

**City of Westminster City Council Study Session  
August 20, 2007**

Mayor Nancy McNally called the Study Session to order at 6:40 PM. All Council was in attendance.

City Staff in attendance included: Assistant/Acting City Manager Steve Smithers; Deputy City Manager Matt Lutkus; Budget and Special Projects Coordinator Barbara Opie; City Attorney Marty McCoullough; Community Development Director John Carpenter; City Engineer Dave Downing; Senior Engineer John Burke; Management Analyst Aric Otzelberger; Fire Marshall Doug Hall; Park Services Manager Rich Dahl; Facilities Manager Jerry Cinkosky; Municipal Judge John Stipech; Court Administrator Carol Barnhardt; Chief Building Official Dave Horras; Sales Tax Manager Barb Dolan; and Management Intern Phil Jones.

The guest in attendance was Rachel Ceccarelli with the Westminster Window; and two engineering consultants from Muller engineering.

**Building Permit Fees for Photo Voltaic Solar Systems**

Don and Margie McGill approached City Council during City Council meetings in June to request that the City of Westminster provide an incentive for residential photo voltaic (PV) solar systems by reducing fees charged for the installation of these systems. The McGill's contend that the City of Westminster's fees are more expensive than those charged in neighboring jurisdictions and that these fees act as a disincentive for Westminster homeowners to install these expensive systems. Staff has completed a survey of neighboring jurisdictions to determine how the City of Westminster's permit fees and use tax collection compare with other local jurisdiction's fees. Building permit fees in the surveyed jurisdictions ranged from a low of \$59 in the City and County of Denver to a high of \$2,521 in the City of Northglenn. With the exception of the City of Denver, which does not collect a pre-payment of use tax when a permit is issued, a large portion of any jurisdiction's permit fee is the use tax collected as part of the building permit process. The use tax varied based on the tax rate for the jurisdiction but none of the surveyed jurisdictions waived, and only one modified, the collection of use tax on these projects.

In addition, the McGill's are concerned with the City of Westminster's construction standards that require that roof mounted solar panels be installed on the roof on supports that are attached directly to the roof structure and properly flashed and sealed. They contend that the City of Westminster is the only jurisdiction to require this as part of the installation and this requirement adds further additional costs. The use of L-brackets is not approved by the international building code.

Council discussed the city's proposed fees and was appreciative of the effort put forward by the building division staff in researching area fees for solar systems. Council was supportive of a flat permit fee for photo voltaic solar panels. Council also discussed the L-brackets and mounting options for solar panels and was supportive of the international building codes' method for attaching the solar panels. Council directed staff to bring the issue forward at a future council meeting.

**Update on 2007 Municipal Court Remodel Projects**

During the past few years, the City has invested approximately \$377,358 and numerous in-house staff hours for remodel work, security improvements, and general maintenance in the Municipal Court Building. Ongoing maintenance and upgrades to this facility are very important when one considers the amount of public use and the visibility of this building in south Westminster.

Some updates include:

- In late 2005, security improvements (card key cabling, camera wiring, and door alarms) were completed totaling approximately \$9,858. The funds for these projects were allocated in the Court Security Improvement CIP budget.
- In 2006, various security improvements (card key installation, burglar alarm system, fire alarm system, metal detector, camera system) were completed totaling approximately \$70,183. The funds for these projects were allocated in the Court Security Improvement CIP budget.
- In 2006, six projects (power wash exterior, paint exterior, paint interior, replace windows, replace blinds, asbestos study on employee restrooms) were completed totaling approximately \$100,400. The funds for this project were allocated in the Court Facility Improvement CIP budget.
- In 2007, various security projects have been or are being completed (window in doorway by judicial / jail hallway, upgrading front security area) totaling approximately \$4,964. The funds for these projects are allocated in the Court Security Improvement CIP budget. Other security improvements to the jail cell area are being bid at this time.

Council enjoyed the presentation and looks forward to the future improvements.

