to ensure that the City does not duplicate those available through other agencies.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10 , 2003



**Subject:** Construction of Reclaimed Waterline Extension at 113<sup>th</sup> and Pecos

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

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Century Communities for a sum of \$58,500, along with a project contingency of 10% in the amount of \$5,850 that will be held in a separate account, for the construction of the reclaimed water line to serve the Westbury Development at the corner of 112<sup>th</sup> and Pecos, and City of Westminster park property to the east of the Westbury development.

**Summary Statement**

- On September 22, 2003 Westminster City Council approved an alternate alignment and method of reimbursement for this project. Due to conflicts with other utilities in the original alignment this alignment is not a viable alternative. An alternate route has been agreed upon by the City and the Developer, although it is a longer distance and approximately an 8% increase in cost. The original alignment would not be able to be constructed within this revised cost.
- The 2003 Reclaimed Master Plan identified the Westbury Development and the City of Westminster park property (Tee-ball fields) located east of Westbury as potential reclaimed customers. However, the Westbury Development could be served by reclaimed water from the reclaimed main located on Pecos Street. Therefore, the reclaimed infrastructure does not need to be extended to serve the Westbury Development. (Map attached).
- To fully utilize the Reclaimed Water Treatment system to its planned capacity, reclaimed waterlines need to be extended to appropriate reclaimed customer locations.
- Reimbursement for this project would be for actual costs associated with construction of the reclaimed water line. This is similar to projects completed in the Park Center and Bradburn developments this year.
- Funds were budgeted and are available for this project expense

**Expenditure Required:** \$58,500

**Source of Funds:** Utility Fund Capital Improvement Reclaimed Waterline Project Budget

**Policy Issue**

Should the City reimburse a developer for the extension of a reclaimed water line?

**Alternatives**

The City could choose to not enter into an agreement with Century Communities and choose to bid the complete project for extension of the reclaimed water lines to this area. This will be a more costly option, as the line would need to be constructed within recently completed landscaping and sidewalk.

The City could choose to not construct the reclaimed water main; however, this would impact the schedule to build out the reclaimed system and reduce the utilization of the system.

**Background Information**

To fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)) reclaimed waterlines need to be extended to potential customers. This line extension will allow irrigation of eight acres for a projected annual use of 27 acre-feet. The projected total annual reclaimed use with this extension is 1,102 acre-feet. This is approximately 42% of the reclaimed supply of 2,600 acre-feet.

It has become apparent, due to conflicts with other utilities, that the original alignment contemplated in the City Council action of September 22 would not be feasible. The developer and City of Westminster have agreed upon an alternate route for the reclaimed waterline. This alternate route is longer in distance, 1600 feet versus 900, but is estimated at approximately 8% more in cost. The smaller percent increase in cost is due to the fact that there are not as many existing utilities to contend with.

Additionally the method of reimbursement is being changed from a tap fee credit to payment for actual costs similar to projects completed in the Park Center and Bradburn developments this year. This is being done to expedite reimbursement for the waterline expenditure. Under the tap fee credit the developer would not have realized his reimbursement until the time the irrigation tap fees needed to be paid which would be approximately six months from the line installation.

These projects have been identified in the recently completed Reclaimed Master Plan (RMP) as being cost effective extensions to do prior to full development of these parcels. The RMP identifies that installation of this infrastructure will be more cost effective prior to completion of streets and landscaping.

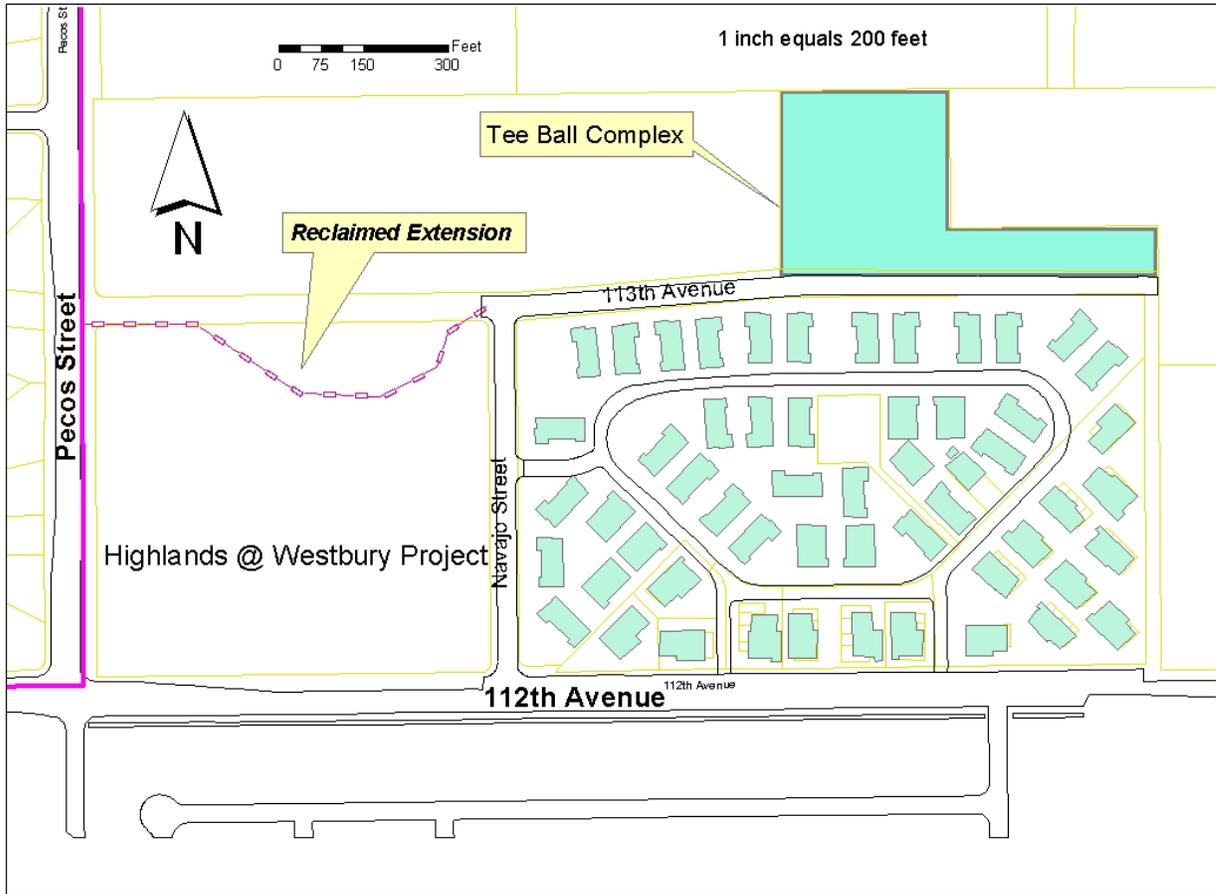
The City of Westminster chose to enter into similar reimbursement contracts with the developers at the Park Center development in April of 2003, and the Bradburn project in August of 2003. Funds for these projects were from the 2003 Capital Improvements Project budget. By allowing the developer to complete a portion of the work with their contractors, the City of Westminster is able to coordinate installation of the reclaimed water mains with the construction that is occurring within the development. This reduces conflicts on these projects due to the timing of the installation of other utilities, warranty issues on recently installed landscaping and other public improvements, and a genuine desire by the developer to have access to the reclaimed system as soon as possible.

City of Westminster Staff evaluated options for this project and believes it is in the best interest to contract with the developer of the Westbury project, Century Communities, to install the portion of water line that is located within 113<sup>th</sup> Avenue (see attached map).

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 66 re RED Development Business Assistance Package

**Prepared By:** Alan Miller, Special Project Director

**Recommended City Council Action**

Pass Councillor's Bill No. 66 on second reading authorizing the City Manager to execute and implement the business assistance package between the City of Westminster and RED Development, in the estimated amount of \$200,000, which is based on a rebate of Building Use Tax only on core and shell construction costs incurred by RED Development in the construction of the Phase II development of Mandalay Town Center. This does not include the Target Store construction nor does it include any tenant finishes or construction by tenants in "Pad" retail stores/restaurants.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill, which authorizes the execution of the attached business assistance agreement with RED Development.
- This assistance package is based upon the City's goal to redevelop the Mandalay Gardens area and to create a unique, attractive retail center adjacent to the Westminster Promenade.
- The primary purpose of this assistance package is to allow RED development Company to redevelop Mandalay Town Center and receive a reasonable return on investment.
- Staff has worked with RED Development to reach a Redevelopment Agreement describing responsibilities for WEDA, the City and RED Development. This rebate of Building Use Tax for buildings that RED Development constructs (which excludes the Super Target store and pad sites) was anticipated as part of the redevelopment agreement.
- This Councillor's Bill was passed on first reading on October 27, 2003.

**Expenditure Required:** An Estimated \$200,000

**Source of Funds:** The business assistance package to RED Development will be funded through Building Use Tax directly rebated to RED Development from construction at Mandalay Town Center.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR  
RED DEVELOPMENT IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, between the CITY OF WESTMINSTER (the "City"), and RED Development.

WHEREAS, the City wishes to provide certain assistance to RED Development as part of the efforts to redevelop Mandalay Town Center; and

WHEREAS, RED Development plans to construct approximately 500,000 square feet of new retail space at Mandalay Town Center thus providing added tax base and job creation within the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and RED Development agree as follows:

1. Building Use Tax Rebate. The City shall rebate 100% of the Building Use Tax on the construction materials, which are to be used in construction of core and shell retail space in the Mandalay Town Center project required under W.M.C. sections 4-2-9 and 4-2-3 to RED Development. The rebate shall not apply to tenant finishes or to buildings constructed on pad sites or other sites within the project by the end user. This rebate shall be in effect only until December 31, 2008.
2. Term. This Agreement shall terminate on December 31, 2008.
3. Payment of Rebates. The Building Use Tax rebate will be paid by check upon issuance of a certificate of occupancy for each building. The payment shall be made 20 days after the end of the quarter in which the issuance of the certificate of occupancy occurs.
4. Entire Agreement. This instrument shall constitute the entire agreement with respect to rebate of use taxes between the City and RED Development and supersedes any prior agreements regarding use taxes between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.
5. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.
6. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder as expressly conditional upon annual appropriation by the City Council.
7. Governing Law Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict

accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith, the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court of Jefferson County, Colorado.

