

AGENDA

CITY COUNCIL MEETING CITY OF WHEAT RIDGE, COLORADO 7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

March 27, 2017
7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Council Minutes of March 13, 2017 and Study Notes of March 6, 2017

PROCLAMATIONS AND CEREMONIES

Victim's Rights Week
Arbor Day and Tree City USA

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the Public Comment Roster.
- b. Citizens who wish to speak on Agenda Items, please sign the GENERAL AGENDA ROSTER or appropriate PUBLIC HEARING ROSTER before the item is called to be heard.
- c. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 04-2017 – extending the Temporary Moratorium of the submission, acceptance, processing, and approval of applications and requests for a permit, license land use approval or other approval for a Freestanding Emergency Room Facility

ORDINANCES ON FIRST READING

2. Council Bill 05-2017 – amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Small-Scale Alcohol Production Facilities (Case No. ZOA-17-01)
3. Council Bill 06-2017 – amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Site Design Standards for Site Grading, Retaining Walls and Stormwater Facilities (Case NO. ZOA-17-02)
4. Council Bill 07-2017 – amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws concerning City Sales and Use Tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the Annual Liquor License Occupation Tax

DECISIONS, RESOLUTIONS AND MOTIONS

5. Motion to award a contract to Moore Iacofano Goltsman, Inc. in the amount of \$124,950 for the Anderson Park Renovation Master Plan

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

March 13, 2017

Mayor Jay called the Regular City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Monica Duran Janeece Hoppe Kristi Davis Tim Fitzgerald Larry Mathews

Members Absent: Zachary Urban, George Pond, Genevieve Wooden

Clerk Shaver announced that the absent councilmembers were in Washington DC attending National League of Cities.

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Gerald Dahl; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; Parks Director, Joyce Manwaring; Administrative Services Director, Heather Geyer; Scott Brink, Public Works Director; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of February 27, 2017 and Special Study Notes of February 27, 2017

There being no objections, the minutes of February 27, 2017 and the Special Study Notes of February 27, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

International Week of Service in Colorado

Mayor Jay read a proclamation designating the week of March 25-31, 2017 as International Service Week to honor the importance of service organizations, including the Kiwanis Club of Wheat Ridge, the Wheat Ridge Optimists Club and the Wheat Ridge Rotary Club .

CITIZENS RIGHT TO SPEAK

Fred Walker (WR) requested the City address the overpopulation of Canada geese. He thinks cities and the state should take them off the protected list, talk to the NRA and give the OK to shoot them, then deliver them to a meat processor and give the meat to the poor.

Jerry DiTullio (WR) asked for volunteers to be judges for the Capstone projects that have been prepared by the seniors at WRHS. The event is April 24, with the dinner complimentary for the judges. They need many judges. If anyone is interested, contact him or Terry Schreiner at the school at 303-982-7695.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to award a contract to Sabell's Enterprises LLLP, Littleton CO, in the amount of \$152,569 for a new irrigation system at Panorama Park, and to approve a contingency amount of \$7,628 for a total of \$160,197 *[budgeted; Open Space funds; replaces system installed in 1988]*
- b) Motion to approve payment to Creative Bus Sales of Colorado Springs, CO., for the purchase of a new 2017 StarTrans Senator II 15-Passenger Minibus in a total amount not to exceed \$51,518 *[for Active Adult Center; scheduled replacement; budgeted]*
- c) Motion to award a contract to Playco Park Builders Inc., Loveland, CO, in the amount of \$72,237 for the purpose of installing playground fall surfacing at Discovery Park, and to approve a contingency of \$3,611.50 for a total amount of \$75,848.50 *[replaces wood fiber; increases ADA compliance; decreases maintenance; budgeted in Conservation Trust Fund]*
- d) Resolution 06-2017 – amending the fiscal year 2016 Capital Investment Program (CIP) Budget to reflect the approval of a decreased appropriation in the amount of \$2,813,633 *[not all budgeted expenditures were spent]*
- e) Resolution 07-2017 – amending the fiscal year 2016 Conservation Trust Fund Budget to reflect the approval of a decreased appropriation in the amount of \$69,157 *[not all budgeted expenditures were spent]*
- f) Resolution 08-2017 – amending the fiscal year 2016 Open Space Budget to reflect the approval of a decreased appropriation in the amount of \$788,963 *[not all budgeted expenditures were spent]*
- g) Resolution 09-2017 – amending the fiscal year 2016 Budget to reflect the approval of increased available beginning fund balances in certain funds *[2015 fund balance larger than anticipated when 2016 budget was adopted]*

Councilmember Mathews introduced the Consent agenda.

Motion by Councilmember Mathews to approve the consent agenda; seconded by Councilmember Duran; carried 5-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Council Bill 02-2017 – An ordinance authorizing the issuance by the City of Wheat Ridge, Colorado of its Sales and Use Tax Revenue Bonds, Series 2017A, and providing other details in connection therewith

The sales and use tax bonds will be issued to finance the projects approved by the voters at the regular election held on November 8, 2016. The debt for four projects will be financed by the voter-approved tax increase of 0.50% to last for 12 years or when \$38.5M is raised, whichever comes first.

Councilmember Fitzgerald introduced Council Bill 02-2017.

Clerk Shaver assigned Ordinance 1615.

Mayor Jay opened the public hearing.

Heather Geyer introduced Jason Simmons from First Southwest and Sally Tasker from Butler & Snow.

Sally Tasker, our bond counsel, explained this ordinance does the following:
Approves the issuance of the bonds and follows the parameters of the ballot question.
Approves the execution and delivery of related documents:

- A bond purchase agreement with the underwriter, George K Baum & Associates represented by Alan Matlosz, who will market the bonds.
- A paying agent agreement with Colorado State Bank (the bond holder).
- An offering document for the public, with preliminary and final official statements
- A continuing disclosure undertaking for the underwriter (needed before they market the bonds)

She explained the flow of funds. The ½ cent of tax authorized by the voters will be tied down and available only for the four projects.

This is a Parameters Ordinance which authorizes the City Treasurer or City Manager to do the final pricing on the bonds and sign the sales certificate and the bond purchase agreement. After the bonds are marketed the final interest rate, maturity and amortization will be set.

The parameters are the same as the election question:

- Can issue \$33M; total repayment of up to \$38.5M, with \$3.7M maximum yearly
- Maturity date no later than Dec 1, 2028.
- Purchase price at least 100% of the bonds (Will likely sell at a premium, given the market.)
- The interest rate will not be higher than 3.75 %; they will be tax exempt.

If approved tonight, the bonds can be issued after 45 days.

Jason Simmons, our municipal advisor, reported on discussions with the bond raters. They will get rates this week; they will be locked in and distributed. Marketing is to be next week. Baum can market them in the 280-290 range. It will close the first week of May and the funds will be available for use.

Bonds have been light in Colorado and these have a short amortization period, so Mr. Simmons expects they will go successfully next week.

Treasurer DiTullio emphasized that once the bonds are sold \$33M will be wired to the City. That money will be deposited with CSAFE, a Colorado municipal investment firm, and earn a higher rate of interest than with a CD or money market. Any interest that is realized can go into the general fund.

Councilmember Mathews inquired about how the interest can be used. Mr. DiTullio said that "where to put it" would be Council's call – leave it in CSAFE, stream it to the General Fund, or other. It is not tied to 2E and will be tracked monthly.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 02-2017, an ordinance authorizing the issuance by the City of Wheat Ridge, Colorado of its Sales and Use Tax Revenue Bonds, Series 2017A, and providing other details in connection therewith on second reading and that it take effect immediately upon adoption, seconded by Councilmember Davis; carried 5-0.

ORDINANCES ON FIRST READING

3. Council Bill 03-2017 – An Ordinance approving the rezoning of property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case No.WZ-16-08/Envirofinance Group)

The purpose of the rezoning is to modify and expand the list of permitted uses and to simplify the review and approval process for future development on the property.

Councilmember Davis introduced Council Bill 03-2017, adding

- The property contains vacant greenhouses that were built in the 1940's.
- This group works on clean-up projects around the state.
- During the referral process it was determined the local streets are adequate to support the zoning request.
- Additional traffic analysis will be required during the administrative site plan review process, including whether or not a traffic light is needed at 44th & Yarrow.

Councilmember Davis noted she had watched the Planning Commission hearing on this case. She inquired why this isn't being rezoned to R-3. Mr. Johnstone advised that it can't be rezoned to R-3. R-3 is a zone that exists on the books, but is not available for application anymore.

Mr. Dahl advised that conclusions about this case should be reserved for the public hearing.

Motion by Councilmember Davis to approve Council Bill 03-2017, an ordinance approving the rezoning property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, April 10, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Fitzgerald; carried 5-0.

4. Council Bill 04-2017 – An Ordinance extending the Temporary Moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license land use approval or other approval for a Freestanding Emergency Room Facility

This ordinance extends the Temporary one-year Moratorium for another six months.

Councilmember Hoppe introduced Council Bill No. 04-2017

Motion by Councilmember Hoppe to approve Council Bill 04-2017, an ordinance extending the Temporary Moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license land use approval or other approval for a Freestanding Emergency Room Facility on first reading, order it published, public hearing set for Monday, March 27, 2017, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 5-0

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution 10-2017 – a resolution approving a Cooperation Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge concerning the Wheat Ridge Cyclery Improvements Agreement

This Cooperation agreement will officially discontinue the collection and remittance of incremental sales tax from the Wheat Ridge Cyclery TIF to the Urban Renewal Authority, but will continue to allow the collection and remittance of incremental property tax from the TIF to the URA through 2032.

Councilmember Duran introduced Item 5.

Motion by Councilmember Duran to approve Resolution 10-2017, a resolution approving a Cooperation Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge concerning the Wheat Ridge Cyclery Improvements agreement, seconded by Councilmember Hoppe; carried 5-0

CITY MANAGER'S MATTERS

Chief Brennan noted that Mr. Goff is in Washington DC this week attending National League of Cities.

CITY ATTORNEY'S MATTERS

CITY TREASURER'S MATTERS

Jerry DiTullio related that three reports are now available on the City website

- December 2016 Monthly Financial Report (unaudited)
- Total Funds investment report from February 2017
- Fruitdale -- December 2016 revenue and expenses; under Miscellaneous Reports

CITY CLERK'S MATTERS

Janelle Shaver reported that the Show Cause Hearing for Big Willy's liquor license has been continued until March 23.

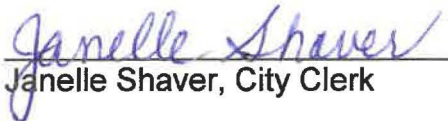
ELECTED OFFICIALS' MATTERS

Tim Fitzgerald reminded folks that he and George Pond are having a District 3 meeting this Saturday at the Rec Center at 9:30am to discuss District 3. All are welcome.

Mayor Jay noted the tour last week of the Fruitdale project.

ADJOURNMENT

The City Council Meeting adjourned at 7:40


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON March 27, 2017

George Pond, Mayor Pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

March 6, 2017

Mayor Joyce Jay called the Study Session to order at 6:29 p.m.

Council members present: Monica Duran, Janece Hoppe, Kristi Davis, Zachary Urban, George Pond, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; other staff, guests, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS none

3. I-70/Kipling Environmental Assessment Update ~ Scott Brink

Mr. Brink introduced Kevin Brown from CDOT, and Leah Langerman and Stacy Tschuor from David Evans & Associates.

Following a few opening remarks from Mr. Brown, Ms. Tschuor briefed Council on the status of the EA with a power point presentation.

The goal of reconstruction of the interchange is to reduce congestion, optimize operations, improve safety and accommodate multi modal connections.

She went over the PEL (Planning and Environmental Linkage study) begun in 2013.

- Identified as issues were
 - 1) capacity and operations related to close signal operation, weave movements between the ramps, traffic that includes tourists and the need for business access;
 - 2) a safety assessment including analysis of all types of accidents, and
 - 3) a need for better bicycle access.
- Technical team meetings included staff from all local agencies, plus CDOT, DRCOG, RTD and FHWA.
- They met with federal elected officials and had small group meetings with several stakeholders.
- Two public open houses and six community focus groups were held.
- From 33 designs two preferred design alternatives were chosen to move forward: a Single Point Urban Interchange (SPUI) and a Traditional Diamond (Diamond).

Following the PEL process a third alternative, Diverging Diamond Interchange (DDI), was added as an option due to new conditions and information. The DDI had not been

considered as an option in the original PEL study due to driver unfamiliarity and bicycle safety concerns.

Features of the three design options include:

SPUI The Single Point Urban Interchange has the smallest footprint (least impact to private property), but does not provide acceptable traffic operations (westbound off-ramp does not improve). The frontage road intersections remain as they are today.

Diamond – The Traditional Diamond moves the frontage roads to improve traffic operations. It provides:

- Acceptable peak hour operations
- Opportunity to phase in separate projects, which could mean smaller funding sources
- 49th intersection is right-in/right-out
- 50th Ave intersection is used to access the northern quadrant
- South frontage road is relocated to the south
- Allowance for separate reconstruction of the north and south ramps before the bridge is reconstructed.

DDI – The Diverging Diamond is similar to the Traditional Diamond. It moves the frontage roads in similar fashion and has similar traffic operations, but is deemed safer because it has fewer conflict points for turning cars and bicycle operations in the middle of the diverging diamonds.

They are now recommending the DDI configuration. While it improves vehicular operations just as the Traditional Diamond does, the DDI is safer and improves bicycle connections.

Schedule: The first public informational meeting will be held Thursday, March 23 to let the public know the design we are moving forward with. Documentation to be in the spring and summer, preliminary design work in spring to fall, with a decision document scheduled for January 2018.

Discussion and questions followed.

- The DDI interchange is not like the one at I-25 & University. That is a SPUI. This DDI is similar to the one at US Hy 36 and McCaslin Boulevard.
- Will this project really ever be done? Funding is not available at this time, but more could be coming. Having the design ready will help when the time comes.
- They will be at 30% design by fall.
- The public meeting on March 23 is at the Rec Center from 5:00-7:00, with a presentation at 6:00pm.
- Residents in the area are concerned that CDOT currently does not take care of its property along I-70. Ms. Tschuor will pass that on to the correct people.
- For future projects, residents will be extremely concerned about maintenance. Mr. Brown reported there has been some discussion about having an IGA with the City for extra maintenance. They will consider this in the future.
- How were the six focus groups put together and who was involved? Ms. Tschuor described three: The multi-modal group had participation from groups like Bike Jeffco,

Bicycle Colorado, and others who signed up at the open house; the business group was made up of businesses surrounding the interchange that they reached out to, and others; another group was area homeowners they reached out to (HOA's, neighborhood associations, etc.).

- The DDI provides no access from southbound Kipling into Natural Grocers; access would be via 50th Ave. Ms. Tschuor noted the possibility of a left turn pocket in the median there as design work proceeds. That is the kind of thing they will address with each property during the design phase. ~ Mr. Goff noted that Natural Grocers is aware of this and the City has promised to work with them.
- The DDI requires a little bit more property acquisition—mostly for the crossover intersections.
- Is there a way to know if the City's streetscape requirements unnecessarily increase the cost of the project? They shouldn't unless there are special or unusual requests.
- Projected cost of \$50-65M is based on CDOT's means and methods.
- Mr. Goff inquired about the impact to development plans for the corridor if funding doesn't come our way. Mr. Brown said there will be give and take as time goes on. They will deal with access requests by working with current conditions with an eye toward the future plan.
- I-70 will be 3 lanes eastbound and 4 lanes westbound at the ramp.
- Will I-70 rush hour congestion be relieved? I-70 bridges will be replaced, but not widened, in the fiscally constrained plan.
- I-70 bridge structure rating not available, but it's not on a "bad" list. It's ugly, but stout.
- Timeline for phasing when the money becomes available? Possibly 1½ - 2 years.