### **Rail Technology for the Northwest Rail Corridor**

Within the next two months, the RTD Board of Directors will issue a decision on the choice of rail technology to be implemented on the Northwest Rail Corridor, the FasTracks rail line that will operate through the City of Westminster between Denver Union Station and Longmont. Previously, the City Council has indicated a preference for the DMU technology over the EMU technology due to its significantly lower cost and potential for shifting to more environmentally friendly fuels (such as biodiesel) in the future. Likewise, RTD representatives seem to favor the DMUs, mainly due to the substantially lower initial capital cost for this option. However, comments received from the public during the July 11 public meeting at the City Park Recreation Center as well as recent comments from representatives of certain local jurisdictions along the corridor seem to indicate that there will be opposition to the proposed implementation of the DMU technology. It is Staff's observation that much of the public's apprehension over DMUs stems from a false impression of the amount of fumes and noise emitted by these vehicles.

Council was very supportive of DMU locomotives, especially after learning the new infrastructure requirements of the EMU power lines. Council also directed staff and Public Information to work with the community to share information with the general public about the facts behind DMU locomotives.

### **2007 Storm Drainage Study**

This study was prepared by Muller Engineering under an engineering contract authorized by City Council on March 12, 2007 intended to assist the City with the prioritization of local drainage improvement projects based upon greatest risk to public health, safety, welfare and protection of existing infrastructure. An increase of the stormwater utility fee to fund the backlog of needed drainage improvements was adopted by City Council during the two-year budget process in 2006. This increase from \$1.50 per 3,100 square feet of impervious area to \$3.00 per 3,100 square feet of impervious area will be effective on January 1, 2008. Even with the increase in the fee, Westminster remains well below the average rate for other front range municipalities, which is \$5.29

Muller Engineering staff reviewed existing drainage master plans, walked approximately 68 miles of major drainageways throughout the City and completed stream inspection reports with photographs to assist in determining the highest priority drainage projects for the City. Every potential major drainageway project was prioritized. Currently, the City's drainageways are maintained by the Department of Parks, Recreation and Libraries (PR&L), the Department of Public Works and Utilities Streets Division, private owners associations or the Urban Drainage and Flood Control District. The vast majority of maintenance responsibility of open channels was previously delegated to PR&L. Currently, PR&L does not receive any funding from the

Stormwater Utility for these maintenance activities. One of the alternatives identified in the study suggests an annual funding allocation to PR&L from the SWU of \$200,000 for this maintenance work.

Council discussed the methods and procedures behind the study and learned about the highest priorities in the storm drainage system in Westminster. Council also talked about the funding options of storm drainage projects and future needs. Specific stormwater projects will be brought back to City Council for authorization with future budgets.

### **Municipal Code Modifications to Chapter 11 Title VII Stormwater Quality**

In 2003, the City was required by the federal Environmental Protection Agency to apply for a National Pollutant Discharge Elimination System (NPDES) permit through the Colorado Department of Public Health and Environment. This is a five-year permit, up for renewal in 2008. The City is required by this permit to minimize the amount of pollutants that enter into our channels, streams and lakes. There are six program areas with specific measurable goals that the City must fulfill and document in an annual report. These include: 1) Public Education and Outreach, 2) Public Participation and Involvement, 3) Illicit Discharge Detection and Elimination, 4) Construction Site Runoff Control, 5) Post-Construction Site Runoff Control and 6) Pollution Prevention and Good Housekeeping.

For the past four years, the City has sent brochures to businesses and provided public education activities during City events including the Westminster Faire, Earth Day, Public Works Week and the Water Festival; published articles in the City's newsletter and in the Weekly Edition to inform the public of the NPDES program and the need to protect water quality. One of the specific requirements of the "illicit discharge detection and elimination" and "post-construction site runoff control" program areas is to update the City's stormwater quality ordinance to include enforcement mechanisms for water quality violations. The City's current stormwater quality ordinance does not provide this enforcement mechanism.

The proposed ordinance will provide the enforcement mechanisms to protect and enhance the quality of water discharged into the City of Westminster's storm drainage system. Although this ordinance would put into place enforcement mechanisms, Staff's approach to Stormwater management will continue to place a strong emphasis on education with businesses and the public.

Council discussed the proposed changes to the ordinance and directed staff to bring the proposed changes before council at a future council meeting.

Mayor McNally adjourned the Study Session at 7:32 PM.