**RED DEVELOPMENT**

**CITY OF WESTMINSTER**

\_\_\_\_\_  
Dan Lowe, RED Development

\_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Michele Kelley  
City Clerk

**Adopted by Ordinance No.**

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **66**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH RED DEVELOPMENT  
FOR THE CONSTRUCTION OF CORE AND SHELL BUILDINGS AT MANDALAY TOWN CENTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to assist in the redevelopment of the Mandalay Town Center that is part of an urban renewal project; and

WHEREAS, RED Development has committed to construct several thousand square feet of new retail space as part of the Mandalay Town Center project; and

WHEREAS, a proposed Assistance Agreement between the City and RED Development is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1: The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with RED Development in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 27<sup>th</sup> day of October, 2003

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 10<sup>th</sup> day of November, 2003

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Second Reading of Councillor's Bill No.67 re 2003 3<sup>rd</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action**

Pass Councillor's Bill No. 67 on second reading providing for a supplemental appropriation to the 2003 budget of the General Fund and General Capital Outlay Replacement Fund.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2003 budget of the General Fund and the General Capital Outlay Replacement Fund.
- General Fund amendments total \$158,570.
- General Capital Outlay Replacement Fund amendments total \$11,684.
- This Councillor's Bill was passed on first reading October 27, 2003.

**Expenditure Required:** \$ 170,254

**Source of Funds:** The funding sources for these expenditures include reimbursements, sponsorships, auction proceeds, general recreation program revenue and various grants

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **67**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL AND GENERAL CAPITAL OUTLAY REPLACEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$158,570 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$71,073,433. The actual amount in the General 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 grants, sponsorships, reimbursements and additional program revenue received by the City.

Section 2. The \$158,570 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description                             | Current Budget | Increase         | Final Budget |
|---|----------------|------------------|--------------|
| <b>REVENUES</b>                         |                |                  |              |
| Contributions 1000.43100.0000           | \$53,802       | \$15,755         | \$65,427     |
| Other County Grants 1000.40640.0000     | 0              | 5,659            | 5,659        |
| Adult Activities 1000.41030.0503        | 750,000        | 84,100           | 834,100      |
| General – Miscellaneous 1000.43060.0000 | 189,434        | <u>53,056</u>    | 242,490      |
| Total Change to Revenues                |                | <u>\$158,570</u> |              |

| Description  | Current Budget | Increase         | Final Budget |
|--|----------------|------------------|--------------|
| <b>EXPENSES</b>                                      |                |                  |              |
| PD – Investigations 10020300.60200.0000              | \$2,171,108    | \$19,056         | \$2,190,164  |
| PD Inv Career Dev 10020300.61800.0000                | 6,500          | 1,250            | 7,750        |
| Street Maintenance 10035450.67800.000                | 372,765        | 34,000           | 406,765      |
| CD – Special Promotions 10030340.67600.0000          | 43,319         | 15,755           | 59,074       |
| Temp Salaries – Adult Sports 10050760.60600.0504     | 70,400         | 20,000           | 90,400       |
| Temp Salaries – Preschool 10050760.60600.0508        | 160,400        | 10,000           | 170,400      |
| Temp Salaries – Youth Activities 10050760.60600.0529 | 88,900         | 8,000            | 96,900       |
| Bank Charges 10050760.66800.0000                     | 5,686          | 2,100            | 7,786        |
| Prof Svcs – Adult Sports 10050760.65100.0504         | 53,020         | 14,000           | 67,020       |
| Cont Svcs – Youth Sports 10050760.67800.0507         | 2,600          | 2,000            | 4,600        |
| Rec Supplies – Adult Sports 10050760.71200.0504      | 29,750         | 8,000            | 37,750       |
| Electric & Gas 10050550.67200.0000                   | 45,000         | 20,000           | 65,000       |
| Cont Svcs – Special Events 10050760.67800.0533       | 32,200         | 3,600            | 35,800       |
| Cont Svcs – Seniors 10050760.67800.0017              | 78,100         | <u>809</u>       | 78,909       |
| Total Change to Expenditures                         |                | <u>\$158,570</u> |              |

Section 3. The 2003 appropriation for the General Capital Outlay Replacement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,509,075 is hereby increased by \$11,684 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$1,175,115. The actual amount in the General Capital Outlay Replacement 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 auction proceeds.

Section 4. The \$11,684 increase in the General Capital Outlay Replacement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description                        | Current Budget | Increase        | Final Budget |
|------------------------------------|----------------|-----------------|--------------|
| <b>REVENUES</b>                    |                |                 |              |
| Sale of Assets 4500.43040.0000     | \$0            | <u>\$11,684</u> | \$11,684     |
| Total Change to Revenues           |                | <u>\$11,684</u> |              |
| <b>EXPENSES</b>                    |                |                 |              |
| Capital Outlay 45010900.75600.0000 | \$1,022,594    | <u>\$11,684</u> | \$1,034,278  |
| Total Change to Expenses           |                | <u>\$11,684</u> |              |

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 68 re Pillar of Fire Vacation of Easement

**Prepared By:** Dave Downing, City Engineer

**Recommended City Council Action:**

Pass Councillor's Bill on second reading vacating a sanitary sewer easement that was dedicated to the City of Westminster by the Pillar of Fire in 1978.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading to vacate a sanitary sewer easement that is located on land owned by the Pillar of Fire to the south of 84<sup>th</sup> Avenue and east of Federal Boulevard.
- A 20 foot wide, non-exclusive sanitary sewer easement was dedicated by the Pillar of Fire to the City in 1978 for the extension of a sanitary sewer main to serve the Summit Square Shopping Center, which is located at the northeast corner of the intersection of Federal Boulevard and 84<sup>th</sup> Avenue.
- In 1998, the City installed a storm sewer main parallel to the sanitary sewer main extension across the Pillar of Fire property in order to improve the drainage conditions from 84<sup>th</sup> Avenue. A new easement document was prepared to accommodate both the previously existing sanitary sewer main and the new storm sewer main. Furthermore, during the course of the construction of the storm sewer main, it was discovered that the existing sanitary sewer line was not fully located within the limits of the 1978 easement.
- Representatives of the Pillar of Fire have requested the vacation of the 1978 easement since both utility mains are now located within a more recently defined easement.
- A legal description of the easement to be vacated is included within the attached Councillor's Bill.
- City Staff has determined that the subject easement is no longer needed by the City, and the vacation of this easement would remove an unnecessary encumbrance from the Pillar of Fire property.
- This Councillor's Bill was passed on first reading on October 27, 2003

**Expenditure Required:** N/A

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN UNPLATTED PROPERTY OWNED BY THE PILLAR OF FIRE

WHEREAS, a certain sanitary sewer easement was dedicated by a Deed Of Easement recorded at Book 2339, Pages 49-50 in the County of Adams; and

WHEREAS, this sanitary sewer easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since the legal description of the easement does not accurately describe the limits of the property containing the sanitary sewer main, a substitute easement has been provided for the sanitary sewer main and no utility lines will be constructed within the sanitary sewer easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the sanitary sewer easement in Sections 2 and 3 hereof.

**Section 2. Legal Description of Sanitary Sewer Easement:**

A strip of land 20 feet in width to be used as a non-exclusive easement for a sanitary sewer extension to the Westminster Square Shopping Center site, all being a portion of the Northwest One-Quarter of the Southeast One-Quarter of Section 29, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado. The centerline of said strip being described as follows:

Commencing at a point of intersection of the east right-of-way line of Federal Boulevard and the north right-of-way line of West 84<sup>th</sup> Avenue, said point also being 50 feet north and 50-foot east of the southwest corner of the Northeast One-Quarter of said Section 29; Thence South 89°46'00" East along the north right-of-way line of West 84<sup>th</sup> Avenue a distance of 582.50 feet; Thence South 00°12'00" East a distance of 100.00 Feet to the True Point of Beginning; Thence continuing South 00°12'00" East a distance of 10.00 feet; Thence South 89°46'00" East a distance of 137.45 feet; Thence South 00°14'00" West a distance of 391.13 feet; Thence South 45°14'00" West a distance of 108.38 feet to the Point of Terminus, Containing 12,600 square feet or 0.290 Acres, More or less.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27<sup>th</sup> day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of November 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003

**Subject:** Second Reading of Councillor's Bill No. 69 re Municipal Judge Salary

**Prepared by:** Matt Lutkus, Deputy City Manager for Administration

**Recommendation City Council Action**

Adopt Councillor's Bill No. 69 on second reading amending the salary for the Municipal Judge for 2004.

**Summary Statement**

- Section 16.2 of the Westminster City Charter requires that Council set the Presiding Judge's salary by ordinance.
- Although the revised employment contract with current Municipal Court Judge John Stipech does not include an overall increase in compensation, the change in the salary for deferred compensation allocation, requires approval of the attached Councillor's Bill.
- The attached Councillor's Bill addresses this requirement by updating the salary to reflect the amount listed in the proposed employment agreement.
- City Council passed this Councillor's Bill on first reading at the October 27<sup>th</sup>, City Council meeting.

**Expenditure Required:** \$105,984 plus the cost of fringe benefits

**Source of Funds:** General Fund, Municipal Court Division Budget

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **69**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE  
THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 7 of the Westminster Municipal Code is hereby amended as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~\$89,906~~ \$89,984 per annum payable bi-weekly plus ~~\$14,000~~ \$16,000 in City-paid deferred compensation. ~~This salary shall be increased by an amount equal to the Council approved mid-year across the board increase but not to exceed two percent with the percentage increase to be based on the Judge's total salary plus City paid deferred compensation.~~

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect on January 1, 2004.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 10th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER  
COLORADO

NOVEMBER 10, 2003  
8:00 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. Swearing in of New Mayor
2. Swearing in of New Councillors
3. Selection of Mayor Pro Tem
4. Swearing in of Mayor Pro Tem
5. Presentations
6. Citizen Communication (5 minutes or less)
7. Report of City Officials
  - A. City Manager's Report
8. 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.