2. Localworks Update ~ Britta Fisher, Executive Director of Localworks

Provided in the packet for Council's information:

- An independent auditor's report for 2015 and 2016
- The IRS Form 990 tax-exempt return for the 2015 fiscal year
- The City's Localworks budget from 2013 to 2017

Ms. Fisher spoke about the following elements of Localworks:

- Mission -- Connecting neighbors and businesses and helping build a more vibrant and engaged community.
- 2016 highlights:
 - Change of tradename from WR2020 to Localworks; launched new website
 - Live Local Dines -- 2nd Thursdays, 9 restaurants, 200+ attended (The NRS noted WR is leaking \$10M annually from people dining outside the city)
 - Localworks Active -- (21 events: winter fitness challenge, cruiser rides every Thurs in summer, yoga in the park, 260+ attended those events and social gatherings)
 - Localworks Harvest -- potlucks and several classes, 220+ attended
- Pillars -- They are volunteer powered, staff supported and board directed. Their third pillar is "creating". They rely on volunteers, businesses, and home owners. Their major project is Ridge at 38.

- Major events -- Attracts thousands of people from across the region. Expanded to seven major events in 2016: Criterium and Brewfest, Friday Night Live series (monthly), Ridgefest, Trunk or Treat, Holiday Celebration. 19,000+ attended. Awarded state championship for Criterium.
- Partnerships -- Partnered with WRPD on the TLC clean up days. Wheaties Academy. Loan programs -- Provide low interest home and business loans. Grant from Kaiser will fund new project called Activate 38; goal is to draw attention to walking, biking, and wheelchair rolling needs on 38th Ave (Kipling to Youngfield)
- Recognition -- Recognized by Westchamber as 2016 Non-profit of the Year.
- Promotion -- She distributed to Council their postcard of events for Jan to April, and hard copies of Enews, their twice-monthly email newsletter.
- Administration -- They have added three new staff members and now have the equivalent of 5 FTE.

After 11 years their core principal is still the same. They're proud of the low 1.7% vacancy rate on 38th Ave in 2016. Increased sales tax on the 38th corridor and the strengthening of other parts of the City provides chance to repeat things that worked well.

Discussion followed. Questions and comments from Council included:

- Was original mission housing related? Yes, and the mission is still the same -- to advance WR as a vibrant and sustainable community. The real estate market has changed since they began. Right now Wheat Ridge is a hot real estate market, so they serve better as a lender for home improvements.
- What percentage of budget is "lending"? \$50K is for infusion. Some things could be retooled and they are open to working with the City.
- Rental income? Localworks still owns three units in the Summerset Townhomes. The real estate committee is evaluating when is the right time to sell.
- 50% for fixed overhead seems high. Ms. Fisher agreed overhead and staffing is 45% - 47% of their budget, but it includes program delivery.
- How does City staff play into the volunteer power? When City staff members volunteer, Localworks counts that as volunteer hours. Mr. Goff added that City staff volunteer of their own choosing; they receive no comp time from the City for volunteering. Sometimes Parks or PD employees are paid for event work, but those are budgeted contributions.
- Any conflicts with the rental properties? Tenants are employees of several small businesses. Any City employees? One. The same rental process was used for all the tenants. Given the heavy reliance on City funds, having a City staff member rent from Localworks should be disclosed. Ms. Fisher acknowledged the concern, but is confident in the properness of this arrangement.
- With revenue coming in, will you become self-funded? Ms. Fisher noted 60% of their budget comes from City. The auditors say it is standard that they provide services that are usually provided by government. They have diversified and are now program directed. There have been changes over time and other changes may come in the future.
- How was Localworks started? Ms. Fisher recommended the video on their website about the history of Localworks. She related how it started as an organization to do what government or neighborhoods couldn't do and be a liaison between businesses, community and government. Localworks is hybrid organization in that they do both community and economic development.

- What specific metrics can be used to track performance/outcomes of these services/programs and events related to economics? They would need money to do an economic impact study. They have done their best with the resources they have. Ms. Fisher pointed out:
 - Vacancy rate in the 38th Ave corridor is down.
 - Between 2011 and 2015 citywide sales tax revenue went up 19%. Sales tax revenue in the 38th Ave corridor (Sheridan –Wads) went up 70%.
 - With the restriping, the marketing campaign, revitalization loans/grants and events Localworks brings consumers to the area and is part of the equation.
- Discussion about causation for the increase in revenue. (e.g. Clancy's moving in)
- Concern about a charity that runs 50% overhead and taxpayer money being transferred to a place where there is no control over it; making sure taxpayers get good bang for their buck. Ms. Fisher noted they follow best practices for non-profits; salaries are necessary for program delivery; the audit separates program delivery from administration.
- Evaluation and metrics are important; it's appropriate for Council to use that to see that the money is prudently and effectively spent.
 - Marketing, brand formation, and brand strategy for our City is being done by Localworks and is largely staffed by community volunteers.
 - Community development and economic development are important and needed.
 - As we prioritize the Neighborhood Revitalization Strategy and evaluate its continued relevance, we can look at validation for these programs, and adjust if necessary.
 - Think the branding and engagement is fantastic.
- Many businesses have said publicly they chose to move to 38th Ave because of the revitalization; Localworks' events and programs are a part of that.
 - Don't want to live in a city that doesn't care about community and have festivals. All cities have festivals and that costs money. Localworks brings people together.
 - WR created Localworks to create community and do economic development; there is a need for the things they provide. Their books are open to the public.
 - When have we ever seen this kind of detailed auditing on the Carnation Festival? If we demand this of Localworks we should demand it from other organization we give money to.
- Measuring effectiveness is good, but what Localworks does is hard to measure. Localworks is valuable and our city would be barren without it.
- This is about social capital. Building and measuring social capital is hard.
 - Localworks builds social capital with events and programs that create relationships; the loans also support home ownership.
 - If we don't have a great community people won't want to live here.
 - Thornton paid four party planners, whereas Localworks has a strong volunteer base that lives here. Support all the things Localworks does.
- Has heard positive remarks at work about the events and the postcard.
- The organization Ms. Fisher referenced is the Colorado Non-profit Association.
- It is important to increase marketing during hard times; just want to make sure there are no overlapping efforts.
- Realize Localworks does a lot for the community, but there is the public perception that there is not enough transparency. We do give Localworks a large amount of money. Public information will help.¹³⁴

4. Update on the expiration of the moratorium of freestanding emergency rooms

Ken Johnstone made the staff presentation.

The City's one-year moratorium on freestanding emergency rooms expires April 27, 2017. Absent any regulatory legislation coming from the state, it is appropriate for Council to consider if any local regulations should be enacted.

Freestanding emergency rooms are not defined in our zoning codes. Hospitals are only allowed in the Planned Hospital Zone and MU-C zones.

Option 1: Allow the temporary moratorium to expire and do nothing. Existing regulations would allow freestanding emergency rooms in areas zoned PHD (Planned Hospital District) and MU-C (Mixed Use Commercial).

Option 2: Extend the moratorium for six months to allow time for additional regulations to be drafted. The Planning Commission would be engaged in the drafting and review processes. If Council chooses this path, direction on potential modifications is requested.

Per the Council packet potential modifications to the zoning and licensing codes include:

- Limiting how many zone district could have them
- Requiring a Special Use Permit or Conditional Use Permit
- Limiting the total number allowed in the city
- Establishing some spacing requirements
- Establishing operational requirements such as hours of operation
- Creating unique licensing and permitting requirements
- Requiring a demonstration of "need" for such licenses

Discussion followed. All councilmembers expressed a desire to have more discussion before making a decision. Comments included:

- Possibly put them in the category of urgent care center, but don't favor having them in a commercial area.
- Mr. Johnstone explained that uses in a PHD are limited to medical uses, and the uses would likely be applicant driven.
- Any hospital district would go through Planning Commission and public hearings.
- Has anyone asked about this? Not since the initial request at 38th & Wadsworth, but that was withdrawn.
- Like limiting the number in the city and limiting the districts where they are allowed.
- Would like to have freestanding emergency room defined so that the public understand what services they will get or not get.
- Traffic from fire and police is concerning from a land use prospective.
- Not interested in restricting trade, but when it comes to public health we should exercise care.

There was unanimous consent to proceed with Option 2.

1. Staff Report(s) -- Patrick Goff

- The tour of the Fruitdale project on Thursday has been changed to 5pm.
- He reported the City is still working on a long-term solution to ensure that detox services remain available in this area. [*Arapahoe House discontinued their detox services.*] The City is working with Jefferson Center for Mental Health; they are very interested in working on that. Lutheran and St. Anthony's have committed to \$15K each for short term funding through June. This lowers our commitment, which is currently \$12,800. The City could use contingency funds to help fund short term, but long term they will work with other partners. Discussion followed.

5. Elected Officials' Report(s)

Mayor Jay expressed her concern that no condominiums are being built in the metro area and that 68% of the housing is over \$400K. ~ She asked Councilmembers to limit their questions during discussion so everyone has an opportunity to participate.

George Pond noted that the Activate 38 meeting is not on the City's website. Mr. Goff said staff would get it on there.

Monica Duran asked if the information from the retreat would be on the website. Mr. Goff said it would. ~ She also announced that the WR Coop will be having a grand opening on Saturday, March 11. It is located at 7250 W. 38th Ave. It is an office sharing space, complete with conference room. All are welcome to come and check it out.


Kristi Davis reported an Urban Renewal meeting at 6:00 tomorrow. They will be talking about giving the 2E dollars back. ~ Mr. Goff added that a big document will be coming to Council on March 13 that contains tax sharing agreements to ensure compliance with the terms of 2E. He explained that while the WR Cyclery TIF is all paid, the increment generated from WR Cyclery (sales and property tax) continues to flow to Urban Renewal. This cooperation agreement between Urban Renewal and the City will do two things: 1) Stop all sales tax sharing from WR Cyclery to Urban Renewal as of Dec.31,2016 and put it in the City's General Fund, and 2) maintain the flow of WR Cyclery's incremental property tax to Urban Renewal for the life of the TIF. This agreement will prevent revenue from 2E from being spent for anything else.

Tim Fitzgerald reported that he and George Pond would be having a District III meeting on March 18 at 9:30am at the Rec Center. There will be coffee and donuts.

Zachary Urban shared that he would not be here on March 13 as he, along with Mr. Pond and Ms. Wooden, will be attending the National League of Cities. ~ He thanked citizens Tim Rogers, Vivian Vos and Kelly Brooks who attended parts of the retreat. He thought the retreat was productive and extended gratitude from the people under the bridge on Wadsworth who received left over food from the dinner Friday night.

ADJOURNMENT

The Study Session adjourned at 8:39 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL March 20, 2017

George Pond, Mayor Pro Tem

REQUEST FOR CITY COUNCIL ACTION

**TITLE: COUNCIL BILL NO. 04-2017 – AN ORDINANCE
EXTENDING THE TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING, AND
APPROVAL OF APPLICATIONS AND REQUESTS FOR A
PERMIT, LICENSE, LAND USE APPROVAL OR OTHER
APPROVAL FOR A FREESTANDING EMERGENCY ROOM
FACILITY**

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (3/13/2017)
☒ ORDINANCES FOR 2ND READING (3/27/2017)

QUASI-JUDICIAL:

☐ YES

☒ NO



City Attorney



City Manager

ISSUE:

In April of 2016, the Council adopted a one-year moratorium on the submission, acceptance, processing and approval of applications and requests related to freestanding emergency room facilities. This ordinance extends the moratorium period for an additional 180 days.

PRIOR ACTION:

The current moratorium was adopted and imposed by Ordinance No. 1595. On March 6, 2017, Council discussed this issue and directed that the current moratorium period be extended.

FINANCIAL IMPACT:

The potential loss of license, permit, application and similar fees associated with applications for freestanding emergency room (ER) facilities for an additional 180 days is likely nominal.

BACKGROUND:

Freestanding ERs continue to increase in number and popularity. In Colorado, the number of freestanding ERs rose from two in 2012 to at least 35 by mid-2016. These facilities provide

emergency medical treatment and care similar to a hospital-based ER. Ambulances deliver to these freestanding facilities and many offer more sophisticated on-site services – such as radiology and lab services – than urgent care facilities. These types of facilities continue to be unregulated by the state.

Freestanding ERs likely generate land use impacts that are more akin to hospitals than to other medical facilities, such as clinics, doctor's offices and urgent-care facilities. Unlike these other types of medical facilities, freestanding ERs accommodate ambulance and other emergency-vehicle traffic and they are often open 24/7. They produce light, noise, glare and traffic beyond that of a non-emergent medical care facility. It is therefore appropriate to study and evaluate whether the City's existing zoning regulations adequately address freestanding ER facilities.

In the past, there have been media stories on freestanding ERs and patient confusion between freestanding ERs and urgent care facilities. Because freestanding ERs are not currently licensed or regulated by the state, patients may also be uninformed about the relative costs, benefits, advantages and disadvantages of visiting a freestanding ER versus a hospital-based ER. It is therefore appropriate for Council to study and evaluate whether the City should enter the licensing arena specific to these facilities and adopt some local licensing requirements for them.

This Ordinance continues to maintain the status quo (no freestanding ERs within the City) while the Council studies these policy issues and adopts further legislation if it deems appropriate.

RECOMMENDATIONS:

Staff recommends approving the extension of the temporary moratorium.

RECOMMENDED MOTIONS:

"I move to approve Council Bill No. 04-2017 - an ordinance extending the temporary moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license, land use approval or other approval for a freestanding emergency room facility, on second reading, and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 04-2017 - an ordinance extending the temporary moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license, land use approval or other approval for a freestanding emergency room facility for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Carmen Beery, City Attorney's Office

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 04-2017

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
Council Bill No. 04
Ordinance No. _____

Series 2017

TITLE: AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR A FREESTANDING EMERGENCY ROOM FACILITY

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, City staff has interpreted the City's current zoning regulations as permitting freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts only; and

WHEREAS, the Council finds that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

WHEREAS, approximately one year ago, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council determined that it was necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities to ensure that such facilities are appropriately located; and

WHEREAS, additionally, the Council and City staff held a reasonable belief that the state legislature might adopt statewide legislation governing freestanding emergency room facilities that could potentially affect the desired parameters of local regulations on the topic, during either the last or the current legislative session; and

WHEREAS, as a result, by and through the adoption of Ordinance No. 1595, the Council previously acted to impose a one-year moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

WHEREAS, the moratorium is scheduled to expire on April 28, 2017; and

WHEREAS, the Council and City staff have recently learned that it is now unlikely that the state legislature will adopt such legislation during the current session; and

WHEREAS, the Council therefore finds that it is prudent and desirable to extend the moratorium for an additional one hundred and eighty (180) days, to permit the careful study and evaluation of various local regulatory options with an expectation that such regulations would operate without an additional state regulatory gloss; and

WHEREAS, the extension of the moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium Extended. The temporary moratorium imposed on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any freestanding emergency room facility originally adopted by Ordinance No. 1595 is hereby extended for an additional one hundred eighty (180) days. The extension period adopted hereby shall commence and be measured from the date the original moratorium period expires. The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such facilities during this moratorium extension period.

Section 3. Definition of freestanding emergency room facility. For purposes of this Ordinance, a “freestanding emergency room facility” is and means a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium period extended by this Ordinance, City staff shall review and analyze the City’s existing regulations governing freestanding emergency room facilities, as directed by the Council, and present any proposed amendments thereto to

the Council. The Council declares that it will give due and timely consideration to recommended changes to the Code.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 0 on this 13th day of March, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for March 27, 2017 at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

First Publication: March 16, 2017
Second Publication:
Wheat Ridge Transcript
Effective Date:

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 05-2017 – AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF SMALL-SCALE ALCOHOL PRODUCTION FACILITIES (CASE NO. ZOA-17-01)**☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS☒ ORDINANCES FOR 1ST READING (03/27/2017)
☐ ORDINANCES FOR 2ND READING (04/10/2017)

QUASI-JUDICIAL:

☐ YES☒ NO

Community Development Director

City Manager**ISSUE:**

The City's zoning code is currently silent with respect to all alcohol production facilities. On a case-by-case basis, the City has approved small brewery operations by classifying them as similar to light industrial or restaurant uses, as appropriate. The goal of this code amendment is to provide clarity in the code for staff and for potential businesses in terms of what and where certain types of alcohol production is permitted in the City.

PRIOR ACTION:

Staff raised this issue to City Council for discussion on December 5, 2016, and was directed to proceed with a code amendment to provide clarity and to establish reasonable regulations allowing small-scale alcohol production. At the January 5, 2017 Planning Commission meeting, staff presented a proposed regulatory framework, and commissioners expressed their support. At a public hearing on March 16, 2017, Planning Commission voted to recommend approval of the proposed ordinance; meeting minutes from the public hearing will be included with the ordinance for second reading.

FINANCIAL IMPACT:

It is difficult to predict the impact of this ordinance on potential sales tax generation and job creation; however, small-scale alcohol production has had a positive economic impact in the metro area and in Colorado as a whole.

BACKGROUND:

As the craft beer industry has expanded in Colorado and the Denver Metro area, the City's Community Development Department has experienced a continued level of interest from potential small-scale breweries and distilleries. The zoning code's silence on this land use has created unnecessary frustration, delay, and uncertainty for staff and business owners.

Proposed Regulations

The proposed ordinance provides a regulatory framework to allow small-scale alcohol production facilities in Wheat Ridge. Large-scale alcohol production is classified as "manufacturing," is allowed in industrial zone districts, and is not addressed by this code amendment.

It is proposed the regulations for small-scale alcohol production be based on the size or production volume of an operation and whether the operation has a taproom. Taprooms provide a customer-facing element, which makes a service or retail-oriented zone district a more appropriate location. The provisions of the code amendment are summarized below.

- Eating Establishment – The term "eating establishment" is currently used but not defined in the zoning code. A definition is proposed in the ordinance and will allow accessory alcohol production. These types of operations already exist in the City and a definition would provide clarity for future businesses.
- Microbrewery, microdistillery, and microwinery – Definitions for each of these terms are proposed in the ordinance and each is based on production volume. The definitions and volume thresholds are consistent with state liquor laws, industry standards, and regulations in other communities.
- Taproom – A definition for "taproom" is proposed in the ordinance, and this is the operational feature that would differentiate where in the City small-scale alcohol production is permitted. Those *without* a taproom would be permitted only in the Industrial-Employment and Mixed Use-Commercial Interstate zone districts. Those *with* taprooms would require a special use permit in the Neighborhood Commercial and Restricted Commercial zone districts, but would be permitted in all other commercial and mixed use districts.

Staff has worked closely with the Clerk's Office, which staffs the City's Liquor Licensing Authority. This code amendment would provide much needed clarity for staff and business owners and would modernize the zoning code relative to a well-established Colorado industry.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 05-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of small-scale alcohol production facilities on first reading, order it published, public hearing set for Monday, April 10, 2017 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely the ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of small-scale alcohol production facilities, for the following reason(s) _____.”

REPORT PREPARED BY:

Lauren Mikulak, Senior Planner

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 05-2017

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 05
ORDINANCE NO. _____
Series 2017

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF SMALL-SCALE ALCOHOL PRODUCTION FACILITIES

WHEREAS, the City of Wheat Ridge is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

WHEREAS, in exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws pertaining to zoning, land use, and development; and

WHEREAS, the City is witnessing increasing interest from operators of small-scale alcohol producers to locate new facilities in the City of Wheat Ridge; and

WHEREAS, the City Council recognizes the possible benefits of allowing this use in the City relative to economic development; and

WHEREAS, the City Council finds that this ordinance will provide much needed clarity in the zoning code regarding this use;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-123 (Definitions) of the Code is amended by the addition of the following definitions in their appropriate alphabetical locations:

EATING ESTABLISHMENT. AN ESTABLISHMENT WHERE FOOD AND BEVERAGES ARE PREPARED AND SOLD TO THE PUBLIC, WHICH MAY INCLUDE ACCESSORY ALCOHOL PRODUCTION.

MICROBREWERY. A FACILITY THAT PRODUCES NO MORE THAN FIFTEEN THOUSAND (15,000) BARRELS PER YEAR OF FERMENTED MALT OR MALT LIQUOR BEVERAGES ON SITE.

MICRODISTILLERY. A FACILITY THAT PRODUCES NO MORE THAN FIFTEEN THOUSAND (15,000) GALLONS PER YEAR OF SPIRITUOUS BEVERAGES ON SITE.

MICROWINERY. A FACILITY THAT PRODUCES NO MORE THAN ONE HUNDRED THOUSAND (100,000) GALLONS PER YEAR OF VINOUS BEVERAGES ON SITE.

TAP ROOM. A USE ASSOCIATED WITH AND ON THE SAME PREMISES AS A MICROBREWERY, A MICRODISTILLERY, OR A MICROWINERY FACILITY WHICH SELLS AND SERVES ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES, SELLS ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES, OR BOTH.

Section 2. Section 26-204 of the Code, Table of Uses for Commercial and Industrial Districts, is amended by the addition of the following rows in their appropriate alphabetical location:

<i>Uses</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
MICROBREWERY, MICRODISTILLERY, OR MICROWINERY; WITH A TAP ROOM	S	S	P	P	P
MICROBREWERY, MICRODISTILLERY, OR MICROWINERY; WITHOUT A TAP ROOM					P

Section 3. Section 26-1111.B. Permitted Uses, Commercial Services and Retail, in the mixed use zone districts, is amended by the addition of the following rows in their appropriate alphabetical location:

<i>Use Group</i>	<i>MU-C</i>	<i>MU-C Interstate</i>	<i>MU-C TOD</i>	<i>MU-N</i>
Commercial Services and Retail				
MICROBREWERY, MICRODISTILLERY, OR MICROWINERY; WITH A TAP ROOM	P	P	P	P
MICROBREWERY, MICRODISTILLERY, OR MICROWINERY; WITHOUT A TAP ROOM		P		

Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____, this ____ day of _____, 2017 and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for _____, **2017 at 7 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ ADOPTED AND ORDERED PUBLISHED on second and final reading by
a vote of ____ to ____, this ____ day of _____, 2017.

SIGNED by the Mayor on this ____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 06-2017 – AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF SITE DESIGN STANDARDS FOR SITE GRADING, RETAINING WALLS AND STORMWATER FACILITIES (CASE NO. ZOA-17-02)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS


☒ ORDINANCES FOR 1ST READING (03/27/2017)
☐ ORDINANCES FOR 2ND READING (04/10/2017)

QUASI-JUDICIAL: ☐ YES

☒ NO



Community Development Director



City Manager

ISSUE:

The City's zoning code currently regulates the design of buildings, landscaping, and parking, but fails to address site grading, stormwater facilities, and retaining walls—all of which can be equally visible elements. The goal of this code amendment is to establish reasonable minimum standards that promote context-sensitive designs for these features.

PRIOR ACTION:

After witnessing a series of new development projects with substandard designs for stormwater facilities and retaining walls, staff posed the question to City Council as to whether it is appropriate to establish minimum design standards for these features. The issue was discussed with City Council at a study session on December 5, 2016 and with Planning Commission on January 5, 2017. At both meetings, staff proposed a regulatory framework and provided photographic examples of average and upgraded designs.

At a public hearing on March 16, 2017, Planning Commission voted to recommend approval of the proposed ordinance; meeting minutes from the public hearing will be included with the ordinance for second reading.

FINANCIAL IMPACT:

The proposed ordinance is not expected to have a financial impact on the City.

BACKGROUND:

The enclosed ordinance represents a reasonable regulatory balance by promoting higher quality designs, but not being overly burdensome.

Proposed Regulations – Stormwater Facilities

The purpose of a stormwater facility is to accommodate runoff that results from the impervious surfaces of a development. In some cases, these facilities are constructed below ground, but most often, they are above ground and are visible. Because of requirements to detain stormwater on site for a certain period of time, these facilities often include some type of basin or pond. In some instances, these basins are earthen ponds and in other cases they are constructed from concrete and represent a stark contrast to the natural features and well-articulated structures on a site.

The purpose of the proposed regulations is to ensure that stormwater facilities are better integrated into site development and further, that they enhance development through thoughtful design. This could include landscaping, rocks, or surface treatments to concrete structures. Historically, best practice has guided the types of plantings that can be included in stormwater areas, but codified standards will provide more clarity for developers and their design teams.

Based on input from Planning Commission, the requirement for upgraded concrete structures is only applicable when visible from a public street or public space.

Proposed Regulations – Site Grading and Retaining Walls

Because site grading and retaining walls are interrelated, it is proposed they be addressed together. The purpose of the new regulations is to require grading and wall designs that respect existing topography and surrounding properties.

The design standards for retaining walls respond to several recent developments where tall retaining walls have been installed immediately adjacent to sidewalks and have created uncomfortable pedestrian environments. The proposed ordinance requires that in public spaces, walls and elevation changes be scaled to the pedestrian by using terracing, landscaping, and material changes. For visual and maintenance reasons, steep slopes are explicitly not permitted. In the spirit of promoting more context-sensitive designs, grading plans must consider the impact to current and future development and rights-of-way.

In response to Planning Commission's recommendation, the ordinance includes a provision restricting turf grass on slopes steeper than 4:1 which, among other things, is difficult to establish and maintain.

Applicability

These new design standards would apply to new site development in all zone districts, to expansions of stormwater facilities or retaining walls of 15% or more, and to substantial

modifications of stormwater facilities, walls, or site grading. It is proposed the ordinance be located in Article V of the zoning code, which addresses design standards such as landscape, parking and lighting. If the ordinance is approved, the provisions will also be included in the *Architectural and Site Design Manual* (ASDM), which supplements the zoning code. This document includes photographs and descriptive captions that will help to communicate the standards. Attachment 2 is an excerpt from the ASDM for reference purposes.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 06-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of site design standards for site grading, retaining walls and stormwater facilities, on first reading, order it published, public hearing set for Monday, April 10, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely the ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of site design standards for site grading, retaining walls and stormwater facilities, for the following reason(s) _____.”

REPORT PREPARED BY:

Lauren Mikulak, Senior Planner

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 06-2017
2. Excerpt from the *Architectural and Site Design Manual*

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. _____
ORDINANCE NO. _____
Series 2017

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF SITE DESIGN STANDARDS FOR SITE GRADING, RETAINING WALLS AND STORMWATER FACILITIES

WHEREAS, the City of Wheat Ridge is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

WHEREAS, in exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws pertaining to zoning, land use, and development; and

WHEREAS, Chapter 26 includes regulations to ensure that site grading, retaining walls, and stormwater facilities comply with all technical requirements; and

WHEREAS, the City Council recognizes the need for elevating certain site design standards related to site grading, retaining walls, and stormwater facilities; and

WHEREAS, the City Council finds that elevating these standards will improve the quality of development projects throughout the City;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Article V. - Design Standards of Chapter 26 of the Code is amended by the addition of a new subsection 26-507, to read in its entirety as follows:

SEC. 26-507. STORMWATER FACILITIES.

A. *PURPOSE.* THE PURPOSE OF THESE REGULATIONS IS TO ENSURE THAT STORMWATER FACILITIES ARE INTEGRATED INTO SITE DEVELOPMENT AND ARE DESIGNED TO ENHANCE THE DEVELOPMENT THROUGH THE USE OF INNOVATIVE OR LOW IMPACT DESIGN APPROACHES AND THROUGH THE USE OF MATERIALS AND LANDSCAPING THAT COMPLEMENT THE SURROUNDINGS.

B. *APPLICABILITY.* THE STANDARDS AND REQUIREMENTS OF THIS SECTION SHALL APPLY TO:

1. SITE DEVELOPMENT IN ALL ZONE DISTRICTS;

2. SUBSTANTIAL MODIFICATION OF EXISTING STORMWATER FACILITIES OR EXPANSION OF SUCH FACILITIES BY MORE THAN FIFTEEN (15) PERCENT.

C. *DESIGN.*

1. ALL STORMWATER FACILITIES SHALL BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH THE CITY'S CURRENT SITE DRAINAGE REQUIREMENTS.
2. BELOW THE FIVE (5) YEAR STORMWATER SURFACE ELEVATION, PLANT MATERIAL SHALL BE LIMITED TO WETLAND PLANTINGS, GRASSES, OR OTHER GROUNDCOVERS THAT ENHANCE WATER QUALITY AND ARE APPROPRIATE BASED ON PERIODIC FLOODING AND FACILITY MAINTENANCE NEEDS. TREES AND SHRUBS MAY BE PLANTED ABOVE THE FIVE (5) YEAR STORMWATER SURFACE ELEVATION.
3. FOR CONCRETE STRUCTURES OR BASINS THAT ARE VISIBLE FROM A PUBLIC STREET OR PUBLIC SPACE, ROCKS, LANDSCAPING, AND/OR DECORATIVE CONCRETE SURFACE TREATMENTS SHALL BE UTILIZED TO SOFTEN THEIR APPEARANCE.
4. THE SIDE SLOPES OF STORMWATER FACILITIES SHOULD BE GRADUAL, AND GENERALLY LIMITED TO 4:1 OR LESS.
5. THE TOP EDGE OF SLOPES AND EMBANKMENTS SHOULD BE LANDSCAPED WITH GROUPINGS OF TREES AND SHRUBS. THIS SHALL NOT BE CONSTRUED TO MEAN TREES SPACED ON CENTER. PLANTINGS SHOULD BE LOCATED TO ALLOW MAINTENANCE ACCESS AS NEEDED.

Section 2. Article V. - Design Standards of Chapter 26 of the Code is amended by the addition of a new subsection 26-508, to read in its entirety as follows:

SEC. 26-508. SITE GRADING AND RETAINING WALLS.

A. *PURPOSE.* THE PURPOSE OF THESE REGULATIONS IS TO ENSURE THAT GRADING DESIGNS RESPECT EXISTING TOPOGRAPHY AND ARE SENSITIVE TO EXISTING LANDFORMS AND THE SURROUNDING PROPERTIES.

B. *APPLICABILITY.* THE STANDARDS AND REQUIREMENTS OF THIS SECTION SHALL APPLY TO:

1. SITE DEVELOPMENT IN ALL ZONE DISTRICTS.
2. SUBSTANTIAL MODIFICATION OF EXISTING RETAINING WALLS OR SITE GRADING OR EXPANSION SUCH WALLS BY MORE THAN FIFTEEN (15) PERCENT.

C. *DESIGN.*

1. WALLS AND ELEVATION CHANGES THAT ARE ADJACENT TO PUBLIC SPACES SHALL BE DESIGNED TO PROVIDE A PEDESTRIAN SCALED ENVIRONMENT THROUGH THE USE OF TERRACING, LANDSCAPING, AND/OR MATERIAL VARIATION.
2. ALL RETAINING WALLS SHALL BE BUILT PER THE REQUIREMENTS OF ANY APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO THE TECHNICAL

CODES ADOPTED BY THE CITY AND CONTAINED IN CHAPTER 5 OF THIS CODE.