9. Consent Agenda
  - A. 2004 Wastewater Collection System Maintenance Program
  - B. Hyland Hills/Farmers' High Line Canal Drainage Improvements Project
  - C. Purchase of Replacement Water Meter Transponders
10. Appointments and Resignations
11. Public Hearings and Other New Business
  - A. Councillor's Bill No. 70 re Concealed and Unconcealed Weapons
  - B. Councillor's Bill No. 71 re Amendment of Title 4 of WMC for Adoption of 0.6% Public Safety Tax
  - C. Councillor's Bill No. 72 re Street Cut Impact Fees
12. Old Business and Passage of Ordinances on Second Reading
13. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
13. Adjournment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003

**SUBJECT:** Procedure re Newly Elected Mayor, City Councillors and Selection of Mayor Pro Tem

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

**Recommended City Council Action**

The three newly elected Council members will be sworn-in by Municipal Court Judge John Stipech and the Mayor will be sworn in by Denver County Judge Kathleen Bowers. Then, the newly seated Council is to elect the Mayor Pro Tem, who will then be sworn into office by Municipal Court Judge John Stipech.

**Summary Statement:**

- The Westminster City Charter calls for the swearing-in of the newly elected City Council members and Mayor at 8:00 P.M. on the Monday following the election.
- Municipal Court Judge John Stipech and Denver County Judge, Kathleen Bowers will be present at Monday's City Council meeting to administer the Oath of Office to the three newly elected City Council members and Mayor. Subsequent to the Council members and Mayor being sworn-in, the election of the Mayor Pro Tem is to take place.
- Two separate agendas have been prepared for Monday night's Council meeting.
- The first agenda has been prepared for the "outgoing" City Council to consider certain items while the second agenda is for the "new" City Council.
- The second agenda starts with the Swearing-In Ceremony of the three newly elected City Councillors and Mayor and the selection of the Mayor Pro Tem.
- Municipal Court Judge John Stipech and Denver County Judge Kathleen Bowers will be present at Monday night's City Council meeting to swear-in the three newly elected City Council members and Mayor.

**Expenditure Required:** \$ 0

**Source of Funds:** n/a

**SUBJECT:** Procedure re Newly Elected Mayor, City Councillors and Selection of Mayor Pro Tem  
Page 2

**Policy Issue**

No policy issues identified.

**Alternative**

No alternatives identified.

**Background Information**

After the outgoing City Council has adjourned its meeting and the time is 8:00 P.M., the following sequence of events is to take place:

1. The City Manager assumes temporary "Chair" of the meeting for the "new" City Council and calls the meeting to order.
2. The City Manager announces that the newly elected Mayor will be given the Oath of Office and calls upon Denver County Judge Kathleen Bowers to administer the Oath of Office to Mayor Ed Moss.
3. The City Manager announces that the three newly elected members of City Council are to be given the Oath of Office and calls upon Municipal Court Judge John Stipech to administer the Oath of Office to Councillors Chris Dittman, Tim Kauffman and Jo Ann Price.
4. The Mayor states that the first order of business shall be the election of the Mayor Pro Tem. This is to be accomplished by secret ballot and without nomination. In case of a tie, the City Clerk will disclose the names of the tie contestants and another ballot shall be taken. Until one person has received a majority, successive ballots will be taken.
5. The City Clerk announces the selection of the Mayor Pro Tem who will serve in that capacity for the next two years
6. The Mayor requests that the newly elected Mayor Pro Tem be sworn-in by Municipal Court Judge John Stipech.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2004



**SUBJECT:** 2004 Wastewater Collection System Maintenance Program

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

**Recommended City Council Action**

Authorize the City Manager to execute a renewal of the 2003 Wastewater Collection System Maintenance Contract for the 2004 calendar year in the amount of \$551,276 with a 5% contingency budget of \$27,563. Funds will be available in the 2004 Utilities Division Operating Budget.

**Summary Statement**

- Funds have been approved and allocated in the 2004 Utilities Division Operating Budget for wastewater collection system maintenance (\$590,000). The maintenance contract would be for \$551,276.
- Over the past seven years, the Utilities Division has utilized the same contractor, ECO Resources, Inc. (formerly AquaSource), to perform the sanitary sewer maintenance program.
- In December 2002, City Council renewed the current wastewater maintenance contract with ECO Resources, Inc., with the option of renewing the contract for an additional one-year period.
- Staff met with ECO Resources concerning the possibility of extending this contract for an additional year. ECO Resources has indicated that their company would be willing to perform maintenance activities in 2004 for the same unit prices as in 2002 and 2003.
- Given the level of experience that ECO Resources has with the maintenance of the sanitary sewer system and their willingness to keep the same unit pricing for next year, staff is recommending the extension of the current contract for one additional year.

**Expenditure Required:** \$578,840.48

**Source of Funds:** Utility Fund; 2004 Utilities Division Operating Budget

**Policy Issue**

Should the City extend the current wastewater collection system maintenance contract with ECO Resources for 2004 service or open this project to competitive bids.

**Alternative**

Prepare bid documents and project specifications and advertise the 2004 maintenance contract for competitive bid submittals

**Background Information**

Over the past seven years the Utilities Division has utilized ECO Resources (formerly AquaSource) to perform the sanitary sewer maintenance program. During this time period Utilities Division Staff competitively bid this project three times, with the most recent bid received for the current 2003 contract. Each of these competitive bids has been awarded to ECO Resources. During this time period the Utilities Division has been extremely satisfied with the level of service provided by ECO Resources.

Staff has met with ECO Resources concerning the possibility of extending this contract an additional year. Through conversations, ECO Resources has indicated that their company would be willing to perform maintenance in 2004 for the same unit prices as 2002 and 2003. The last time bids were received for sewer maintenance in 2002, the next lowest bidder, Guildner Pipeline Maintenance, was approximately \$140,000 (28%) higher than the ECO Resources' bid.

In December 2002, City Council renewed the contract with ECO Resources with the option of renewing the contract for an additional one-year period. The option of renewing this contract for an additional year was also referred to in the contract entered into with ECO Resources.

The area of scheduled maintenance to be completed in 2004 is the northwest portion of the City in the Big Dry Creek drainage basin – west area. This area is 34.6% of the total pipeline footage in the three maintenance areas. The maintenance areas have been redefined to better balance the contract footage year to year.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**BID SCHEDULE**

| <b>Item</b>        | <b>Description</b>           | <b>Units</b> | <b>Cost</b> | <b>Budgeted</b>      |
|--------------------|------------------------------|--------------|-------------|----------------------|
| <b>2004-1</b>      | <b>Jet Cleaning</b>          |              |             |                      |
| 1A                 | Routine Maintenance          | 606,000      | \$ 0.27     | \$ 163,620.00        |
| 1B                 | Hot Spots                    | 85,000       | \$ 0.27     | \$ 22,950.00         |
| 1C                 | Root and Grease (6-15")      | 10,000       | \$ 0.68     | \$ 6,800.00          |
| 1D                 | Customer Service             | 10,000       | \$ 0.32     | \$ 3,200.00          |
| 1E                 | Outflow Inspections          | 1,634        | \$ 12.60    | \$ 20,588.40         |
| 1F                 | Wet Well Cleaning            | 18           | \$200.00    | \$ 3,600.00          |
| 1G                 | Time and Material            | 100          | \$200.00    | \$ 20,000.00         |
| <b>Total</b>       |                              |              |             | <b>\$ 240,758.40</b> |
| <b>2004-2</b>      | <b>Television Inspection</b> |              |             |                      |
| 2A                 | Routine Maintenance          | 606,000      | \$ 0.39     | \$ 236,340.00        |
| 2B                 | Hot Spots                    | 0            | \$ 0.41     | \$ -                 |
| 2C                 | Customer Service             | 37,000       | \$ 0.41     | \$ 15,170.00         |
| 2D                 | New Subdivision              | 25,000       | \$ 0.42     | \$ 10,500.00         |
| 2E                 | Time and Material            | 110          | \$175.00    | \$ 19,250.00         |
| <b>Total</b>       |                              |              |             | <b>\$ 281,260.00</b> |
| <b>2004-3</b>      | <b>Grease/Sand Traps</b>     |              |             |                      |
| 3A                 | Quarterly Inspections        | 1,690        | \$ 16.80    | \$ 28,392.00         |
| 3B                 | Re-inspection                | 75           | \$ 11.55    | \$ 866.25            |
| <b>Total</b>       |                              |              |             | <b>\$ 29,258.25</b>  |
| <b>Total</b>       |                              |              |             | <b>\$ 551,276.65</b> |
| <b>Contingency</b> |                              |              |             | <b>\$ 27,563.83</b>  |
| <b>Grand Total</b> |                              |              |             | <b>\$ 578,840.48</b> |

**BASIN FOOTAGES**

**Big Dry Creek West**

**Big Dry Creek North**

**Little Dry Creek**

**Detail Footage Breakdown**

| Size         | Count | Length  |
|--------------|-------|---------|
| 0            | 5     | 1,167   |
| 4            | 5     | 654     |
| 6            | 5     | 1,002   |
| 8            | 2931  | 549,722 |
| 10           | 141   | 27,412  |
| 12           | 62    | 14,820  |
| 15           | 56    | 11,175  |
| 16           | 0     | 0       |
| 18           | 62    | 13,750  |
| 21           | 33    | 8,862   |
| 24           | 3     | 759     |
| 27           | 4     | 586     |
| 30           | 40    | 12,482  |
| 36           | 9     | 2,810   |
| 42           | 0     | 0       |
| 54           | 0     | 0       |
| <b>Total</b> |       | 645,201 |

| Size         | Count | Length  |
|--------------|-------|---------|
| 0            | 4     | 782     |
| 4            | 4     | 655     |
| 6            | 2     | 659     |
| 8            | 3106  | 504,128 |
| 10           | 133   | 26,275  |
| 12           | 128   | 27,897  |
| 15           | 70    | 19,139  |
| 16           | 0     | 0       |
| 18           | 64    | 12,236  |
| 21           | 6     | 1,152   |
| 24           | 26    | 14,199  |
| 27           | 0     | 0       |
| 30           | 73    | 24,801  |
| 36           | 1     | 33      |
| 42           | 37    | 14,607  |
| 54           | 2     | 633     |
| <b>Total</b> |       | 647,195 |

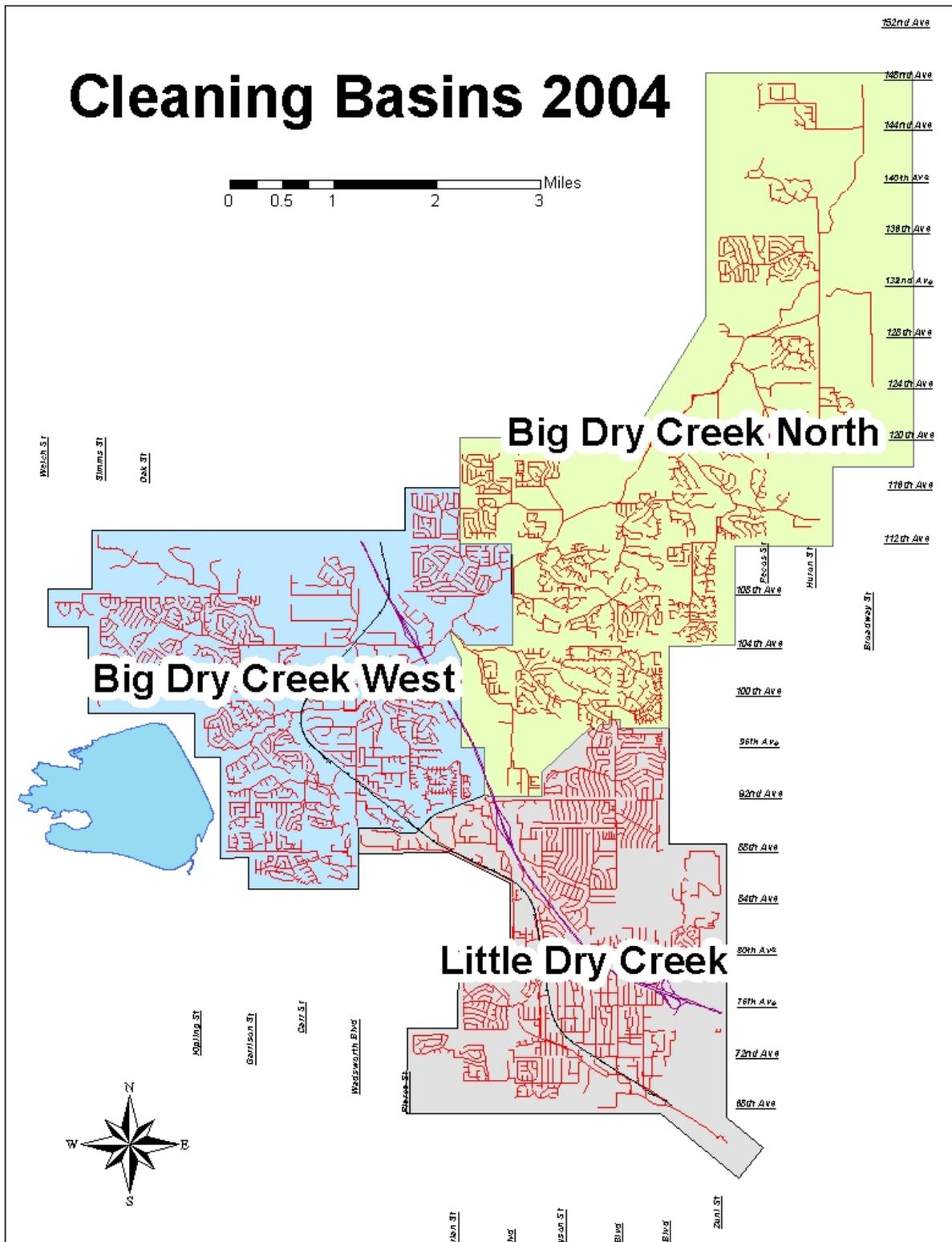
| Size         | Count | Length  |
|--------------|-------|---------|
| 0            | 16    | 2,621   |
| 4            | 4     | 299     |
| 6            | 112   | 29,652  |
| 8            | 1990  | 442,718 |
| 10           | 167   | 36,847  |
| 12           | 96    | 21,681  |
| 15           | 135   | 31,101  |
| 16           | 5     | 577     |
| 18           | 38    | 10,715  |
| 21           | 15    | 3,224   |
| 24           | 51    | 9,360   |
| 27           | 0     | 0       |
| 30           | 16    | 2,704   |
| 36           | 0     | 0       |
| 42           | 0     | 0       |
| 54           | 0     | 0       |
| <b>Total</b> |       | 591,499 |

**Maintenance Footage**

| Size    | Length  |
|---------|---------|
| 6"-15"  | 605,952 |
| 16"-54" | 39,249  |
|         | 34.6%   |

| Size    | Length  |
|---------|---------|
| 6"-15"  | 579,535 |
| 16"-54" | 67,661  |
|         | 33.1%   |

| SIZE    | Length  |
|---------|---------|
| 6"-15"  | 564,917 |
| 16"-54" | 26,581  |
|         | 32.3%   |





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Hyland Hills/Farmers' High Line Canal Drainage Improvements Project

**Prepared By:** Dave Downing, City Engineer

**Recommended City Council Action**

Award the bid and authorize the City Manager to execute an agreement with Wycon Construction Company in the amount of \$223,853 for the construction of drainage improvements to the Farmers' High Line Canal and the South Branch of Hyland Creek in the vicinity of the Hyland Hills Golf Course; authorize a project budget in the amount of \$299,799, which includes \$223,853 for the construction, \$16,750 for construction engineering services, \$5,618 for materials testing services, \$20,000 for the relocation of electric lines in the golf course and \$33,578 for a 15% construction contingency to be held in a separate account; and authorize the transfer of \$120,093 from the Storm Water Fund Miscellaneous Storm Water Drainage Improvements Capital Improvement Project budget to the Hyland Hills/Farmers High Line Canal Drainage Improvements Project budget.

**Summary Statement**

- Private properties located within Hyland Greens subdivision have occasionally experienced flooding damage due to the overflow of the Farmers' High Line Canal, which winds through portions of the residential development.
- These lots within Hyland Greens as well as other private properties located along downstream reaches of the canal could be protected from future flooding events by the construction of a spillway that would divert excess storm water from the canal into a natural drainageway that runs through the Hyland Hills Golf Course.
- This work was one of the first local drainage improvements projects identified for funding under the City's Storm Water Program.
- Construction plans for the proposed improvements were prepared and the project was publicly bid. Ten bids were received, and the lowest bidder was Wycon Construction Company with a bid of \$223,853.

**Expenditure Required:** \$ 299,799

**Source of Funds:** Storm Water Fund

**Policy Issues**

Should the City proceed with the award of the bid for the construction of the Hyland Hills/Farmers High Line Canal Drainage Improvements Project?

**Alternatives**

The City Council could choose to delay the construction of this project. This alternative is not recommended due to the fact that the Storm Water Utility was created with the intent of establishing a funding source for the correction of local drainage problems, and the proposed work on the Farmers' High Line Canal is a prime example of the usefulness of the Storm Water Utility.

**Background Information**

The Farmers' High Line Canal is a privately owned ditch that carries irrigation water from Standley Lake to various users to the northeast of the City of Westminster. As the canal traverses through the City, it intercepts storm runoff from upstream properties and conveys these flows in addition to the irrigation water from Standley Lake. During periods of frequent rainstorms, the canal fills to its capacity and spills water wherever there may be an inadvertent low point in the bank of the ditch. Such a low point exists in the vicinity of 99<sup>th</sup> Avenue and Hyland Greens Place in Hyland Greens Subdivision, and houses in this area experienced flooding damage in 1994. It is impractical to continue to heighten the ditch banks to protect from overflows. Instead, a better solution would be to purposely create a low point at a location where it would be safe for the overflows to occur. That is the objective of the proposed Hyland Hills/Farmers' High Line Canal Drainage Improvements Project.

A low point and concrete spillway will be installed in the bank of the canal adjacent to the South Branch of Hyland Creek, which runs through the Hyland Hills Golf Course. During times of high flows within the canal, the volume of water that is in excess of the irrigation flow will be diverted out of the ditch and conveyed toward Big Dry Creek through a series of ponds located within the golf course. Since the golf course will be subjected to an increased amount of runoff, one facet of this project will include the stabilization of one of the downstream ponds. The Hyland Hills Park and Recreation District supports this project.

The notice of the construction package for this project was advertised in the Daily Journal, and bids were opened on October 28. Ten contractors submitted bids with the low bid of \$223,853 being presented by Wycon Construction Company. The bid results are as follows:

| <u>Bidder</u>               | <u>Amount of Bid</u> |
|-----------------------------|----------------------|
| Wycon Construction          | \$223,853            |
| Duran Excavating            | \$225,802            |
| Diamond Excavating          | \$240,470            |
| Rocky Mountain Excavating   | \$269,220            |
| American Civil Construction | \$270,584            |
| L & M Enterprises           | \$281,398            |
| DeFalco-Lee Construction    | \$283,113            |
| Hamon Contractors           | \$298,413            |
| American West Construction  | \$326,557            |
| New Design Construction     | \$378,205            |

City Staff reviewed the results of the bidding procedure and recommends that the low bidder, Wycon Construction, be awarded the contract for construction in the amount of \$223,853. This company performed some subcontracting work on a phase of the Sheridan Boulevard Widening Project and the emergency repair of the Huron Street crossing of Big Dry Creek a few years ago, and Staff was pleased with the quality of their construction.

**SUBJECT:** Hyland Hills/Farmers' High Line Canal Drainage Improvements Project

Page 2

Since this project cannot be constructed while the Farmers' High Line Canal is carrying irrigation water, the work is scheduled to be performed during December through February 2004.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Purchase of Replacement Water Meter Transponders

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

**Recommended City Council Action:**

Make a finding that the public interest will be served by authorizing the City Manager to enter into a sole source authorizing purchase of 1,250 replacement water meter transponders from Mountain States Pipe and Supply for the City's Badger TRACE water meters.

**Summary Statement**

- Utilities Division has \$200,000 in budgeted funds available for the purchase of 1,250 replacement water meter transponders. These funds were originally budgeted for water tank maintenance activities.
- The funding would allow for the purchase of 1,250 replacement transponders that are required due to the original transponders failing (out of warranty) and causing failure of the automated meter reading function. Transponders are currently priced at \$156.83 per unit, valid until 12/31/03.
- The Badger TRACE meter system is a proprietary item and the transponders are available only from Badger Meter Company through their local authorized distributor, Mountain States Pipe and Supply Company.

**Expenditure Required:** \$ 200,000

**Source of Funds:** Utilities Operations Division Operating Budget

**Policy Issue**

Should the Utilities Division transfer budgeted funds within Water Fund accounts and purchase replacement water meter transponders?

**Alternative**

Utilize the limited funds currently available in the water meter account and only purchase a small number of transponders at this time. Delay the purchase of the remaining transponders required until 2004 at a possible increase in price for each unit.