3. LANDSCAPING SHALL BE PROVIDED IN COMBINATION WITH RETAINING WALLS TO SOFTEN THE APPEARANCE OF WALLS.
4. ALL TERRACED PLANTING AREAS BETWEEN WALLS SHALL BE OF SUFFICIENT WIDTH TO SUPPORT VEGETATION AND ROOT SYSTEMS.
5. SITE GRADING SHALL NOT ADVERSELY IMPACT ADJACENT PROPERTY AND/OR RIGHTS-OF-WAY. GRADING SHALL ANTICIPATE FUTURE DEVELOPMENT AND SHALL INTEGRATE WITH ADJACENT PROPERTY AND/OR RIGHT-OF-WAY.
6. SLOPES STEEPER THAN 3:1 ARE NOT PERMITTED. GRADES OF 4:1 OR LESS ARE ENCOURAGED.
7. TRANSITION GRADES SHOULD BE ROLLING AND NATURAL RATHER THAN ONE CONTINUOUS STRAIGHT LINE.
8. TURF GRASS SHOULD NOT BE USED ON SLOPES STEEPER THAN 4:1.

Section 3. Section 26-1110 of the Code, concerning site design requirements in the mixed use zone districts, is hereby amended by the addition of two (2) new subsections, J and K, to read in their entirety as follows:

- J. THE REQUIREMENTS OF SECTION 26-507 SHALL APPLY IN ALL MIXED USE ZONE DISTRICTS.
- K. THE REQUIREMENTS OF SECTION 26-508 SHALL APPLY IN ALL MIXED USE ZONE DISTRICTS.

Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____, this ____th day of _____, 2017 and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for _____, **2017 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this _____ day of _____, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

3.9 Stormwater Facilities

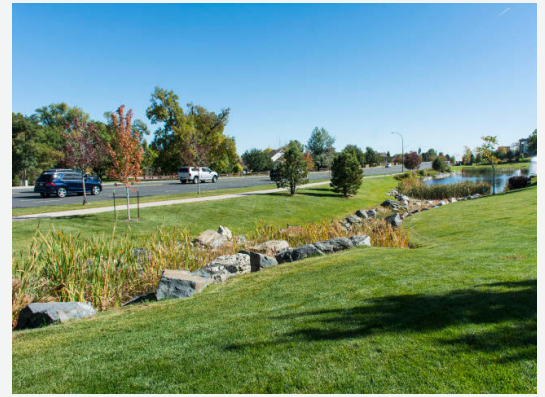
Design Principle: Stormwater facilities should be integrated into site development and be designed to enhance the development through the use of materials and landscaping that complement the surroundings, or through innovative or low impact development approaches.

Design Standards:

1. All stormwater facilities shall be designed and maintained in accordance with the City's current Site Drainage Requirements.
2. Below the 5-year stormwater surface elevation, plant material is limited to wetland plantings, grasses, or other groundcovers that enhance water quality and are appropriate based on periodic flooding and facility maintenance needs. Trees and shrubs may be planted above the 5-year stormwater surface elevation.
3. For concrete structures or basins that are visible from a public street or public space, rocks, landscaping, and/or decorative concrete surface treatments shall be utilized to soften their appearance.

Design Guidelines:

4. The side slopes of stormwater facilities should be gradual, and generally limited to 4:1 or less.
5. The top edge of slopes and embankments should be landscaped with groupings of trees and shrubs. Plantings should be located to allow maintenance access as needed.



Stormwater Facilities. Rocks and wetland plantings make this drainage channel a visual amenity that complements the area.



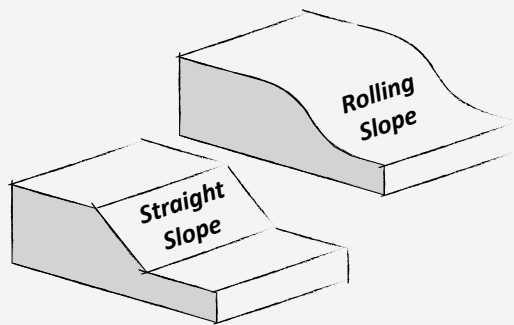
Stormwater Facilities. Trees, wetland plantings, and stone walls (natural or stamped) soften stormwater facilities that are visible from a public street.



Site Grading and Retaining Walls. A pedestrian scaled environment shall be provided when walls and elevation changes are next to public space.



Site Grading and Retaining Walls. Large grade changes can be accommodated in an attractive manner through the use of terraces and landscaping.



Site Grading and Retaining Walls. Transition grades should be rolling rather than one continuous straight line.

3.10 Site Grading and Retaining Walls

Design Principle: Grading designs should respect the existing topography and be sensitive to existing landforms and surrounding properties.

Design Standards:

1. Walls and elevation changes that are adjacent to public spaces shall be designed to provide a pedestrian scaled environment through the use of terracing, landscaping, and/or material variation.
2. All retaining walls shall be built per the requirements of the applicable building codes.
3. Landscaping shall be provided in combination with retaining walls to soften their appearance.
4. All terraced planting areas between walls shall be of sufficient width to support vegetation and root systems.
5. Site grading shall not adversely impact adjacent property and/or right-of-way, and shall anticipate future development and integration of adjacent property and/or right-of-way.
6. Grades of 4:1 or less are encouraged, slopes steeper than 3:1 are not permitted.

Design Guidelines:

7. Transition grades should be rolling and natural rather than one continuous straight line.
8. Turf grass should not be used on slopes steeper than 4:1.

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL 07-2017 – AN ORDINANCE AMENDING VARIOUS PROVISIONS OF ARTICLE 1 OF CHAPTER 22 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING CITY SALES AND USE TAX, AND SECTION 11-68 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING PRORATION OF THE ANNUAL LIQUOR LICENSE OCCUPATION TAX


☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (3/27/2017)
☐ ORDINANCES FOR 2ND READING (4/10/2017)

QUASI-JUDICIAL: ☐ YES

☒ NO


Administrative Services Director


City Manager

ISSUE:

Council Bill 07-2017 includes two sets of tax code updates to the City of Wheat Ridge Code of Laws, Sections 11 and 22. The first set of updates includes implementing the standardized definitions developed by municipal tax professionals in collaboration with the business community and the Colorado General Assembly, known as the Standard Definitions Project. The second set of updates includes miscellaneous revisions for efficiency, clarity and consistency purposes. Overall, the proposed tax code updates are recommended in order to simplify the City's tax code and make it more business-friendly.

PRIOR ACTION:

At the March 20, 2017 Study Session, City Council provided consensus to bring forward the recommended tax code updates including: standardized definitions and miscellaneous updates for efficiency, clarity and consistency, etc.

FINANCIAL IMPACT:

None of the proposed tax code definition changes would trigger a TABOR election. The updated definitions reflect current tax practices. No new tax is levied and no increase in tax revenue is expected as a result of the simplification of definitions.

The amendment to prorate the liquor license occupation tax is estimated to decrease revenues by \$11,800 if the recommended proration is approved.

BACKGROUND:

Part One – Adoption of Standardized Definitions

Part one of the proposed tax code updates is the result of a standardized definitions effort developed by municipal tax professionals in collaboration with the business community and the Colorado General Assembly. In 2014, the General Assembly passed SJR14-038 asking the Colorado Municipal League (CML) to facilitate the Standard Definitions Project with home-rule municipalities that locally collect their sales tax. This project was in response to comments from the business community expressing frustration with various home-rule municipalities giving the same term in the code a different meaning that resulted in confusion and increased complexity for an entity doing business in multiple jurisdictions. The objective of this effort was to determine whether to develop standard definitions to be adopted by home-rule jurisdictions in order to simplify the level of complexity. This effort was similar to a standardization project that was done in 1992.

Several important points to note:

- Colorado municipalities are heavily dependent on the sales tax, deriving on average 73% of their general purpose tax revenues from this source.
- Virtually unique among the states, Colorado home rule municipalities may require local businesses to remit directly to a municipality (known as “local collection”), decide their own tax base, and audit local businesses directly. Wheat Ridge is a self-collecting, home-rule entity.
- Colorado’s 69 locally collecting municipalities collect over 90% of the municipal sales tax paid in the state.

The project consisted of a 23-member steering committee and subcommittees. Sales tax supervisor Kathy Franklin served on a steering committee and two subcommittees. The project included intensive drafting and review, comparison with earlier standard definition efforts, legal review, business community review, and final review and comments by 69 self-collecting municipalities. Overall, the simplification process was a 15-month effort as part of the Sales Tax Committee of the Colorado Municipal League. Leaders of the Colorado Association of Commerce and Industry (CACI), the Colorado Retail Council (CRC) and city attorneys also provided input. Attachment 3 is a joint letter of support from all partners involved in this effort recommending adoption of the Standardized Definitions.

The City does not need to adopt all of the standardized definitions, only those relating to the City’s tax base. The City’s current tax code contains 89 definitions. Of those, 22 are recommended for change to the standard definitions, and five more are recommended for minor style changes to make them consistent with the standard definitions. Additionally, staff recommends adopting another six of the standard definitions for added clarity in the tax code and consistency with other cities.

Attachment 1 is a draft ordinance that includes the standardized definition changes in Section 1. For ease of reference, Attachment 2 is highlighted according to the legend below:

- A. **Yellow:** definitions highlighted in yellow do not exist in the current Code and staff does not recommend adoption. There are 49 definitions highlighted.
- B. **Green:** definitions highlighted in green do not currently exist in the Code, staff recommends adding the seven highlighted definitions.
- C. **Blue:** definitions highlighted in blue currently exist in the Code and are the same as the proposed standardized definitions. There are seven definitions highlighted.
- D. **Un-highlighted:** definitions currently exist in the Code and require minor grammar or style changes. Staff recommends adoption. There are 43 un-highlighted definitions.

In the near future, the CML Sales Tax Committee will finalize a process to maintain standardization and consensus in interpreting the definitions over time.

Part Two – Miscellaneous Updates for Efficiency, Clarity, Consistency, etc.

The second part of the proposed tax code updates is a combination of updates for efficiency, clarity and consistency. From time to time updates to tax and licensing code provisions are necessary because of changes in technology, business practices, and statutory requirements. The last major update of the City tax and licensing code occurred in 2006. In 2009, minor updates were completed. The proposed changes will enhance the clarity of code sections making definitions and processes business-friendly for the taxpayer.

Attachment 1 is a draft ordinance that includes the following additional changes:

1. ***Proposed ordinance, page 21, section 18. Chapter 11, code section 11-68*** – the Code now prohibits pro-rating the annual liquor license occupation tax for a newly acquired liquor establishment or one that has changed hands. This results in duplicate payment of a portion of the tax when either event occurs. Operators of licensed alcohol establishments are required by the code to pay an annual occupation tax based on the category of the premise's liquor license. New operators must pay the tax when they acquire a license or a licensed premise. Proration for a partial year under an operator is specifically prohibited by section 11-68 of the code. The result is that an entire year's tax is collected for a partial year's operation of a new location. It is collected twice when ownership of an existing location changes.

The amount of the tax ranges from \$600 to \$2,200 (average \$1,400) and is due at the beginning of each year from incumbent operators. In 2013, a busy year for new and exchanged liquor licenses, a total of 13 liquor licenses were issued or changed hands. The estimated revenue impact, if pro-ration had been permitted, would have been a decrease of \$11,800. In 2016, the City budgeted \$58,000 in liquor occupation tax revenue and brought in \$30,599.50.

Of the four Colorado cities that currently have a liquor occupation tax, two of them pro-rate the tax. Both new and discontinuing operators have commented negatively about the City not offering pro-ration of the tax. Staff recommends pro-ration of the liquor occupation tax as being consistent with providing business-friendly services.

2. ***Proposed ordinance, page 18, section 4. Chapter 22, code sections 22-46(n)(1) and 22-36(a)(1)*** – under the current code provisions a tax refund may only be sought within 60 days of a tax overpayment. This provision is inconsistent with the three-year refund period allowed by the state. It is also inconsistent with the City’s three-year period that is used for underpaid taxes in an audit. When tax records were kept on paper it was difficult to reasonably verify that a tax overpayment had occurred, so limiting the time in which a taxpayer could seek a refund to 60 days was reasonable. Electronic recordkeeping and document imaging simplifies the process enough to enable consistency with the state’s permitted three-year refund period and with the City’s three-year liability period.
3. ***Proposed ordinance, page 18, sections 6 and 7. Chapter 22, code section 22-39(b)*** – the tax code permits including sales tax in pricing in the fast-transaction environment of liquor sales by the drink, but does not address other fast-transaction business activities such as farmers’ markets, produce stands, special events and craft markets. These businesses rely on rapid transactions to invigorate sales to a highly mobile audience; and, the operators are often not equipped to efficiently transact sales by a price-plus-tax method. Staff recommends specifically allowing tax-included pricing for these temporary activities as a business-friendly policy.
4. ***Proposed ordinance, page 19, section 9. Chapter 22, code section 22-42(e)*** – businesses frequently retain records at locations outside the City and the metropolitan area. Some are unwilling, or prohibited by their internal policies, to use safe digital transfer methods to provide their records for audit purposes at the City office, and instead require travel by audit staff to locations outside the metropolitan area or the state. For an auditor to undertake a four-day fieldwork assignment outside the metropolitan area, the cost can range from \$900 in-state to \$1,700 out-of-state, including lodging, meals and transportation. In the past, the Tax Division has successfully billed expenses to businesses that require out of area travel. Staff recommends that the practice be supported by a requirement for payment in the Code, providing transparency and easier justification for payment by businesses’ audit managers.
5. ***Ordinance, remaining sections*** – these portions of the existing tax code are obsolete, redundant or inconsistent with other sections of the tax code or are inconsistent with statutory requirements. Staff recommends changes to clean up outdated code language or language which exists elsewhere in the code or conflicts with state statutes.

RECOMMENDATIONS:

Staff recommends approval of the ordinance on first reading.

RECOMMENDED MOTION:

“I move to approve Council Bill 07-2017, an ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws, concerning City sales and use tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the annual liquor license occupation tax on first reading, order it published, public hearing set for Monday, April 10, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption.”

Or,

“I move to postpone indefinitely Council Bill 07-2017, an ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws, concerning City sales and use tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the annual liquor license occupation tax for the following reason(s)

_____.”

REPORT PREPARED AND REVIEWED BY:

Kathy Franklin, Sales Tax Supervisor

Heather Geyer, Administrative Services Director

Patrick Goff, City Manager

Jerry DiTullio, City Treasurer

ATTACHMENTS:

1. Council Bill 07-2017
2. 2016 Sales Tax Simplification Model Ordinance
3. Letter of support for adoption of the Standardized Definitions

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 07
Ordinance No. _____
Series of 2017

TITLE: AN ORDINANCE AMENDING VARIOUS PROVISIONS OF ARTICLE I OF CHAPTER 22 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING CITY SALES AND USE TAX, AND SECTION 11-68 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING PRORATION OF THE ANNUAL LIQUOR LICENSE OCCUPATION TAX

WHEREAS, the City of Wheat Ridge, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority, C.R.S. § 29-2-101, *et seq.*, and C.R.S. § 31-15-501(1)(c), the City, acting through its City Council (the “Council”), is authorized to administer and enforce local sales, use and occupation taxes; and

WHEREAS, pursuant to this authority, the Council previously adopted Article I of Chapter 22 of the Wheat Ridge Code of Laws (“Code”), which governs City sales and use tax, and Division 2 of Article III of Chapter 11 of the Code, concerning an annual liquor license occupation tax; and

WHEREAS, City Staff has recommended certain changes to various provisions of Article I of Chapter 22, to clarify language, delete obsolete provisions, increase internal consistency, comply with state law and render said Chapter easier to understand and administer; and

WHEREAS, Staff has further recommended amending Section 11-68 of the Code to authorize the proration of the annual liquor license occupation tax in the interests of fairness; and

WHEREAS, Staff has further recommended that the City adopt the applicable standardized tax code definitions promulgated by the Colorado Municipal League, both to offer City taxpayers the benefit of encountering standard definitions throughout Colorado and to protect the City’s existing tax base against an alternative state legislative effort to mandate uniform definitions that may weaken City tax revenues; and

WHEREAS, the Council finds and determines that none of the Code amendments contained herein constitute a tax policy change that would directly cause a net tax revenue gain to the City; and

WHEREAS, the Council therefore finds that the Code amendments contained herein may be accomplished by ordinance, without prior voter-approval, pursuant to Section 20 of Article X of the Colorado Constitution (“TABOR”); and

WHEREAS, the Council further finds that amending various provisions of the Code concerning taxation to adopt standardized definitions, clarify language, delete obsolete provisions, increase internal consistency, comply with state law, promote fairness and facilitate administration of the Code would promote the welfare of all City residents and businesses; and

WHEREAS, the Council therefore wishes to amend various provisions of Article I of Chapter 22 of the Code and Code Section 11-68, as set forth herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WHEAT RIDGE, COLORADO:**

Section 1. Section 22-21 of the Code, concerning definitions for purposes of Chapter 22, is hereby amended as follows:

Section 22-21. Definitions and usage.