**Background Information**

Several years ago, the City of Westminster undertook a water meter retrofit program for the entire City. All water meters were replaced and/or retrofitted with radio-read frequency transponders that enable the water meter to be read remotely by a specially equipped meter-reading vehicle. Since the program was completed, the City has purchased meters and transponders for new construction and replacement purposes. Badger Meter's TRACE reading system is the system in place and Badger meters have been established as the City's standard water meter. The transponders to be purchased are furnished by the local authorized Badger distributor, Mountain States Pipe and Supply and meet the specifications set by the City.

The purpose for purchasing 1,250 transponders is that Utility Staff has found an increasing rate of transponder failures occurring while reading water meter routes throughout the City. The failed transponders were installed with the initial water meter changeover in 1996 and are out of warranty at this time. The units have a 5-year warranty, which they typically reach and exceed. Transponders that fail within their warranty period are replaced by the manufacturer, Badger Meter.

By replacing the bad transponders, meter reading personnel will be able to complete their routes in a much more efficient manner since they will not have to re-read accounts with bad transponders by hand. This causes delays in completing routes and updating Utility Billing data in a timely manner. Failed transponders must be identified, the reading vehicle must backtrack to that location and the meter is read visually and the reading inserted into the billing system manually. The failed transponders do not affect the actual readings or consumptions, as the mechanical totalizers continue to function even if the electronics package fails.

Staff is requesting authority to purchase the needed transponders at this time to begin the required replacements as soon as possible.

Respectfully submitted,

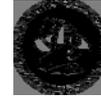
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Councillor's Bill No. 70 re Concealed and Unconcealed Weapons

**Prepared By:** Matt Lutkus, Deputy City Manager for Administration  
Rachel Harlow-Schalk, Environmental Services Coordinator  
Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 70 revising the Title VI of the Westminster City Code, Chapter 2, re: Crimes Against Peace on first reading.

**Summary Statement**

- On March 18, 2003, Governor Owens signed into law both Senate Bill 24 establishing statewide regulations regarding permitting for concealed handguns, and Senate Bill 25 limiting municipalities' authority to regulate firearms.
- Municipalities must now ensure that local regulations and codes are in compliance with these new laws.
- The City Manager previously established a Task Force to develop recommendations on changes to the Westminster City Code and to the City's administrative policy to both ensure Westminster's compliance with the new legislation and maintain a safe environment for City employees, contractors, and citizens visiting public facilities.
- Based on their review of the State Legislation, and survey data from cities in the area, the Task Force recommended several steps to respond to the State Law. The recommendations include prohibiting the carrying of open firearms except those carried by police officers and other authorized personnel and the posting of all City facilities prohibiting possession of deadly weapons except as allowed by Code.
- The proposed changes represent a relatively hard-line approach by allowing the possession of firearms and other deadly weapons only to the degree required by State Law. City Staff believes that such an approach provides the highest degree of safety to the public and employees within the constraints of the new legislation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City update the Municipal Code to both achieve compliance with the new State Statutes and establish the City's limited authority (under these statutes) to regulate firearms.

**Alternative**

Make no modification to the section of the Code regarding Crimes Against Peace. Staff believes that the recommended changes to the Code address the need for the City to comply with State Law. At the same time, the proposed ordinance establishes restrictions on the carrying of firearms in City facilities within the limited authority allowed under the State Statutes.

**Background Information**

In spite of opposition by Westminster and many other municipalities, on March 18, 2003, Governor Bill Owens signed into law Senate Bill 24 establishing a statewide regulation permitting concealed handguns, and Senate Bill 25 limiting municipalities' authority to regulate firearms. As a result of this, municipalities must now ensure compliance with these new laws.

The provisions of Senate Bill 24:

- Eliminate concealed handgun permitting by local police departments;
- Establish criteria for issuing concealed handgun permits by sheriffs;
- Establish form and duration of concealed handgun permits;
- Require possession of this permit whenever concealed handgun is carried;
- Require a concealed handgun permit to be produced upon demand by a law enforcement officer;
- Require that citations for failure to carry permit must be dismissed if the permit is produced to court prior to defendant's first appearance; and
- Define where concealed handguns may be carried.

Under Senate Bill 25, a local government may not enact an ordinance, regulation, or other law that prohibits the sale, purchase, or possession of a firearm that a person may lawfully sell, purchase, or possess under state or federal law except within closely defined parameters. In addition, all previously enacted local laws prohibiting the sale, purchase or possession of firearms, which are permitted under state law, are void and unenforceable.

The greatest impact of the new laws is the ability of those carrying a concealed handgun to enter any public building unless the building meets the definition of "secured." A secured building is defined as having permanent security personnel and electronic screening devices at each entrance; security personnel must screen each person entering the building for weapons; and security personnel must require each person carrying a weapon of any kind to leave the weapon with security personnel while inside the building. It is staff's interpretation that this applies to the Municipal Court Building. No other City facilities meet the definition of "secured" buildings.

Under Senate Bill 25 the City can adopt an ordinance prohibiting the open carrying of a firearm if signs stating the prohibition of such activity are posted at public entrances. Some cities have already enacted provisions to enforce this provision. The City of Lakewood, for example, now posts the following signs at City facilities: "OPEN CARRYING OF A FIREARM OR ANY UNAUTHORIZED OR UNLAWFUL POSSESSION OF A FIREARM IS PROHIBITED"

The City of Arvada has not yet posted signs, but has amended their Code to include provisions that state if a firearm is seen in whole or part that the carrying of a concealed weapons permit will be no defense. The City of Boulder has revised their City Code (5-8-15 Deadly Weapons in City Building and the (Pearl Street) Mall Prohibited) making a more pronounced statement than the City of Lakewood. The City of Boulder plans to place a sign in Council Chambers prohibiting anyone, other than a Police Officer, from entering with a "deadly weapon." The City of Boulder also bans all deadly weapons in any "... public building owned by the City and open to the public ..." provided that the sign is posted at a public entrance. The signs will be placed at the end of every block of the Pearl Street Mall.

A staff task force was formed to recommend Code and administrative policy changes to help ensure Westminster's compliance with the new state statutes, while at the same time protecting City employees, contractors, and citizens visiting public facilities. Task Force members were Police Lieutenant Mike Cressman; Director of Parks, Recreation and Libraries Bill Walenczak; Assistant City Attorney Sharon Widener; and Deputy City Manager for Administration Matt Lutkus. The Task Force closely reviewed the State Legislation and survey data from cities in the area that have taken steps to respond to the State Law. Based on the Task Force's review of the new legislation, the following recommended changes to Westminster's City Code are suggested in order to comply with the new laws regarding concealed and unconcealed firearms:

1. Provide definitions that are consistent with State Law.
2. Require that anyone carrying a concealed firearm show, upon request, proof of this permit.
3. State that the right to carry a concealed weapon is not applicable if any part of the weapon is visible.
4. Eliminate language in the Code related to the City's authority to issue permits for concealed weapons.
5. Prohibit the possession of any deadly weapons on City premises except as provided in the section on concealed weapons.

If Council approves the proposed ordinance, it is Staff's intent to post signs with the following verbiage at all City facilities:

"POSSESSION OF ANY DEADLY WEAPON IS PROHIBITED except as allowed under WMC 6-2-10."

In addition to the recommended Code changes, the City Manager will be revising the City's administrative policies to achieve compliance with the State Legislation. Under this legislation an employer has the right to prohibit possession of firearms by its employees on the employer's property regardless of whether or not the employee has a concealed weapons permit. The updated Administrative Memorandum on "Violence In The Workplace" will incorporate this statement.

Two changes have been made to the draft ordinance since this was reviewed with Council at last Monday's Study Session. The definition of "Deadly Weapon" has been changed to be more specific with regard to the objects that constitute weapons addressed in this ordinance. Secondly, the section on affirmation defenses that was stricken from 6-2-10 in the previous draft has been kept in the ordinance. The two affirmative defenses listed continue to be appropriate considerations when these cases are heard in Municipal Court.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **70**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL  
FOR AN ORDINANCE AMENDING THE CRIMES AGAINST PEACE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapters 1, and 2 of the Westminster Municipal Code is hereby amended as follows:

**6-1-1: DEFINITIONS:**

3. "Deadly Weapon" means any firearm, whether loaded or unloaded, knife, OR OTHER ILLEGAL WEAPON. ~~bludgeon, bow and arrow, sling shot or other weapon, device, instrument, material, or substance whether animate or inanimate, which, in the manner it is used, or intended to be used, is capable of producing death or serious bodily injury.~~

**6-2-9: FIREARMS:**

(A) It shall be unlawful for any person to intentionally, knowingly or recklessly discharge firearms, deadly weapons or destructive devices of any kind or description within the limits of the City; provided, however, that this shall not apply to police officers in the discharge of their duties.

(B) Exceptions; Permits: The City Manager may at any time, upon receipt of proper application, grant a permit to shooting galleries, gun clubs, rifle ranges, and others for shooting in fixed locations. Such permits shall be in writing and shall conform to such requirements as the City Manager shall specify, after consulting with the Police Chief, necessary to protect the public health, safety and welfare. The permits thus issued shall be subject to revocation at any time by the City Manager pursuant to Chapter 1 of Title V of this Code.

(C) EXCEPT AS PROVIDED IN SECTION 6-2-10, IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE TO POSSESS A DEADLY WEAPON WHILE ON CITY PREMISES.

~~(D)~~ A violation of this Section is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

**6-2-10: CONCEALED WEAPONS:**

(A) It shall be unlawful for any person other than a police officer to carry concealed on or about his person any deadly weapon, EXCEPT A PERSON WHO AT THE TIME OF CARRYING A CONCEALED HANDGUN HAD A VALID WRITTEN PERMIT TO CARRY THE HANDGUN ISSUED PURSUANT TO STATE LAW.

(B) It shall be an affirmative defense that the defendant was:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying, or

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling, or

3. ~~—A person, who at the time of carrying a concealed weapon, had a valid current written permit to carry the weapon issued pursuant to State law by the chief of police of a city or the sheriff of a county.~~

(C) ALL PERSONS CARRYING A CONCEALED HANDGUN MUST SHOW, UPON REQUEST OF A POLICE OFFICER, PROOF OF WRITTEN PERMIT ISSUED PURSUANT TO STATE LAW.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO FORBID A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR OTHER DULY AUTHORIZED CITY EMPLOYEE FROM CARRYING A WEAPON.

(E) IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE, OTHER THAN A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR AN AUTHORIZED CITY EMPLOYEE, TO CARRY ANY WEAPON IN VIEW ONTO OR IN A CITY PREMISES. POSSESSION OF A CONCEALED HANDGUN PERMIT SHALL BE OF NO DEFENSE IF THE HANDGUN IS CARRIED IN SUCH A MANNER AS TO BE VISIBLE, IN WHOLE OR IN PART, OR ACCESSIBLE FOR ANY LENGTH OF TIME TO ANOTHER INDIVIDUAL.

(F) DEFINITIONS

1. "HANDGUN" MEANS A PISTOL, REVOLVER, OR OTHER FIREARM OF ANY DESCRIPTION, LOADED OR UNLOADED, FROM WHICH ANY SHOT, BULLET, OR OTHER MISSILE CAN BE DISCHARGED AND THE LENGTH OF THE BARREL, NOT INCLUDING ANY REVOLVING, DETACHABLE, OR MAGAZINE BREECH, DOES NOT EXCEED TWELVE INCHES.

2. "CITY PREMISES" MEANS ANY CITY-OWNED RECREATION FACILITY, OFFICE BUILDING, LIBRARY, PARK, OPEN SPACE, TRAIL, GOLF COURSE, ICE CENTER, OR OTHER CITY PROPERTY OPEN TO THE PUBLIC.

~~(G)~~ (G) Carrying a concealed weapon IN VIOLATION OF THE ABOVE SUBSECTIONS is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of November, 2003 AS AMENDED.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Councillor's Bill No. 71 re Amendment of Title 4 of Westminster Municipal Code for Adoption of 0.6% Public Safety Tax

**Prepared By:** Mary Ann Parrot, Finance Director  
Barb Dolan, Sales Tax Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 71 on first reading amending the City Sales Tax Ordinance to accommodate the increase in Sales and Use Tax by 0.6% beginning January 1, 2004, as authorized by voters at the November 4, 2003 election.

**Summary Statement**

On November 4, 2003, Westminster citizens approved amending the current 3.25% Sales and Use Tax, increasing it by .6%, dedicating the additional tax to funding of public safety-related personnel, equipment, and support staff and equipment. The .6% sales tax increase will fund the following enhancements:

- 40 Police Department personnel and necessary equipment in patrol, criminal investigations, emergency dispatch operations, traffic enforcement and investigation, and code enforcement.
- 35 Fire Department personnel and equipment to create: a seventh fire response engine company, staffing for a fourth ambulance, additional fire prevention staffing, and critical staffing at the City's outlying fire stations, including the addition of an additional fire engine and ambulance.
- Eight support staff in the General Fund addressing public safety support
- Other related expenses as budgeted and approved by City Council.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Background Information**

In February 2003, City Manager Brent McFall met with Fire Chief Jim Cloud and Police Chief Dan Montgomery to discuss the initiation of a self-directed study of Public Safety resource needs. The Police and Fire Departments were empowered to build a task force of members who would represent each facet of the departments and to develop a long-term vision for Public Safety. The Public Safety Task Force's vision outlined in the report previously distributed to City Council is designed to help guide the progress of the departments through identification of staffing, equipment, facilities and other resources needed to help make Westminster a safer community in which to live, work and play.

Over the course of four months, Task Force members discussed a variety of key questions. Some of the key questions studied were:

1. What Public Safety services and service levels are in the best interest of the community?
2. What activities are we doing today and how well are we doing them?
3. What quantitative and qualitative improvements are needed?
4. What resources do we anticipate requiring in the future to address the community's Public Safety needs?
5. How do we create the capacity and capability to shift assets as our needs change over time?

The results of the study indicated a clear need for significant additional resources to be allocated to Police and Fire functions in order to address current and future needs to continue Westminster's commitment to providing residents and businesses with a safe and secure community.

On September 9, 2003, City Council adopted Resolution No. 39 regarding election ballot language for a six tenths of one percent increase in the City's sales and use tax rate to enhance the safety and security of Westminster residents and businesses. On November 5, 2003, Westminster voters approved the Public Safety Sales Tax Increase by a margin of 57% to 43%.

The attached ordinance establishes the new sales and use tax rate of 3.85%, which is made up of the existing three percent tax, the existing .25 percent open space sales use tax and the new six tenths of one percent tax. The ordinance includes a change to take the sales and use tax tables out of the code and allows these to be established by the Finance Director. This is a housekeeping change to take these cumbersome tables out of the code. Staff will return to City Council with appropriate budget amendments at a later date, to reflect the increase to the budget for these revenues and expenditures. In addition, Staff is setting up a separate accounting to track the revenues and the expenditures of the six tenths of a cent sales tax.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **71**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE RATE, IMPOSITION, COLLECTION AND DISTRIBUTION OF SALES AND USE TAX AND AMENDING THE TAX SCHEDULE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-2-3, W.M.C., is hereby AMENDED to read as follows:

**4-2-3: RATE; IMPOSITION AND COLLECTION; DISTRIBUTION:**

(A) Sales Tax: There is hereby levied a tax or excise upon all sales of tangible personal property and services specified in Section 4-2-5.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1. For transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2. For transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986 ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(B) Use Tax: There is hereby levied a tax or excise upon the privilege of using, storing, distributing, or otherwise consuming in the City any article of tangible personal property or taxable services purchased, leased or rented from sources inside or outside the City, on which the City sales tax has not been paid.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1. For transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2. For transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986, ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(C) Imposition and Collection: The tax specified in this Section is imposed upon the purchaser. Any seller shall collect the tax and remit it to the City pursuant to ~~the schedule set forth in~~ SECTION 4-2-4 OF this Chapter.

(D) Distribution:

~~1.~~ Except as specified in this Subsection, the City shall distribute all sales and use tax receipts first for costs of administration and collection of sales and use tax, next for the fulfillment of any sales and use tax bond covenants, and finally for any lawful purposes of the City.

1. COLLECTION AT 3.85% RATE:

- (a) ~~2-~~ The City shall distribute ~~seven and sixty-nine hundredths percent (7.69%)~~ SIX AND FORTY-NINE HUNDREDTHS PERCENT (6.49%) of all sales and use tax collected at the rate of ~~three and one-quarter percent (3.25%)~~ THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) to the Open Space Fund for the purpose of funding the open space acquisition program and development and enhancement of recreational facilities with up to one-half of such revenues to be used for the development of additional park land and open space, trail development, enhancement of existing parks and development and enhancement of recreational facilities as approved by Westminster voters on November 5, 1996.
- (b) THE CITY SHALL DISTRIBUTE FIFTEEN AND FIFTY-EIGHT HUNDREDTHS PERCENT (15.58%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

2. COLLECTION AT 3.6% RATE: THE CITY SHALL DISTRIBUTE SIXTEEN AND SIXTY-SEVEN HUNDREDTHS PERCENT (16.67%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND SIX TENTHS PERCENT (3.6%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

3. COLLECTION AT 3.25% RATE: THE CITY SHALL DISTRIBUTE SEVEN AND SIXTY-NINE HUNDREDTHS PERCENT (7.69%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND ONE-QUARTER PERCENT (3.25%) TO THE OPEN SPACE FUND FOR THE PURPOSE OF FUNDING THE OPEN SPACE ACQUISITION PROGRAM AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES WITH UP TO ONE-HALF OF SUCH REVENUES TO BE USED FOR THE DEVELOPMENT OF ADDITIONAL PARK LAND AND OPEN SPACE, TRAIL DEVELOPMENT, ENHANCEMENT OF EXISTING PARKS AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 5, 1996.

(E) The tax imposed in this Section shall continue to be levied and collected until amended or repealed by ordinance.

(F) The tax imposed in this Chapter shall be in addition to all other taxes imposed by law.

Section 2. Section 4-2-4, W.M.C., is hereby AMENDED to read as follows:

**4-2-4: TAX SCHEDULE:**

(A) IN ORDER TO AVOID FRACTIONS OF PENNIES, THE TAX PAYABLE BY THE PURCHASER OR CONSUMER TO THE RETAILER SHALL BE COMPUTED BY THE RETAILER IN ACCORDANCE WITH A SCHEDULE OR SYSTEM APPROVED BY THE FINANCE DIRECTOR. THE SCHEDULE OR SYSTEM SHALL BE DESIGNED SO THAT NO TAX LEVIED BY THIS ARTICLE IS CHARGED ON ANY PURCHASE OF TWELVE CENTS (\$0.12) OR LESS. HOWEVER, THE USE OF A SCHEDULE IN COLLECTING TAXES FROM PURCHASERS SHALL NOT RELIEVE THE RETAILER FROM LIABILITY FOR PAYMENT OF THE FULL AMOUNT OF THE TAX LEVIED IN SECTION 4-2-3 ABOVE ON ALL OF THE TAXABLE SALES OR SERVICES

~~(A) For transactions consummated, events occurring, or contracts entered into on or after January 1, 1986 but prior to January 1, 2017:~~

- ~~1. The tax imposed by this Chapter shall be payable on each four dollar (\$4) increment in accordance with the following schedule:~~

Price Tax

~~\$.01 including \$ .15 — No Tax  
.16 including .46 — 1 cent  
.47 including .76 — 2 cents  
.77 including 1.07 — 3 cents  
1.08 including 1.38 — 4 cents  
1.39 including 1.69 — 5 cents  
1.70 including 1.99 — 6 cents  
2.00 including 2.30 — 7 cents  
2.31 including 2.61 — 8 cents  
2.62 including 2.92 — 9 cents  
2.93 including 3.23 — 10 cents  
3.24 including 3.53 — 11 cents  
3.54 including 3.84 — 12 cents  
3.85 including 4.00 — 13 cents~~

- ~~2. When the price exceeds four dollars (\$4), the tax shall be thirteen cents (\$.13) on each four dollar increment of the price, plus the tax shown in the above schedule for the applicable fractional part of a four dollar (\$4) increment of each price.~~

~~(B) For transactions consummated, events occurring, or contracts entered into prior to January 1, 1986 or on and after January 1, 2017:~~

- ~~1. The tax imposed by this Chapter shall be payable on one dollar (\$1) in accordance with the following schedule:~~

Price Tax

~~\$.01 including \$ .16 — No Tax  
.17 including .50 — 1 cent  
.51 including .83 — 2 cents  
.84 including 1.00 — 3 cents~~

- ~~2. When the price exceeds one dollar (\$1), the tax shall be three cents (\$.03) on each full dollar of the price, plus the tax shown in the above schedule for the applicable fractional part of a dollar of each price.~~

~~(C)(B) Use of the A schedule set forth in this Section OR SYSTEM APPROVED BY THE FINANCE DIRECTOR shall not result in computation of a tax liability that is less than the amount which equals taxable sales multiplied by the specified rate.~~

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 10, 2003



**SUBJECT:** Councillor's Bill No. 72 re Street Cut Impact Fees

**Prepared By:** Ray Porter, Infrastructure Improvements Manager  
Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 72 on first reading establishing a Street Cut Impact Fee to become effective on July 1, 2004.