(a) *Terms defined.* As used in this chapter, the following words and phrases shall have the following meanings:

~~*Access services* : The services furnished by a local exchange company to its customers who provide telecommunications services which allow them to provide such telecommunications services.~~

Admission charge : Any charge for the right or privilege to gain entrance to any place, event, performance or scheduled activity held within the city; and every person, business, corporation or association, whether owner, lessee, operator or sublessee, who or which charges or causes to be charged admission as defined herein shall be responsible for the collection of the tax imposed by this article. This tax is defined as an admissions tax.

Agricultural producer: A person regularly engaged in the business of using land for the production of commercial crops or commercial livestock. The term includes farmers, market gardeners, commercial fruit growers, livestock breeders, dairymen, poultrymen, and other persons similarly engaged, but does not include a person who breeds or markets animals, birds, or fish for domestic pets nor a person who cultivates, grows, or harvests plants or plant products exclusively for that person's own consumption or casual sale.

Alarm and security systems services and/or sales : The entire service charge or purchase price including freight for any alarm or security system. This charge or price includes, but is not limited to, compensation paid for monitoring, maintenance, rental, lease, material, equipment or installation of alarm or security systems.

Amusement or entertainment event : Any event where a person pays to gain admission to any place in the city that is open to the public, or to gain access to a performance, stage show, play, concert, or to a sporting or recreation event, or to a motion picture, or to the use of lanes and pinsetters for bowling balls in a bowling alley or a game of regular or miniature golf, and other activities as defined by the treasurer and promulgated in the city's regulations.

Auction : Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

Auction or estate liquidation sale : Any sale conducted or transacted at a permanent place of business operated by an auctioneer or estate liquidator, or a sale conducted or transacted at any location where tangible personal property is sold by an auctioneer or estate liquidator or any such individual or business acting either as agent for the owner of such tangible personal property or is in fact the owner thereof.

~~*Automotive vehicle or motor vehicle*~~ : Any vehicle or device in, upon or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. "Automotive vehicle"

includes, but is not limited to, motor vehicles, trailers, semi-trailers or mobile homes. "Automotive vehicles" shall not include devices moved by human power or used exclusively upon stationary rails or tracks.

Bowling alley operator : Any person, whether owner, operator, lessee or any other person, who charges or causes to be charged admission to a bowling alley or fees for the utilization, lease or rental of bowling alleys and pinsetters for bowling balls in a bowling alley open to the public, including charges for bowling by the line.

Business : All activities engaged in or caused to be engaged in with the object of gain, benefit or advantage, directly or indirectly.

Capital lease : A lease with characteristics of a purchase, as defined by generally accepted accounting principles. The intent of the vendor evidenced by the treatment of the lease in the vendor's financial statements, past course of dealings and usage of trade will also be considered as a basis of classifying a lease as capital in nature.

CARRIER ACCESS SERVICES : THE SERVICES FURNISHED BY A LOCAL EXCHANGE COMPANY TO ITS CUSTOMERS WHO PROVIDE TELECOMMUNICATIONS SERVICES WHICH ALLOW THEM TO PROVIDE SUCH TELECOMMUNICATIONS SERVICES.

Carrier access services sale : Any charge by local telephone exchange companies to providers of interchange telecommunications services for use in providing their interchange telecommunications services.

~~*Charitable or nonprofit organization* : Any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes; or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment); or for the prevention of cruelty to children or animals, no part of the net earning of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office. For purposes of this chapter, an entity's status as exempt from federal and/or state income taxes is in no way a controlling factor in the city's determination of an entity's "charitable" or "nonprofit" status ANY ENTITY WHICH: (1) HAS BEEN CERTIFIED AS A NONPROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, AND (2) IS AN ORGANIZATION WHICH EXCLUSIVELY, AND IN A MANNER CONSISTENT WITH EXISTING LAWS AND FOR THE BENEFIT OF AN INDEFINITE NUMBER OF PERSONS OR ANIMALS, FREELY AND VOLUNTARILY MINISTERS TO THE PHYSICAL, MENTAL, OR SPIRITUAL NEEDS OF PERSONS OR ANIMALS, AND THEREBY LESSENS THE BURDEN OF GOVERNMENT.~~

City : The MUNICIPALITY OF THE City of Wheat Ridge, Colorado.

City Code : The Code of Laws of the City of Wheat Ridge, Colorado.

COINS : MONETIZED BULLION OR OTHER FORMS OF MONEY MANUFACTURED FROM GOLD, SILVER, PLATINUM, PALLADIUM OR OTHER SUCH METALS NOW, IN THE FUTURE OR HERETOFORE DESIGNATED AS A

MEDIUM OF EXCHANGE UNDER THE LAWS OF THIS STATE, THE UNITED STATES OR ANY FOREIGN NATION.

COIN OPERATED DEVICE : ANY DEVICE OPERATED BY COINS OR CURRENCY OR ANY SUBSTITUTE THEREFOR.

COMMERCIAL PACKAGING MATERIALS : CONTAINERS, LABELS, AND/OR CASES, THAT BECOME PART OF THE FINISHED PRODUCT TO THE PURCHASER, USED BY OR SOLD TO A PERSON ENGAGED IN MANUFACTURING, COMPOUNDING, WHOLESALING, JOBBING, RETAILING, PACKAGING, DISTRIBUTING OR BOTTLING FOR SALE, PROFIT OR USE, AND IS NOT RETURNABLE TO SAID PERSON FOR REUSE. COMMERCIAL PACKAGING MATERIALS DOES NOT INCLUDE COMMERCIAL SHIPPING MATERIALS.

COMMERCIAL SHIPPING MATERIALS : MATERIALS THAT DO NOT BECOME PART OF THE FINISHED PRODUCT TO THE PURCHASER WHICH ARE USED EXCLUSIVELY IN THE SHIPPING PROCESS. COMMERCIAL SHIPPING MATERIALS INCLUDE BUT ARE NOT LIMITED TO CONTAINERS, LABELS, PALLETS, BANDING MATERIAL AND FASTENERS, SHIPPING CASES, SHRINK WRAP, BUBBLE WRAP OR OTHER FORMS OF BINDING, PADDING OR PROTECTION.

~~*Computer software* : The internalized instruction code which controls the basic operation (i.e., arithmetic and logic) of the computer, causing it to execute instructions contained in system programs as an integral part of the computer. Computer software is also one in which instructions and routines (programs) are determined necessary to program the customer's electronic data processing (EDP) equipment to enable the customer to accomplish specific functions with his EDP system. The software may be in the form of:~~

- ~~(1) Systems programs (except for the instruction codes which are considered tangible property in this definition) Programs that control the hardware itself and allow it to compile, assemble and process application programs;~~
- ~~(2) Application programs Programs that are created to perform business functions, or control, or monitor process;~~
- ~~(3) Prewritten (canned) programs Programs that are either systems programs or application programs and are not written specifically for the user; or~~
- ~~(4) Custom programs Programs created specifically for the user.~~

~~*Construction equipment* : All pieces of portable machinery, vehicles and other types of equipment used directly or indirectly to build, erect or otherwise construct buildings, roads, bridges or any construction project or to aid in such building or construction.~~ ANY EQUIPMENT, INCLUDING MOBILE MACHINERY AND MOBILE EQUIPMENT, WHICH IS USED TO ERECT, INSTALL, ALTER, DEMOLISH, REPAIR, REMODEL, OR OTHERWISE MAKE IMPROVEMENTS TO ANY REAL PROPERTY, BUILDING, STRUCTURE OR INFRASTRUCTURE.

Construction materials : Tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a completed structure or project, including public and private improvements. Construction materials include, but are not limited to, such things as: asphalt, bricks, builders' hardware, caulking material, cement, concrete, conduit, electric wiring and connections, FIREPLACE INSERTS, ELECTRICAL HEATING

AND COOLING EQUIPMENT, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wallboard, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters and wood preserver. The above materials, when used in forms, or other items which do not remain as an integral or AND inseparable part of a completed structure or project, are not construction materials. ~~Construction materials do not include such things as: carpeting, equipment, furniture, removable fixtures, window coverings or similar items.~~

Construction project : The erection, installation, demolition, alteration, repair or remodeling of a building or structure upon real estate, and any other activity for which a building permit is required under the City Code.

Consume : The utilization of any item of tangible personal property in the provision of any service or in the production of any physical product or other item of tangible personal property.

Consumer : ~~Any individual person or persons or entity engaged in business in the city who PURCHASES~~ buys, uses, stores, distributes or otherwise consumes ~~in the city~~ tangible personal property or taxable services, purchased from sources inside or outside the city.

Consumer deductions : Those items that may be deducted from gross sales and service on the sales/use tax return.

CONTRACTOR : ANY PERSON WHO SHALL BUILD, CONSTRUCT, RECONSTRUCT, ALTER, EXPAND, MODIFY, OR IMPROVE ANY BUILDING, DWELLING, STRUCTURE, INFRASTRUCTURE, OR OTHER IMPROVEMENT TO REAL PROPERTY FOR ANOTHER PARTY PURSUANT TO AN AGREEMENT. FOR PURPOSES OF THIS DEFINITION, CONTRACTOR ALSO INCLUDES SUBCONTRACTOR.

COVER CHARGE : A CHARGE PAID TO A CLUB OR SIMILAR ENTERTAINMENT ESTABLISHMENT WHICH MAY, OR MAY NOT, ENTITLE THE PATRON PAYING SUCH CHARGE TO RECEIVE TANGIBLE PERSONAL PROPERTY, SUCH AS FOOD AND/OR BEVERAGES.

Customer access service charge : Any direct charge by local telephone exchange companies to the consumer.

DIGITAL PRODUCT : AN ELECTRONIC PRODUCT INCLUDING, BUT NOT LIMITED TO: (1) "DIGITAL IMAGES" WHICH MEANS WORKS THAT INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING THAT ARE GENERALLY RECOGNIZED IN THE ORDINARY AND USUAL SENSE AS "PHOTOGRAPHS," "LOGOS," "CARTOONS," OR "DRAWINGS." (2) "DIGITAL AUDIO-VISUAL WORKS" WHICH MEANS A SERIES OF RELATED IMAGES WHICH, WHEN SHOWN IN SUCCESSION, IMPART AN IMPRESSION OF MOTION, TOGETHER WITH ACCOMPANYING SOUNDS, IF ANY, (3) "DIGITAL AUDIO WORKS" WHICH MEANS WORKS THAT RESULT FROM THE FIXATION OF A SERIES OF MUSICAL, SPOKEN, OR OTHER SOUNDS, INCLUDING RINGTONES. FOR PURPOSES OF THE DEFINITION OF "DIGITAL AUDIO WORKS", "RINGTONES" MEANS DIGITIZED SOUND FILES THAT ARE DOWNLOADED ONTO A DEVICE AND THAT MAY BE

USED TO ALERT THE CUSTOMER WITH RESPECT TO A COMMUNICATION, AND (4) "DIGITAL BOOKS" WHICH MEANS WORKS THAT ARE GENERALLY RECOGNIZED IN THE ORDINARY AND USUAL SENSE AS "BOOKS".

Dwelling unit : A building or any portion of a building designed for occupancy as complete, independent living quarters for one (1) or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

Drugs dispensed in accordance with a prescription or prescription drugs : Drugs dispensed in accordance with any order in writing, dated and signed by a licensed practitioner of the healing arts or given orally by a practitioner, and immediately reduced to writing by the pharmacist, assistant pharmacist or pharmacy intern, specifying the name and address of the person for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label.

Engaged in business in the city : Performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption within the city. "Engaged in business in the city" includes, but is not limited to, any one of the following activities by a person:

- (1) Directly, indirectly or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction;
- (2) Send one (1) or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service or assist in the use of its products, or for demonstration for other reasons;
- (3) Maintains one (1) or more employees, agents or commissioned sales persons ON DUTY at a location within the taxing jurisdiction; ~~excluding, however, employees, agents or commissioned sales persons who reside within the city but do not otherwise engage in business in the city as defined by this section;~~
- (4) Owns, leases, rents or otherwise exercises control over personal property, commercial real property or RESIDENTIAL REAL PROPERTY OF more than ten (10) residential dwelling units within the taxing jurisdiction; or
- (5) Makes more than one (1) delivery into the taxing jurisdiction within a twelve-month period BY ANY MEANS OTHER THAN A COMMON CARRIER.

Event facility: Banquet halls, reception areas and similar spaces and structures that are used primarily for a purpose other than temporary personal habitation.

~~*Exempt commercial packaging materials* : Containers, labels and shipping cases sold to a person engaged in manufacturing, compounding, or wholesaling, jobbing, retailing, packaging, distributing or bottling for sale, profit or use that meets all of the following conditions:~~

- ~~(1) Is used by the manufacturer, compounder, wholesaler, jobber, retailer, packager, distributor or bottler to contain or label the finished product;~~
- ~~(2) Is transferred by such person along with and as a part of the finished product to the purchaser; and~~
- ~~(3) Is not refundable to said person for reuse.~~

Exempt organization : Any governmental, quasi-governmental, religious or charitable organization which has applied for, and been assigned, an exempt institution license from the city.

Farm closeout sale : Full and final disposal of all tangible property previously used by a farmer or rancher in farming or ranching operations which are being abandoned.

Food : Food which is advertised or marketed for human consumption and is sold in the same form, condition, quantities and packaging as is commonly sold by grocers. The term includes cereals and cereal products; milk and milk products; meat and meat products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; sugar and sugar products and sugar substitutes; coffees and coffee substitutes; teas; cocoa and cocoa products; candy; ice for human consumption; distilled water for human consumption; and spices, condiments, salt and oleo-margarine. The term also includes food or drink served or furnished in or by restaurants, cafes, lunch counters, cafeterias, hotels, drugstores, social clubs, nightclubs, cabarets, resorts, snack bars, caterers, delicatessens, carryout shops and other like places of business at which prepared food or drink is regularly sold, including sales from pushcarts, motor vehicles and other mobile facilities; chewing gum, spirituous, malt or vinous liquor; proprietary medicines; nostrums, lozenges; tonics; carbonated beverages including carbonated water marketed in containers; nonalcoholic cocktail mixes; vitamins and other dietary supplements; pet foods; seeds and plants to grow food; food or drink furnished, prepared or served for consumption at tables, chairs or counters or from trays, glasses, dishes or other tableware provided by the vendor; prepared food or drink sold by vendors who regularly sell for consumption on or near the premises of the vendor, even though such food or drink is sold on a takeout or to-go order and is bagged, packaged or wrapped and taken from the premises of the vendor; and food or drink vended by or through machines on behalf of a vendor.

Gross sales : The total amount received in money, credit, property or other consideration valued in money for all sales, leases, or rentals of tangible personal property or services.