**Summary Statement**

- At the July 7, 2003, Study Session, City Council was briefed regarding the adoption of an ordinance to establish Street Cut Impact Fees.
- City Council agreed that trench cuts shorten the useful life of a street and directed staff to bring back a proposal establishing impact fees to recover direct costs to the City of damages caused by street excavations is appropriate.
- The proposed fees are:
  - \$50.00 street cut permit fee (currently being charged and shall remain)
  - \$1.30/square foot longitudinal (running along the street) trench fee
  - \$7.70/square foot transverse (running across the street) trench fee
- The fee will be doubled for excavations in streets resurfaced/reconstructed within the current year and the last four years or sealcoated within the current year and the last two years.
- The fee will be waived if the street is scheduled for total reconstruction within the current year and the next two years as designated in the City's Pavement Management 5-Year Master Plan for Street Improvements.
- Staff is recommending that this new fee not be implemented until July 1, 2004, to allow time for private contractors and the City to build this cost into their budgets and provide time for citizen education.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issues**

Should the City of Westminster pass an ordinance establishing a Street Cut Impact Fee and, if so, when should the fee take effect?

## **Alternatives**

- 1) A fee lower than what staff is recommending could be adopted. The downside to this alternative is that only a portion of the costs associated with the street cut would be recouped. The upside would be that the impact to contractors and the City's Utilities Operations would be reduced.
- 2) Do not adopt a street cut impact fee. No new revenue would be realized to offset the proven added cost burden to the City whenever streets are cut. There would be no impact to the contractor or the City's Utilities Operations.
- 3) Only adopt a moratorium that does not allow cutting streets that have been constructed, reconstructed, resurfaced or sealcoated within a specified time period, i.e. five years or less. There would be no impact to those making cuts on older streets. No new revenue would be generated. The life expectancy on new pavements would be prolonged. This type of ordinance is difficult to consistently enforce.

## **Background Information**

The Department of Public Works and Utilities, Infrastructure Improvements Division, initiated the formation of a Citywide team to research and develop a proposed ordinance and process to establish a Street Cut Impact Fee.

CHEC Engineering Consultants was hired in November 2001 to provide the City with a technical study evaluating possible damage to street integrity resulting from excavating a trench. Non-destructive deflection testing was done at eleven longitudinal trenches and at nine transverse trenches throughout Westminster to evaluate any loss in structural strength to the pavement within and surrounding the area of the trench. The Westminster study, as well as several similar studies across the U.S., proves conclusively that structural loss does occur for a distance on each side of a trench. Westminster's study shows trenching damage increases pavement deflections, which conversely decreases the pavement's performance and life expectancy.

Similar studies conducted in California, Missouri, and Washington determined that trench cuts can shorten the useful life of a street by 25%. Roads with a number of trench cuts may face a 50% reduction in service life. These findings provide solid evidence that trench cuts burden the City with greater required maintenance/rehabilitation efforts and costs.

The Westminster study concluded that an additional asphalt overlay of 1.4 inches is required to return a street to uniform strength. The zone of influence surrounding each side of a trench is 5.7 feet of weakened area. Staff has reviewed methods that quantify the impact in terms of dollars and has surveyed other entities regarding their current fee structure. The main focus of the fee has been pavement preservation.

The fees being proposed were determined using scientific calculations that include Westminster's street cut zone of influence, overlay requirement and actual 2003 hot mix asphalt costs as factors. The engineering formula used in Westminster's study has been utilized to arrive at establishing similar fees around the country.

A total of approximately \$460,000 in additional general fund revenues is estimated to be generated by the fees proposed in the first year. Most cities have seen a consistent decline in the annual revenues from these fees due to the increased coordination on street cuts between public and private utilities and the city's street improvements. Over 80%, (\$370,000), of these revenues would be generated from the City's Utility Fund. Staff will be recommending that this additional expense to the utility fund be addressed through an increase in the utility rate structure as part of the biannual rate setting process in 2004.

All entities surveyed who have some type of a street cut impact fee apply the fee to their in-house utilities. The City Attorney's Office advises that a street cut impact fee should be applied to anyone requesting to excavate a City street, including the City's Utility Enterprise System.

Excavating newly surfaced streets has an even greater impact on decreasing the life of a pavement's performance. To provide an incentive to avoid excavations in new streets, Staff is proposing that the fee be doubled for excavations in streets resurfaced within the current year and the last four years or sealcoated within the current year and the last two years. To be consistent, the impact fee will be waived for excavations on streets scheduled for total pavement reconstruction within the current year and the next two years as designated in the City's Pavement Management 5-Year Master Plan for Street Improvements.

This proposed street cut impact fee, once adopted by City Council, may be amended as deemed appropriate by the City Manager and as recommended by the City Engineer. The charges would need to be adjusted periodically according to future costs.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **72**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH A STREET CUT IMPACT FEE

WHEREAS, excavations in City streets cause an impact upon the strength and life of the streets when various users make trenches in the pavement for purposes of laying lines, pipes, and other materials in the streets. It is the purpose of this section to recoup some of the costs associated with such trenches, both in administrative costs associated with the issuance of pavement cut permits, inspection of the trenches and their repair, and general control of pavement cuts, and in the costs of both short-term and long-term repair and maintenance of the streets; and

WHEREAS, studies performed on streets in other cities have concluded that excavation to an existing pavement shortens pavement performance life and increases the frequency and cost to the public of necessary resurfacing maintenance and repair. The studies have concluded that structural damage to the pavement adjacent to the trench occurs no matter how well the excavation is restored; and

WHEREAS, in order to determine the extent to which the City of Westminster is burdened by the existence of trenches as concluded by studies in other cities, the City retained CHEC Consultants, Inc., to determine the effect of excavations on Westminster streets. The study performed by CHEC Consultants, Inc., dated, November 26, 2001, and on file in the office of the Director of Public Works and Utilities, determined that, even if pavement restoration in the trench itself is structurally adequate, excavation shortens the life expectancy of the pavement located adjacent to the trench where the excavation occurs; and

WHEREAS, excavation to newly surfaced streets have an even greater impact on decreasing the life of the pavement's performance. To provide an incentive to avoid excavations in newly surfaced streets whenever feasible, the fee will be doubled for excavations in streets resurfaced/reconstructed within the current year and the last four (4) years or sealcoated within the current year and the last two (2) years. Contrarily, the impact fee will be waived for excavations on streets scheduled for total pavement reconstruction within the current year and the next two (2) years as designated in the City's Pavement Management 5-Year Master Plan for street improvements; and

WHEREAS, although utilities and telecommunication providers and other users may have rights to use the public rights of way, cities are allowed to recover their costs that are directly related to providing services relating to the granting and administration of permits such as those that allow the cutting of streets; and

WHEREAS, the fees established herein are direct costs to the City of damages caused by street excavations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER AS FOLLOWS:

Section 1. Title 9, Chapter 2, of the Westminster Municipal Code is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

**9-2-8: STREET CUT IMPACT FEES:**

(A) IN ADDITION TO A STREET-CUT PERMIT FEE AND A DEPOSIT COVERING TRENCH OVERRUN AND DAMAGE TO APPURTENANCES, FEES TO COMPENSATE THE CITY DUE TO THE IMPACT OF LONG-TERM DAMAGE CAUSED BY STREET CUTS SHALL BE PAID BY ANY PERSON OR ENTITY WHO CUTS CITY STREETS. SUCH FEES SHALL BE PAID AT THE TIME OF ISSUANCE OF A PERMIT, TO BE CALCULATED ON FORMS TO BE FURNISHED BY THE CITY ENGINEER.

(B) THE IMPACT FEE MAY BE AMENDED WHEN DEEMED APPROPRIATE BY THE CITY MANAGER UPON RECOMMENDATION BY THE CITY ENGINEER AND SHALL INCLUDE THE FOLLOWING FACTORS:

1. WHETHER THE CUT IS A LONGITUDINAL TRENCH OR A TRANSVERSE TRENCH.
2. WHETHER THE STREET WAS RESURFACED WITHIN THE CURRENT YEAR AND THE LAST FOUR (4) YEARS OR SEALCOATED WITHIN THE CURRENT YEAR AND THE LAST TWO (2) YEARS.
3. WHETHER THE STREET IS EARMARKED FOR TOTAL RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE NEXT TWO (2) YEARS IN THE CITY'S 5-YEAR PAVEMENT MANAGEMENT MASTER PLAN FOR STREET IMPROVEMENTS.

(C) FEE SCHEDULE:

1. \$50.00 FOR STREET CUT PERMIT
2. \$1.30/SQUARE FOOT FOR LONGITUDINAL TRENCHES.
3. \$7.70/SQUARE FOOT FOR TRANSVERSE TRENCHES.
4. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE DOUBLED FOR STREETS THAT HAVE BEEN RESURFACED WITHIN THE CURRENT YEAR AND THE PAST FOUR CALENDAR YEARS, OR SEALCOATED WITHIN THE CURRENT YEAR AND THE PAST TWO CALENDAR YEARS,
5. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE WAIVED FOR STREETS SCHEDULED FOR TOTAL PAVEMENT RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE FOLLOWING TWO YEARS.

Section 2. This ordinance shall take effect on July 1, 2004.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 10, 2003 AT 8:00 P.M.

SWEARING IN OF MAYOR AND NEW COUNCILLORS:

Mayor Moss called the meeting to order and introduced the newly elected Councillors Chris Dittman, Tim Kauffman, and JoAnn Price. The Mayor called upon Kathleen Bowers, Denver City and County Court, to administer the Oath of Office of Mayor to Ed Moss. The Mayor called upon Judge Albert Minton to administer the Oath of Office to Councillor JoAnn Price. The Mayor called upon Municipal Court Judge John Stipech to administer the Oath of Office to Tim Kauffman and Chris Dittman.

SELECTION OF MAYOR PRO TEM:

Mayor Moss called for written ballot for the selection of Mayor Pro-Tem. The first ballot showed a majority vote for Nancy McNally. Mayor Pro-Tem McNally was sworn into office by Municipal Court Judge John Stipech.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on behalf of Staff that it is our pleasure to serve this City Council.

Councillor Dixon congratulated the newly elected Councillors and Mayor.

Councillor Price thanked her husband, family and friends.

Councillor Kauffman thanked his wife and children and commented that he appreciated the past three years with staff, citizens and Councillors and looks forward to the challenge and opportunity.

Councillor Dittman thanked his family and friends for their support.

Councillor McNally thanked the voters for passing 2A and her family for their support.

Councillor Hicks congratulated the new Council members.

Mayor Moss thanked his family and friends.

CONSENT AGENDA

The following items were considered as part of the consent agenda: 2004 Wastewater Collection System Maintenance Program with ECO Resources Inc., for \$578,840.48; Hyland Hills/Farmers' High Line Canal Drainage Improvements Project for \$299,799; and Purchase of Replacement Water Meter Transponders from Mountain States Pipe and Supply for \$200,000.

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. There was no request.

Mayor Pro-Tem McNally moved, seconded by Hicks to adopt the consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 70 RE CONCEALED AND UNCONCEALED WEAPONS

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 70 on first reading revising Title VI of the Westminster Municipal Code, Chapter 2, re Crimes Against Peace with the additional amendment to 6-2-10 (E) as follows ~~AND~~ OR ACCESSIBLE FOR ANY LENGTH OF TIME TO ANOTHER INDIVIDUAL. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 71 AMENDMENT FOR ADOPTION OF 0.6% PUBLIC SAFETY TAX

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 71 on first reading amending the City Sales Tax Ordinance to accommodate the increase in Sales and Use Tax by 0.6% beginning January 1, 2004, as authorized by voters at the November 4, 2003 election. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 72 RE STREET CUT IMPACT FEES

Councillor Hicks moved, seconded by McNally to pass Councillor's Bill No. 72 on first reading establishing a Street Cut Impact Fee to become effective July 1, 2004. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:35 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, November 10, 2003. Present at roll call were Mayor Moss, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent Atchison.

The minutes of the October 27, 2003 meeting was approved.

Council recognized Employees with 20 and 25 years service.

Council TABLED the Construction of Reclaimed Waterline Extension at 113<sup>th</sup> & Pecos.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH RED DEVELOPMENT FOR THE CONSTRUCTION OF CORE AND SHELL BUILDING AT MANDALAY TOWN CENTER

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL AND GENERAL CAPITAL OUTLAY REPLACEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN UNPLATTED PROPERTY OWNED BY THE PILLAR OF FIRE

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE

At 7:29 P.M. the meeting was adjourned and the new Council meeting began at 8 PM

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, November 10, 2003. Present at roll call were Mayor Moss, Councillors Dittman, Dixon, Hicks, Kauffman, McNally and Price. Absent none.

The newly reelected Mayor Ed Moss was sworn into office. The newly elected Councillors Chris Dittman, Tim Kauffman, and Jo Ann Price were sworn into office. Nancy McNally was elected at Mayor Pro Tem and sworn into office.

Council approved the following: 2004 Wastewater Collection System Maintenance Program with ECO Resources Inc., for \$578,840.48; Hyland Hills/Farmers' High Line Canal Drainage Improvements Project for \$299,799; and Purchase of Replacement Water Meter Transponders from Mountain States Pipe and Supply for \$200,000.

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

A BILL FOR AN ORDINANCE AMENDING THE CRIMES AGAINST PEACE CODE purpose: code amendments to Crimes Against Peace as amended.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE REBATE, IMPOSITION, COLLECTION AND DISTRIBUTION OF SALES AND USE TAX AND AMENDING THE TAX SCHEDULE purpose: Code amendments for sales tax increase

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH A STREET CUT IMPACT FEE purpose: establishing a Street Cut Impact Fee

At 8:35 P.M. the meeting was adjourned

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

Published in the Westminster Window on November 20, 2003

ORDINANCE NO. **3065**

COUNCILLOR'S BILL NO. **66**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Atchison- Hicks**

A BILL  
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH RED  
DEVELOPMENT FOR THE CONSTRUCTION OF CORE AND SHELL BUILDINGS  
AT MANDALAY TOWN CENTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to assist in the redevelopment of the Mandalay Town Center that is part of an urban renewal project; and

WHEREAS, RED Development has committed to construct several thousand square feet of new retail space as part of the Mandalay Town Center project; and

WHEREAS, a proposed Assistance Agreement between the City and RED Development is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1: The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with RED Development in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 27<sup>th</sup> day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of November, 2003

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Kauffman-Dittman**

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL AND GENERAL CAPITAL OUTLAY REPLACEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$158,570 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$71,073,433. The actual amount in the General 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 grants, sponsorships, reimbursements and additional program revenue received by the City.

Section 2. The \$158,570 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description                             | Current Budget | Increase         | Final Budget |
|---|----------------|------------------|--------------|
| <b>REVENUES</b>                         |                |                  |              |
| Contributions 1000.43100.0000           | \$53,802       | \$15,755         | \$65,427     |
| Other County Grants 1000.40640.0000     | 0              | 5,659            | 5,659        |
| Adult Activities 1000.41030.0503        | 750,000        | 84,100           | 834,100      |
| General – Miscellaneous 1000.43060.0000 | 189,434        | <u>53,056</u>    | 242,490      |
| Total Change to Revenues                |                | <u>\$158,570</u> |              |

| Description  | Current Budget | Increase         | Final Budget |
|--|----------------|------------------|--------------|
| <b>EXPENSES</b>                                      |                |                  |              |
| PD – Investigations 10020300.60200.0000              | \$2,171,108    | \$19,056         | \$2,190,164  |
| PD Inv Career Dev 10020300.61800.0000                | 6,500          | 1,250            | 7,750        |
| Street Maintenance 10035450.67800.000                | 372,765        | 34,000           | 406,765      |
| CD – Special Promotions 10030340.67600.0000          | 43,319         | 15,755           | 59,074       |
| Temp Salaries – Adult Sports 10050760.60600.0504     | 70,400         | 20,000           | 90,400       |
| Temp Salaries – Preschool 10050760.60600.0508        | 160,400        | 10,000           | 170,400      |
| Temp Salaries – Youth Activities 10050760.60600.0529 | 88,900         | 8,000            | 96,900       |
| Bank Charges 10050760.66800.0000                     | 5,686          | 2,100            | 7,786        |
| Prof Svcs – Adult Sports 10050760.65100.0504         | 53,020         | 14,000           | 67,020       |
| Cont Svcs – Youth Sports 10050760.67800.0507         | 2,600          | 2,000            | 4,600        |
| Rec Supplies – Adult Sports 10050760.71200.0504      | 29,750         | 8,000            | 37,750       |
| Electric & Gas 10050550.67200.0000                   | 45,000         | 20,000           | 65,000       |
| Cont Svcs – Special Events 10050760.67800.0533       | 32,200         | 3,600            | 35,800       |
| Cont Svcs – Seniors 10050760.67800.0017              | 78,100         | <u>809</u>       | 78,909       |
| Total Change to Expenditures                         |                | <u>\$158,570</u> |              |

Section 3. The 2003 appropriation for the General Capital Outlay Replacement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,509,075 is hereby increased by \$11,684 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$1,175,115. The actual amount in the General Capital Outlay Replacement 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 auction proceeds.

Section 4. The \$11,684 increase in the General Capital Outlay Replacement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description                        | Current Budget | Increase         | Final Budget |
|------------------------------------|----------------|------------------|--------------|
| <b>REVENUES</b>                    |                |                  |              |
| Sale of Assets 4500.43040.0000     | \$0            | \$ <u>11,684</u> | \$11,684     |
| Total Change to Revenues           |                | \$ <u>11,684</u> |              |
| <b>EXPENSES</b>                    |                |                  |              |
| Capital Outlay 45010900.75600.0000 | \$1,022,594    | \$ <u>11,684</u> | \$1,034,278  |
| Total Change to Expenses           |                | \$ <u>11,684</u> |              |

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of November, 2003.

ORDINANCE NO. 3067

COUNCILLOR'S BILL NO. 68

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**McNally-Dittman**

A BILL

FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN UNPLATTED PROPERTY OWNED BY THE PILLAR OF FIRE

WHEREAS, a certain sanitary sewer easement was dedicated by a Deed Of Easement recorded at Book 2339, Pages 49-50 in the County of Adams; and

WHEREAS, this sanitary sewer easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since the legal description of the easement does not accurately describe the limits of the property containing the sanitary sewer main, a substitute easement has been provided for the sanitary sewer main and no utility lines will be constructed within the sanitary sewer easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the sanitary sewer easement in Sections 2 and 3 hereof.

**Section 2. Legal Description of Sanitary Sewer Easement:**

A strip of land 20 feet in width to be used as a non-exclusive easement for a sanitary sewer extension to the Westminster Square Shopping Center site, all being a portion of the Northwest One-Quarter of the Southeast One-Quarter of Section 29, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado. The centerline of said strip being described as follows:

Commencing at a point of intersection of the east right-of-way line of Federal Boulevard and the north right-of-way line of West 84<sup>th</sup> Avenue, said point also being 50 feet north and 50-feet east of the southwest corner of the Northeast One-Quarter of said Section 29; Thence South 89°46'00" East along the north right-of-way line of West 84<sup>th</sup> Avenue a distance of 582.50 feet; Thence South 00°12'00" East a distance of 100.00 Feet to the True Point of Beginning; Thence continuing South 00°12'00" East a distance of 10.00 feet; Thence South 89°46'00" East a distance of 137.45 feet; Thence South 00°14'00" West a distance of 391.13 feet; Thence South 45°14'00" West a distance of 108.38 feet to the Point of Terminus, Containing 12,600 square feet or 0.290 Acres, More or less.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27<sup>th</sup> day of October 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of November 2003.

ORDINANCE NO. **3068**

COUNCILLOR'S BILL NO. **69**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Atchison-Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 7 of the Westminster Municipal Code is hereby amended as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~\$89,906~~ \$89,984 per annum payable bi-weekly plus ~~\$14,000~~ \$16,000 in City-paid deferred compensation. ~~This salary shall be increased by an amount equal to the Council approved mid-year across the board increase but not to exceed two percent with the percentage increase to be based on the Judge's total salary plus City paid deferred compensation.~~

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect on January 1, 2004.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of November, 2003.