Healthcare facility : An individual or entity engaged in providing medical services, supplies, room and board to individual persons, and providing a place for healthcare services to be conducted. The medical services may be of a therapeutic, diagnostic, prognostic or of a rehabilitative nature. Healthcare facilities may include, but not be limited to: health resorts; spas; sanatoriums; sanitariums; rest homes; convalescent homes; hospitals for humans or animals, whether for profit or not-for-profit; wellness centers; psychiatric, vocational, mental or physical rehabilitation centers; extended day care centers; and self-help preventive medicine/education centers.

Hotel room, motel room or other accommodations : Any room or other accommodation in any hotel, apartment-hotel, motel, guesthouse, trailer court or park, or any similar place furnishing rooms or other accommodations to any person or animal who, for consideration, uses, possesses or has the right to use or possess, for any reason allowable by law, such room or other accommodation for a total continuous duration of less than thirty (30) days. For purposes of establishing the thirty-day period, the accommodation may not be transferred or transferable by one consumer or person or entity to any other consumer, person or entity.

License : A city sales and/OR use tax license ~~and/or general business license~~.

Linen services : Services involving THE provision and cleaning of linens, including, but not limited to, rags, uniforms, coveralls and diapers.

Local exchange company : Any person who provides public telephone or telecommunication exchange access lines, mobile telecommunications or channels necessary to effect the transfer of two-way voice communication or other data conveyance from within the city.

Lodgers' tax : The tax to be collected and remitted by retailers and vendors on lodging services taxed under this chapter.

Lodging services : The furnishing of rooms or accommodations by any person, partnership, association, corporation, estate, representative capacity or any other combination of individuals by whatever name known to a person who for a consideration uses, possesses or has the right to use or possess any room in a hotel, inn, bed and breakfast residence, apartment, hotel, lodginghouse, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park or similar establishment for a period of less than thirty (30) days under any concession, permit, right of access, license to use, or other agreement or otherwise. "Lodging services" does not include the furnishing of rooms or facilities for purposes other than personal accommodations such as banquets and receptions.

MACHINERY : ANY APPARATUS CONSISTING OF INTERRELATED PARTS USED TO PRODUCE AN ARTICLE OF TANGIBLE PERSONAL PROPERTY. THE TERM INCLUDES BOTH THE BASIC UNIT AND ANY ADJUNCT OR ATTACHMENT NECESSARY FOR THE BASIC UNIT TO ACCOMPLISH ITS INTENDED FUNCTION.

Medical equipment : All items of tangible personal property utilized by a physician, dentist or veterinarian, or which is utilized within a healthcare facility, in the rendering or delivery of medical or healthcare services to any person or animal.

Medical supplies : Drugs dispensed in accordance with a prescription; insulin in all its forms dispensed pursuant to the direction of a licensed physician; glucose useable for treatment of insulin reactions; urine- and blood-testing kits and materials; insulin measuring and injecting devices, including hypodermic syringes and needles; prosthetic devices; wheelchairs and hospital beds; drugs or materials when furnished by a doctor as part of professional services provided to a patient; and corrective eyeglasses, contact lenses or hearing aids; provided, that these definitions include items purchased for use by medical and dental practitioners or medical facilities in providing their services, even though certain of those items may be packaged for single use by individual patients after which the item would be discarded.

Mobile machinery AND SELF-PROPELLED CONSTRUCTION EQUIPMENT: Those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for THE transportation of persons or cargo, but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes, but is not limited to, wheeled vehicles commonly used in the construction, maintenance and repair of roadways, the drilling of wells and the digging of ditches.

Municipality : Any municipal corporation or similar form of local government in Colorado, or another state, except counties, school districts or special districts, and

the city, including any city, town, and city and county, whether organized pursuant to charter, constitution or statute.

Newspaper : A publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term "newspaper" does not include; magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, books or pocket editions of books.

Newspaper advertising supplements : Inserts, attachments or supplements that are primarily devoted to advertising and the distribution, insertion or attachment of which is paid for by the advertiser.

Open to the public : Any place or event to which admission or access is open to members of the general public. This term includes, without limitation, the following places or events where a charge or fee for admission is imposed upon members of the public:

- (1) Any performance of a motion picture, stage show, play, concert or other manifestation of the performing arts;
- (2) Any sporting or athletic contest, exhibit or event, either amateur or professional;
- (3) Any lecture, rally, speech, dissertation or educational seminar;
- (4) Any showing, display or exhibition of any type, including art exhibitions;
- (5) Any restaurant, tavern, lounge or club, whether the admission is called a "cover charge," "door charge" or any other such term.

Pay television shall include, but not be limited to, cable, microwave or other television service for which a charge is imposed.

Person : Any individual, firm, copartnership, joint venture, corporation, LIMITED LIABILITY COMPANY, estate or trust, receiver, trustee, assignee, lessee or any person acting in A fiduciary or representative capacity, whether appointed by a court or otherwise, or any group or combination acting as a UNIT group and the plural as well as singular number.

Point of destination : The address to which an item is delivered by the seller to the purchaser whether by common carrier, mail or conveyed by the seller.

Preprinted newspaper supplements shall mean inserts, attachments or supplements circulated in newspapers that are primarily devoted to advertising and the distribution, insertion or attachment of which is commonly paid for by the advertiser.

Prescription drugS FOR HUMANS : ~~A substance for human or animal consumption used in the treatment or prevention of disease or other illness, the sale of which is delivered on a written order dated and signed by a member of the healing arts, specifying the name and address of the patient for whom the medical substance is ordered and directions, if any, to be placed on the label or dispensed in the practitioner's office. "Prescription drug" does not include any medical substance which may be purchased by the general public without a physician's prescription except for~~

~~insulin and insulin injecting and measuring devices~~ A DRUG WHICH, PRIOR TO BEING DISPENSED OR DELIVERED, IS REQUIRED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 U.S.C. SECT. 301, ET. SEQ., AS AMENDED, TO STATE AT A MINIMUM THE SYMBOL "RX ONLY", AND IS DISPENSED IN ACCORDANCE WITH ANY WRITTEN OR ELECTRONIC ORDER DATED AND SIGNED BY A LICENSED PRACTITIONER OF THE HEALING ARTS, OR GIVEN ORALLY BY A PRACTITIONER AND IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT PHARMACIST, OR PHARMACY INTERN, SPECIFYING THE NAME AND ANY REQUIRED INFORMATION OF THE PATIENT FOR WHOM THE MEDICINE, DRUG OR POISON IS OFFERED AND DIRECTIONS, IF ANY, TO BE PLACED ON THE LABEL.

~~*Prescription drugs for animals* : Drugs dispensed in accordance with any order in writing, dated and signed by a practitioner, or given orally by a practitioner, specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label. "Prescription drugs for animals" does not include prescription animal food, medicated shampoos, vitamins and the like~~ A DRUG WHICH, PRIOR TO BEING DISPENSED OR DELIVERED, IS REQUIRED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 U.S.C. SECT. 301, ET. SEQ., AS AMENDED, TO STATE AT A MINIMUM THE SYMBOL "RX ONLY", AND IS DISPENSED IN ACCORDANCE WITH ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED VETERINARIAN SPECIFYING THE ANIMAL FOR WHICH THE MEDICINE OR DRUG IS OFFERED AND DIRECTIONS, IF ANY, TO BE PLACED ON THE LABEL.

Price or purchase price : The AGGREGATE VALUE MEASURED IN CURRENCY PAID OR DELIVERED OR PROMISED TO BE PAID OR DELIVERED IN CONSUMMATION OF A SALE, WITHOUT ANY DISCOUNT FROM THE PRICE ON ACCOUNT OF THE COST OF MATERIALS USED, LABOR OR SERVICE COST ~~price to the consumer~~, AND exclusive of any direct tax imposed by the federal government or by this article, and, in the case of all retail sales involving the exchange or property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if:

- (1) Such exchanged property is to be sold thereafter in the usual course of the retailer's business; or
- (2) Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

"Price" or "purchase price" includes:

- (1) The amount of money received or due in cash and credits;
- (2) Property at fair market value taken in exchange but not for resale in the usual course of the retailer's business;
- (3) Any consideration valued in money, ~~such as trading stamps or coupons~~, whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange;
- (4) The total price charged on credit sales including finance charges which are not separately stated AT THE TIME OF SALE. An amount charged as interest on

the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is included in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated AT THE TIME OF SALE is not part of the purchase price;

(5) Installation, APPLYING, REMODELING OR REPAIRING THE PROPERTY, delivery and wheeling-in charges included in the purchase price and not separately stated;

(6) Transportation and other charges to effect delivery of tangible personal property to the purchaser;

(7) Indirect federal manufacturers' excise taxes, such as taxes on automobiles, tires and floor stock;

(8) The gross price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

"Price" or "purchase price" shall not include;

(1) Any sales or use tax imposed by the State of Colorado or by any political subdivision thereof;

(2) The fair market value of property exchanged if such property is to be sold thereafter in the retailer's usual course of business. This is not limited to exchanges in Colorado. Out-of-state trade-in's are an allowable adjustment to the purchase price.

(3) Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser, AND THE SELLER IS NOT REIMBURSED FOR THE DISCOUNT BY THE MANUFACTURER OR SOMEONE ELSE. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.

Prosthetic devices FOR HUMANS : Any artificial limb, part, device or appliance for human use which ~~aids or~~ replaces a BODY PART OR AIDS OR REPLACES A bodily function; is designed, manufactured, altered or adjusted to fit a particular PATIENT individual; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, AND oxygen concentrators ~~and oxygen~~ with related accessories.

Purchase or sale : The acquisition for any consideration by any person of tangible personal property, OTHER TAXABLE PRODUCTS or taxable services that are purchased, leased, rented, OR sold, ~~used, stored, distributed or consumed, but excludes a bona fide gift of property or services.~~ THESE TERMS "Purchase" or "sale" includes capital leases, installment and credit sales, and property and services acquired by:

(1) Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property, OTHER TAXABLE PRODUCTS, OR TAXABLE SERVICES;

(2) A lease, lease-purchase agreement, rental or grant of a license, including royalty agreementS, to use tangible personal property, OTHER TAXABLE

PRODUCTS, or taxable services; THE UTILIZATION OF COIN OPERATED DEVICES, EXCEPT COIN-OPERATED TELEPHONES, WHICH DO NOT VEND ARTICLES OF TANGIBLE PERSONAL PROPERTY SHALL BE CONSIDERED SHORT TERM RENTALS OF TANGIBLE PERSONAL PROPERTY;

(3) Performance of taxable services;

(4) Barter or exchange for other TANGIBLE PERSONAL property, OTHER TAXABLE PRODUCTS, or services. ~~including coupons; and~~

~~(5) Tangible personal property furnished together with an operator shall be considered a rental if the measurement of the price is time.~~

The terms "purchase" and "sale" do not include:

(1) A division of partnership assets among the partners according to their interests in the partnership;

~~(2) The formation of a corporation by the owners of a business and the transfer of their business assets to the corporation in exchange for all the corporation's outstanding stock, except qualifying shares, in proportion to the assets contributed;~~

~~(3) The transfer of assets of shareholders in the formation or dissolution of professional corporations, IF NO CONSIDERATION INCLUDING, BUT NOT LIMITED TO, THE ASSUMPTION OF A LIABILITY IS PAID FOR THE TRANSFER OF ASSETS;~~

(4 3) The dissolution and the pro rata distribution of the corporation's assets to its stockholders, IF NO CONSIDERATION INCLUDING, BUT NOT LIMITED TO, THE ASSUMPTION OF A LIABILITY IS PAID FOR THE TRANSFER OF ASSETS;

~~(5 4) A transfer of a partnership OR LIMITED LIABILITY COMPANY interest;~~

~~(6 5) The transfer in a reorganization qualifying under section 368(a)(1) of the Internal Revenue Code of 1954, as amended;~~

~~(7) The formation of a partnership by the transfer of assets to the partnership or transfers to a partnership in exchange for proportionate interests in the partnership~~ THE TRANSFER OF ASSETS TO A COMMENCING OR EXISTING PARTNERSHIP OR LIMITED LIABILITY COMPANY, IF NO CONSIDERATION INCLUDING, BUT NOT LIMITED TO, THE ASSUMPTION OF A LIABILITY IS PAID FOR THE TRANSFER OF ASSETS ;

~~(8 6) The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder;~~

~~(9 7) The transfer of assets from a parent COMPANY corporation to a subsidiary COMPANY OR COMPANIES corporation or corporations which are owned at least eighty (80) percent by the parent COMPANY corporation, which transfer is solely in exchange for stock or securities of the subsidiary COMPANY corporation;~~

~~(10 8) The transfer of assets from a subsidiary COMPANY OR COMPANIES corporation or corporations which are owned at least eighty (80) percent by the parent COMPANY corporation to a parent COMPANY corporation or to another subsidiary which is owned at least eighty (80) percent by the parent COMPANY corporation, which transfer is solely in exchange for stock or securities of the parent COMPANY corporation or the subsidiary which received the assets;~~

~~(11 9) The transfer of assets between parent and closely held subsidiary COMPANIES corporation, or between subsidiary COMPANIES corporations closely held by the same parent COMPANY corporation, or between COMPANIES corporations which are owned by the same shareholders in~~

identical percentage of stock ownership amounts, computed on a share-by-share basis, when a tax imposed by this article was paid by the transferor COMPANY ~~corporation~~ at the time it acquired such assets, except to the extent that there is an increase in the fair market value of such assets resulting from the manufacturing, fabricating or physical changing of the assets by the transferor COMPANY ~~corporation~~. To such an extent any transfer referred to in this paragraph shall constitute a sale. For the purposes of this paragraph, a closely held subsidiary COMPANY ~~corporation~~ is one in which the parent COMPANY ~~corporation~~ owns stock possessing OR MEMBERSHIP INTEREST at least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote and owns at least eighty (80) percent of the total number of shares of all other classes of stock.

Purchase price or sales price : The total price paid by the consumer, purchaser or lessee in cash, property, services, coupons or other consideration, exclusive of any direct tax imposed by the federal, state or county government or by this chapter.

(1) The purchase price or sale price of goods manufactured or made to order includes the full purchase price for material used, and the labor performed in connection therewith, and the profit thereon included in the price charged to the user or customer.

(2) Purchase price or sales price includes, without limitation, any finance, service or other charge, except when separately stated; installation and delivery fees; transportation and other charges to effect delivery to the purchaser if the sales agreement requires such delivery to consummate the sale; and indirect federal manufacturers' excise taxes, except when separately stated.

(3) In the case of a retail sale involving the exchange of property, the purchase price or sales price excludes the fair market value of the property exchanged at the time and place of the exchange if:

- a. Such exchanged property is to be sold thereafter in the usual course of the retailer's business; or
- b. Such exchanged property is an automotive vehicle and is exchanged for another automotive vehicle and both vehicles are subject to licensing, registration or certification under the laws of the State of Colorado, including, without limitation, vehicles operating on public highways, off-highway recreation vehicles and watercraft.

Purchaser : Any person to whom a taxable service has been rendered or who has leased or purchased at retail tangible personal property within the city upon which a tax is imposed by this chapter.

Recreation services : All services relating to athletic or entertainment participation events AND/OR ACTIVITIES including, but not limited to, pool, golf, billiards, skating, tennis, bowling, HEALTH/ATHLETIC CLUB MEMBERSHIPS, coin operated amusement devices, and video games AND VIDEO CLUB MEMBERSHIPS.

Regulations : Those regulations promulgated by the Treasurer pursuant to the authority delegated to him or her by section 22-3, as the same may be from time to time amended.

Retail sales : All sales except wholesale sales.

~~Retailer or vendor~~: Any person selling, leasing, or renting OR GRANTING A LICENSE TO USE tangible personal property or services at retail. Retailer shall include, BUT IS NOT LIMITED TO, ANY:

- (1) Auctioneer;
- (2) Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;
- (3) Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes.
- 4) RETAILER-CONTRACTOR, WHEN ACTING IN THE CAPACITY OF A SELLER OF BUILDING SUPPLIES, CONSTRUCTION MATERIALS, AND OTHER TANGIBLE PERSONAL PROPERTY.

RETAILER-CONTRACTOR : A CONTRACTOR WHO IS ALSO A RETAILER OF BUILDING SUPPLIES, CONSTRUCTION MATERIALS, OR OTHER TANGIBLE PERSONAL PROPERTY, AND PURCHASES, MANUFACTURES, OR FABRICATES SUCH PROPERTY FOR SALE (WHICH MAY INCLUDE INSTALLATION), REPAIR WORK, TIME AND MATERIALS JOBS, AND/OR LUMP SUM CONTRACTS.

~~Return~~ : ~~The standard municipal sales and use tax reporting form, and any subsequent revisions thereto, used to report Wheat Ridge sales and use tax~~ ANY FORM PRESCRIBED BY THE CITY ADMINISTRATION FOR COMPUTING AND REPORTING A TOTAL TAX LIABILITY.

Rooms or accommodations: A room, suite or similar group of rooms rented or leased for the primary purpose of temporary personal habitation.

~~Sale~~ : ~~A retail sale as defined herein.~~

Sales tax : The tax ~~to be~~ THAT IS collected OR REQUIRED TO BE COLLECTED and remitted by a retailer on sales taxed under this Code.

Security system services : Electronic ALARM AND/OR MONITORING SERVICES ~~security system services for a building or portion thereof~~. Such term does not include nonelectronic security services such as consulting or human or guard dog patrol services.

Sound system services : ~~Sound system services involving~~ THE provision of broadcast or prerecorded audio programming to a building or a portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.

Storage : ~~The~~ ANY keeping or retention of, OR ~~the~~ exercise of dominion or control over, or ~~the~~ possession of, FOR ANY LENGTH OF TIME, tangible personal property NOT WHILE IN TRANSIT BUT ON A STAND STILL BASIS FOR FUTURE USE WHEN LEASED, RENTED OR PURCHASED ~~under lease or purchase~~ at retail from SOURCES ~~another person~~ EITHER within or without the city FROM ANY PERSON OR VENDOR.

Tangible personal property : ~~Any corporeal p~~Personal property THAT CAN BE ONE OR MORE OF THE FOLLOWING: ~~which may be seen, weighed, measured, felt, or touched,~~ STORED, TRANSPORTED, EXCHANGED, OR THAT IS IN ANY OTHER MANNER PERCEPTIBLE TO THE SENSES.

Tax : The use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.

Tax deficiency : Any amount of tax, PENALTY, INTEREST, OR OTHER FEE that is not reported AND/or not paid on or before the due date THAT ANY RETURN OR PAYMENT OF THE TAX IS REQUIRED UNDER THE TERMS OF THIS CODE.

Taxable sales : Gross sales less any exemptions and deductions specified in this Code.

Taxable services : Services subject to tax pursuant to this Code.

Taxpayer : Any person obligated to collect and/or pay tax under the terms of this Code.

Telecommunications service : The SERVICE OF WHICH THE OBJECT IS THE TRANSMISSION OF ANY TWO-WAY INTERACTIVE ELECTRONIC OR ELECTROMAGNETIC COMMUNICATIONS INCLUDING BUT NOT LIMITED TO VOICE, IMAGE, DATA AND ANY OTHER INFORMATION, BY THE USE OF ANY MEANS BUT NOT LIMITED TO WIRE, CABLE, FIBER OPTICAL CABLE, MICROWAVE, RADIO WAVE, VOICE OVER INTERNET PROTOCOL (VOIP), OR ANY COMBINATIONS OF SUCH MEDIA, INCLUDING ANY FORM OF MOBILE TWO-WAY COMMUNICATION ~~transmission of any two-way interactive electromagnetic communications, including, but not limited to, voice, image, data and any other information, by the use of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave or any combinations of such media. "Telecommunications service" includes, but is not limited to, basic local exchange telephone service, toll telephone service and teletypewriter service, including, but not limited to, residential and business service, directory assistance, cellular mobile telephone or telecommunication service, specialized mobile radio and two-way pagers and paging service, including any form of mobile two-way communication. "Telecommunications service" does not include separately stated nontransmission services which constitute computer processing applications used to act on the information to be transmitted.~~

Theater operator : Any person, whether owner, operator, lessee or any other person, who charges or causes to be charged admission to a performance or show at a theater open to the public.

Therapeutic device : Devices, appliances or related accessories that ~~are sold to correct or treat a human physical disability or surgically created abnormality; if such device, appliance or related accessory has a retail value of more than one hundred dollars (\$100.00), it must be sold in accordance with a written recommendation from a licensed doctor to qualify as a "therapeutic device" for purposes of this Code.~~

TOLL FREE TELECOMMUNICATIONS SERVICE : A TELECOMMUNICATIONS SERVICE THAT ALLOWS A CALLER TO DIAL A NUMBER WITHOUT INCURRING AN ADDITIONAL CHARGE FOR THE CALL.

Third-party recordkeeper : An entity which has contractually undertaken the duty of collection of accounts from city residents or businesses for taxable services or sales

undertaken or occurring within the city, which third-party recordkeeper shall have the rights, duties and obligations as specified in [section 22-42](#)(h) hereof.

Total tax liability : The total of all tax, penalties AND/or interest owed by a taxpayer and shall include sales tax collected in excess of such tax computed on total sales.

Transfer of ownership point : The geographical location at which point the purchaser takes physical or legal possession of the property.

Treasurer : The treasurer, or his designee, including, not by way of limitation, the deputy treasurer or the finance assistant/sales tax auditor.

Use : The exercise, for any length of time, by any person, ~~corporation, partnership or association~~ within the city of any right, power or dominion over tangible personal property OR SERVICES WHEN RENTED, LEASED OR PURCHASED ~~by lease or purchase~~ AT RETAIL FROM SOURCES EITHER WITHIN OR WITHOUT THE CITY FROM ANY PERSON OR VENDOR OR USED IN THE PERFORMANCE OF A CONTRACT IN THE CITY WHETHER SUCH TANGIBLE PERSONAL PROPERTY IS OWNED OR NOT OWNED BY THE TAXPAYER. USE ALSO INCLUDES THE WITHDRAWAL OF ITEMS FROM INVENTORY FOR CONSUMPTION.

Use tax : The tax paid or required to be paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the city.

Vehicle : Any vehicle or device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including, but not limited to, motor vehicles, trailers, semitrailers, mobile homes, mobile machinery or self-propelled construction equipment, but excluding devices moved by human power or used exclusively upon stationary rails or tracks.

Vendor's fee : The portion of total sales tax collected by a licensed taxpayer under the requirements of this chapter that the taxpayer may retain as payment or offset for his expense in collecting and remitting the sales tax collected from taxable sales and leases to purchasers and consumers. The vendor's fee may only be retained when sales tax collected has been remitted to the city as prescribed in this chapter. The vendor's fee is set forth at [section 22-40](#)(b).

~~WATS/800 service~~ : ~~Any outbound or inbound interstate wide are a telecommunications service or other similar service which entitles the subscriber, upon payment of a periodic charge, based upon a flat amount and/or usage, to make or receive a large volume of telephonic communications to or from persons having telephone or radio telephone stations in specified areas which are outside the telephone system area in which the subscriber's station is located.~~

Wholesale sales : Sales BY WHOLESALERS TO RETAILERS, JOBBERS, DEALERS, OR OTHER WHOLESALERS FOR RESALE AND DOES NOT INCLUDE A SALE BY WHOLESALERS TO USERS OR CONSUMERS NOT FOR RESALE; LATTER TYPES OF SALES SHALL BE DEEMED TO BE RETAIL SALES AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER ~~to licensed retailers, jobbers, dealers or wholesalers for resale. Sales by wholesalers to consumers are not wholesale sales. Sales by wholesalers to nonlicensed retailers are not wholesale sales.~~

Wholesaler: Any person DOING AN ORGANIZED WHOLESALE OR JOBBING BUSINESS AND selling to retailers, jobbers, dealers or other wholesalers for THE PURPOSE OF resale, and not for storage, use, consumption or distribution.

(b) *Usage*. As used in this chapter and elsewhere, a masculine pronoun shall include the feminine and vice versa, and a singular pronoun shall include the plural and vice versa, unless the context in which the pronoun is used indicates otherwise.

Section 2. Section 22-22 of the Code, concerning legislative intent, is hereby amended as follows:

Sec. 22-22. Legislative intent.

It is the intent of the city that all sales, transfers or consumption of tangible personal property AND SERVICES within the city shall be subject to the sales and/or use tax imposed hereby, unless the same is specifically exempted from taxation under the provisions of sections 22-58 or 22-67 hereof. The city council hereby reaffirms its authority as a home rule city, pursuant to the provisions of Article XX of the Constitution of the State of Colorado, and the Home Rule Charter of the City of Wheat Ridge, to "assess, levy and collect" local sales and use taxes as deemed appropriate by the city council in the exercise of its lawful legislative discretion.

Section 3. Subsection 22-33(b) of the Code, concerning the administrative authority of the City Treasurer to promulgate rules, regulations and forms, is hereby amended as follows:

(b) The rules and regulations AND FORMS as ~~prescribed~~ ISSUED by the treasurer and, as from time to time are amended by the treasurer, pursuant to THE ~~his or her~~ authority ~~specified~~ in paragraph (a) shall be published ON THE CITY'S WEB SITE AND MADE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS IN THE OFFICE OF THE TREASURER and ~~appear as appendix A to this chapter. The forms developed pursuant to paragraph (a) for making returns and reporting taxes assessed under this chapter shall be published and appear as appendix B to this chapter.~~ WHEN ANY SUCH RULE, REGULATION OR FORM IS ISSUED OR AMENDED, THE TREASURER SHALL PREPARE A NOTICE, SETTING FORTH THE GENERAL NATURE OF THE NEW RULE, REGULATION OR FORM, OR AMENDMENT THERETO, AS APPLICABLE, AND THAT THE SAME MAY BE INSPECTED ON THE CITY'S WEB SITE AND IN THE OFFICE OF THE TREASURER DURING REGULAR BUSINESS HOURS. THE TREASURER SHALL CAUSE THE NOTICE TO BE POSTED AT THE WHEAT RIDGE MUNICIPAL BUILDING AND PUBLISHED ON THE CITY'S WEB SITE.

Section 4. Paragraph 22-36(a)(1) of the Code, concerning the process under which a purchaser may request a refund of a tax paid at purchase, is hereby amended as follows:

(1) The purchaser may apply for a refund by submitting to the treasurer in writing the amount and reason for such refund within ~~sixty (60) days~~ THREE (3) YEARS of the date of purchase for the unintentional payment

of tax on exempt purchases or an overpayment of taxes reported and paid by any taxpayer to the treasurer.

Section 5. Subsection 22-38(a) of the Code, concerning the filing of a final return upon the closure or sale of a business, is hereby amended as follows:

- (a) Any ~~retailer~~ VENDOR who ~~shall sell out his~~ ITS business or stock of goods or ~~shall quit~~ OTHERWISE TERMINATES business OPERATIONS shall be required to file a final return as provided in this chapter ~~within ten (10) days of the date of the sale of his business or stock of goods or of quitting business~~ BY THE TWENTIETH (20TH) DAY OF THE CALENDAR MONTH FOLLOWING SUCH SALE OR TERMINATION.

Section 6. Section 22-39 of the Code, concerning the liability of retailer or vendor for tax collection, is hereby amended by the deletion of subsection (c) thereunder and by renumbering existing subsection (d) as “(c)”.

Section 7. Subsection 22-39(b) of the Code, concerning the inclusion of sales tax in pricing, is hereby amended as follows:

- (b) Except as provided in subsections (1) and (2) of this paragraph (b), it shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the city sales tax or any part thereof shall be assumed or absorbed by the retailer, or that it will not be added to the selling price of the property sold, or if added, that it or any part thereof shall be refunded, or the sales tax is not considered an element in the sales price to the consumer. Any person violating any provisions of this section shall be subject to the penalties provided in this chapter.
- (1) Nothing contained in this section shall be deemed to prohibit any retailer selling malt, vinous or spirituous liquors by the drink from including in ~~his~~ THE sales price any city sales tax.
- (2) Nothing contained in this section shall be deemed to prohibit any owner or operator of vending machines or coin-operated devices from including in ~~his~~ THE sales price any city sales tax.
- (3) NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO PROHIBIT ANY OWNER OR OPERATOR OF A PRODUCE STAND, SPECIAL EVENT BOOTH, FARMERS’ MARKET BOOTH OR OTHER BOOTH OR STAND CONDUCTING RETAIL SALES AT A CITY-LICENSED EVENT FROM INCLUDING IN THE SALES PRICE ANY CITY SALES TAX.

Section 8. The title of Section 22-42 of the Code, concerning business records, burden of proof and audits, is hereby amended as follows:

Sec. 22-42. Business records; burden of proof; AUDIT.

Section 9. Subsection 22-42(e) of the Code, concerning the place of audit, is hereby amended as follows:

(e) Place of audit. The city has adopted the policy of auditing a taxpayer's records only at the taxpayer's business location where such business records are routinely kept AT A LOCATION IN WHEAT RIDGE OR AT SOME OTHER LOCATION DESIGNATED BY THE TREASURER OR HIS OR HER DESIGNEE, OR AT CITY OFFICES BY ELECTRONIC MEANS. Notwithstanding this policy, the treasurer may, under exceptional circumstances, permit limited scope auditing of a taxpayer's records by mail. Such a determination is solely within the discretion of the treasurer and is not an appealable issue. Any person under audit WHO REQUESTS AN AUDIT LOCATION OTHER THAN A LOCATION DESIGNATED BY THE TREASURER OR HIS OR HER DESIGNEE SHALL PAY THE DIRECT COSTS AND EXPENSES INCURRED BY THE CITY TO PERFORM THE AUDIT IN THE REQUESTED LOCATION.

Section 10. Paragraph 22-42(i)(7) of the Code, concerning when a coordinated audit is not available, is hereby amended as follows:

- (7) The coordinated audit procedure set forth in this section shall not apply:
- a. When the proposed audit is a jeopardy audit; OR
 - b. ~~To audits for which a notice of audit was given prior to Dec. 9, 2002;~~
 - c. ~~When a taxpayer refuses to promptly sign a waiver of the time limits established in sections 22-42(d) and 22-44(a) of this Code of Laws; or~~
 - d. When a taxpayer fails to provide a timely and complete request for a coordinated audit as provided in such paragraph (2) of this subsection 22-42(i).

Section 11. Paragraph 22-43(b)(2) of the Code, concerning a taxpayer demand for a hearing on estimated taxes due, is hereby amended as follows:

- (2) Unless the taxpayer files a written demand for administrative hearing and determination of tax liability, as provided in section 22-45 hereof, within ~~twenty (20)~~ THIRTY (30) days from the date of mailing or posting, whichever is later, of such notice, THE TAXPAYER ~~he~~ shall conclusively be deemed to have accepted the estimate as a fair and accurate determination of his tax obligation and shall thereby waive the right to contest that determination. In the event that such a hearing is held, the determination of the hearing officer shall be reviewable as provided in section 22-45 hereof.

Section 12. Paragraph 22-46(n)(1), concerning the statute of limitations for refunds, is hereby amended as follows:

- (1) *Refunds.* Any claim for refunds ~~for disputed tax~~ shall be submitted to the treasurer on or before ~~sixty (60) days~~ THREE (3) YEARS from the date of ~~such purchase IF FILED BY THE PURCHASER AND THREE (3) YEARS FROM THE DATE OF PAYMENT IF FILED BY THE VENDOR.~~

- a. ~~Any claim for refund resulting from a notice of overpayment shall be submitted to the city on or before thirty (30) days after the date of such notice of overpayment.~~
- b. ~~Any other claim for refund shall be filed on or before three (3) years after the date such overpayment was paid to the city.~~

Section 13. Section 22-48 of the Code, concerning notice of tax ordinance amendment, is hereby amended as follows:

Sec. 22-48. Notice of sales and use tax ordinance amendment.

- (a) ~~In order to initiate a central register of sales and use tax ordinances for municipalities that administer local sales tax collection, the treasurer shall file with the Colorado Municipal League prior to Dec. 9, 2002.~~
- (b) ~~In order to keep current the central register of sales and use tax ordinances for municipalities that administer local sales tax collection, the treasurer of the city shall file with the Colorado Municipal League, prior to the effective date of any amendment, a copy of each sales and use tax ordinance amendment enacted by the city.~~
- (e B) Failure of the city to file such ordinance or ordinance amendment pursuant to this section shall not invalidate any provision of the sales and use tax ordinance or any amendment thereto.

Section 14. Section 22-49 of the Code, concerning Treasurer participation in Colorado Municipal League tax committee meetings, is hereby deleted and designated as "Reserved."

Section 15. Subsection 22-57(15) of the Code, concerning sales tax on the price of admission to amusement and entertainment events, is hereby deleted and designated as "Reserved."

Section 16. Paragraph 22-58(a)(22) of the Code, concerning the tax exemption of commercial packing materials, is hereby amended as follows:

- (22) Sales of COMMERCIAL PACKAGING MATERIALS ~~tangible personal property for use as containers, labels and shipping cases to a person engaged in manufacturing or compounding for sale shall be deemed to be wholesale sale when it meets all of the following conditions:~~
 - a. ~~The property is used by the manufacturer or compounded to contain or label the finished product so manufactured or compounded;~~
 - b. ~~The property is sold by the manufacturer or compounder along with and as a part of the finished product; and~~
 - c. ~~The property is not returnable to the manufacturer for reuse.~~

Section 17. Paragraph 22-58(a)(26) of the Code, concerning sales tax exemptions and currently designated as "Reserved" is hereby amended to read in its entirety as follows:

(26) THE SALE OF A THERAPEUTIC DEVICE WITH A RETAIL VALUE OF ONE HUNDRED DOLLARS (\$100.00) OR LESS.

Section 18. Section 11-68 of the Code, concerning proration of the annual liquor license occupation tax, is hereby amended as follows:

Sec. 11-68. ~~No p~~Proration for portion of year.

COMMENCING WITH THE LICENSING YEAR 2018, the tax levied by this division is assessed for the PORTION OF THE calendar year DURING WHICH A LIQUOR ESTABLISHMENT OPERATED UNDER A GIVEN BUSINESS LICENSE, ~~or any portion thereof, and no p~~Proration shall be made BASED ON THE NUMBER OF FULL MONTHS REMAINING IN THE YEAR WHEN A LIQUOR ESTABLISHMENT'S BUSINESS LICENSE IS ISSUED OR PERMANENTLY TERMINATES ~~where the business is used for only a portion of a year; and no refund shall be made to any person who discontinues such business during the year.~~

Section 19. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 20. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 21. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of _____ to _____ on this ____ day of _____, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for _____, 2017, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved As To Form

Gerald E. Dahl, City Attorney

First Publication:

Second Publication:

Wheat Ridge Transcript

Effective Date:

Definitions highlighted in yellow do not exist in current Code and are not currently recommended for adoption.

Definitions highlighted in green do not currently exist in Code; Staff recommends adding.

Definitions highlighted in blue currently exist in the Code and require minor grammar or style changes. Staff recommends adoption.

Un-highlighted definitions currently exist in the Code; Staff recommends adopting.

2016 SALES TAX SIMPLIFICATION MODEL ORDINANCE

I. Standardized Definitions

SECTION _____. **WORDS AND PHRASES DEFINED:** The following words and phrases as used in this chapter shall have the following meaning:

- (1) **“Agricultural Producer”** means a person regularly engaged in the business of using land for the production of commercial crops or commercial livestock. The term includes farmers, market gardeners, commercial fruit growers, livestock breeders, dairymen, poultrymen, and other persons similarly engaged, but does not include a person who breeds or markets animals, birds, or fish for domestic pets nor a person who cultivates, grows, or harvests plants or plant products exclusively for that person's own consumption or casual sale.
- (2) **“Aircraft”** means a device that is used or intended to be used for flight in the air.
- (3) **“Aircraft Part”** means any tangible personal property that is intended to be permanently affixed or attached as a component part of an aircraft.
- (4) **“Aircraft Simulator”** means a Flight Simulator Training Device (FSTD) as defined in Part I of Title 14 of the Code of Federal Regulations that is qualified in accordance with Part 60 of Title 14 of the Code of Federal Regulations for use in a Federal Aviation Administration Approved Flight Training Program.
- (5) **“Aircraft Simulator Part”** means any tangible personal property that is originally designed and intended to be permanently affixed or attached as a component part of an aircraft, and which will also function when it is permanently affixed or attached as a component part of an aircraft simulator.
- (6) **“Airline Company”** means any operator who engages in the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail, or any aircraft operator who operates regularly between two (2) or more points and publishes a flight schedule. Airline Company shall not include operators whose aircraft are all certified for a gross takeoff weight of twelve thousand five hundred (12,500) pounds or less and who do not engage in scheduled service or mail carriage service.

- (7) **“Auction”** means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.
- (8) **“Automotive Vehicle”** means any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. Automotive Vehicle includes, but is not limited to, motor vehicles, trailers, semi-trailers, or mobile homes. Automotive Vehicle shall not include devices moved by human power or used exclusively upon stationary rails or tracks.
- (9) **“Business”** means all activities engaged in or caused to be engaged in with the object of gain, benefit, or advantage, direct or indirect.
- (10) **“Candy”** means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include any preparation containing flour, products that require refrigeration or marijuana infused products.
- (11) **“Carrier Access Services”** means the services furnished by a local exchange company to its customers who provide telecommunications services which allow them to provide such telecommunications services.
- (12) **“Charitable Organization”** means any entity which: (1) has been certified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, and (2) is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons or animals, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons or animals, and thereby lessens the burden of government.
- (13) **“City” or “Town”** means the municipality of (name of municipality).
- (14) **“Coins”** means monetized bullion or other forms of money manufactured from gold, silver, platinum, palladium or other such metals now, in the future or heretofore designated as a medium of exchange under the laws of this State, the United States or any foreign nation.
- (15) **“Coin Operated Device”** means any device operated by coins or currency or any substitute therefor.
- (16) **“Collection Costs”** shall include, but is not limited to, all costs of audit, assessment, bank fees, hearings, execution, lien filing, distraint, litigation, locksmith fees, auction fees and costs, prosecution and attorney fees.
- (17) **“Commercial Packaging Materials”** means containers, labels, and/or cases, that become part of the finished product to the purchaser, used by or sold to a person engaged in manufacturing, compounding, wholesaling, jobbing, retailing, packaging, distributing or

bottling for sale, profit or use, and is not returnable to said person for reuse. Commercial Packaging Materials does not include Commercial Shipping Materials.

- (18) **“Commercial Shipping Materials”** means materials that do not become part of the finished product to the purchaser which are used exclusively in the shipping process. Commercial Shipping Materials include but are not limited to containers, labels, pallets, banding material and fasteners, shipping cases, shrink wrap, bubble wrap or other forms of binding, padding or protection.
- (19) **“Community Organization”** means a nonprofit entity organized and operated exclusively for the promotion of social welfare, primarily engaged in promoting the common good and general welfare of the community, so long as: (1) No part of the net earnings of which inures to the benefit of any private shareholder or individual; (2) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and (3) Which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.
- (20) **“Construction Equipment”** means any equipment, including mobile machinery and mobile equipment, which is used to erect, install, alter, demolish, repair, remodel, or otherwise make improvements to any real property, building, structure or infrastructure.
- (21) **“Construction Materials”** means tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a structure or project including public and private improvements. Construction Materials include, but are not limited to, such things as: asphalt, bricks, builders' hardware, caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wall board, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters, and wood preserver. The above materials, when used for forms, or other items which do not remain as an integral and inseparable part of completed structure or project are not construction materials.
- (22) **“Consumer”** means any person in the City who purchases, uses, stores, distributes or otherwise consumes tangible personal property or taxable services, purchased from sources inside or outside the City.
- (23) **“Contract Auditor”** means a duly authorized agent designated by the taxing authority and qualified to conduct tax audits on behalf of and pursuant to an agreement with the municipality.
- (24) **“Contractor”** means any person who shall build, construct, reconstruct, alter, expand, modify, or improve any building, dwelling, structure, infrastructure, or other improvement

to real property for another party pursuant to an agreement. For purposes of this definition, Contractor also includes subcontractor.

- (25) **“Cover Charge”** means a charge paid to a club or similar entertainment establishment which may, or may not, entitle the patron paying such charge to receive tangible personal property, such as food and/or beverages.
- (26) **“Data Processing Equipment”** means any equipment or system of equipment used in the storage, manipulation, management, display, reception or transmission of information.
- (27) **“Digital Product”** means an electronic product including, but not limited to: (1) “digital images” which means works that include, but are not limited to, the following that are generally recognized in the ordinary and usual sense as “photographs,” “logos,” “cartoons,” or “drawings.” (2) “digital audio-visual works” which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any, (3) “digital audio works” which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones. For purposes of the definition of “digital audio works”, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication, and (4) “digital books” which means works that are generally recognized in the ordinary and usual sense as “books”.
- (28) **“Distribution”** means the act of distributing any article of tangible personal property for use or consumption, which may include, but not be limited to, the distribution of advertising gifts, shoppers’ guides, catalogs, directories, or other property given as prizes, premiums, or for goodwill or in conjunction with the sales of other commodities or services.
- (29) **“Dual Residency”** means those situations including, but not limited to, where a person maintains a residence, place of business or business presence, both within and outside the City. A person shall be deemed to have established a legitimate residence, place of business or business presence outside of the City for purposes of dual residency if the person has a physical structure owned, leased or rented by such person which is designated by street number or road location outside of the City, has within it a telephone or telephones in the name of such person and conducts business operations on a regular basis at such location in a manner that includes the type of business activities for which the business (person), as defined in this Code, is organized.
- (30) **“Dwelling Unit”** means a building or any portion of a building designed for occupancy as complete, independent living quarters for one (1) or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.
- (31) **“Engaged in Business in the City”** means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or

consumption, within the City. Engaged in Business in the City includes, but is not limited to, any one of the following activities by a person: (1) Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction; (2) Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons; (3) Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction; (4) Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or (5) Makes more than one delivery into the taxing jurisdiction within a twelve month period by any means other than a common carrier.

- (32) **“Factory Built Housing”** means a manufactured home or modular home.
- (33) **“Farm Closeout Sale”** means full and final disposition of all tangible personal property previously used by a farmer or rancher in farming or ranching operations which are being abandoned.
- (34) **“Farm Equipment”** means any farm tractor, as defined in Section 42-1-102(33), C.R.S., any implement of husbandry, as defined in Section 42-1-102(44), C.R.S., and irrigation equipment having a per unit purchase price of at least one thousand dollars (\$1,000.00). Farm Equipment also includes, regardless of purchase price, attachments and bailing wire, binders twine and surface wrap used primarily and directly in any farm operation. Farm Equipment also includes, regardless of purchase price, parts that are used in the repair or maintenance of the Farm Equipment described in this Paragraph, all shipping pallets, crates, or aids paid for by a farm operation, and aircraft designed or adapted to undertake agricultural applications. Farm Equipment also includes, regardless of purchase price, dairy equipment. Except for shipping pallets, crates or aids used in the transfer or shipping of agricultural products, Farm Equipment does not include: (1) Vehicles subject to the registration requirements of Section 42-3-103, C.R.S., regardless of the purpose for which such vehicles are used; (2) Machinery, equipment, materials, and supplies used in a manner that is incidental to a farm operation; (3) Maintenance and janitorial equipment and supplies; and (4) Tangible personal property used in any activity other than farming, such as office equipment and supplies and equipment and supplies used in the sale or distribution of farm products, research, or transportation.
- (35) **“Farm Operation”** means the production of any of the following products for profit, including, but not limited to, a business that hires out to produce or harvest such products: (1) Agricultural, viticultural, fruit, and vegetable products; (2) Livestock; (3) Milk; (4) Honey; and (5) Poultry and eggs.
- (36) **“Finance Director”** means the Finance Director of (name of municipality) or such other person designated by the municipality; Finance Director shall also include such person's designee.

- (37) **“Food For Home Consumption”** means food for domestic home consumption as defined in 7 U.S.C. sec. 2012 (k) (2014), as amended, for purposes of the supplemental nutrition assistance program, or any successor program, as defined in 7 U.S.C. sec. 2012 (t), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow foods; prepared salads and salad bars; packaged and unpackaged cold sandwiches; deli trays; and hot or cold beverages served in unsealed containers or cups that are vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.
- (38) **“Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring at the residence of the seller, where the property to be sold was originally purchased for use by members of the household where such sale is being conducted. The term includes, but is not limited to, yard sales, estate sales, and block sales.
- (39) **“Gross Sales”** means the total amount received in money, credit, property or other consideration valued in money for all sales, leases, or rentals of tangible personal property or services.
- (40) **“Internet Access Services”** means services that provide or enable computer access by multiple users to the Internet, but shall not include that portion of packaged or bundled services providing phone or television cable services when the package or bundle includes the sale of Internet Access Services.
- (41) **“Internet Subscription Service”** means software programs, systems, data and applications available online through rental, lease or subscription, that provide information and services including, but not limited to, data linking, data research, data analysis, data filtering or record compiling.
- (42) **“License”** means a (name of municipality) sales and/or use tax license.
- (43) **“Linen Services”** means services involving the provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.
- (44) **“Machinery”** means any apparatus consisting of interrelated parts used to produce an article of tangible personal property. The term includes both the basic unit and any adjunct or attachment necessary for the basic unit to accomplish its intended function.
- (45) **“Manufactured Home”** means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.
- (46) **“Manufacturing”** means the operation or performance of an integrated series of operations which places a product, article, substance, commodity, or other tangible personal property

in a form, composition or character different from that in which it was acquired whether for sale or for use by a manufacturer. The change in form, composition or character must result in a different product having a distinctive name, character or use from the raw or prepared materials.

- (47) **“Medical Marijuana”** means marijuana acquired, possessed, cultivated, manufactured, delivered, transported, supplied, sold, or dispensed to a person who qualifies as a patient with a debilitating medical condition(s) under Article XVIII, Section 14, of the Colorado Constitution, and which person holds a valid “registry identification card” issued by the State of Colorado pursuant to Colorado Constitution, Article XVIII, Section 14.
- (48) **“Mobile Machinery and Self-Propelled Construction Equipment”** means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.
- (49) **“Modular Home”** means any structure that consists of multiple sections fabricated, formed or assembled in manufacturing facilities for installation and assembly at the building site, and is constructed to the building codes adopted by the State Division of Housing, created in Section 24-32-706, C.R.S., and is designed to be installed on a permanent foundation.
- (50) **“Motor Fuel”** means gasoline, casing head or natural gasoline, benzol, benzene and naphtha, gasohol and any other liquid prepared, advertised, offered for sale, sold for use or used or commercially usable in internal combustion engines for the generation of power for the propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft or railroad cars or railroad locomotives.
- (51) **“Newspaper”** means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term Newspaper does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.
- (52) **“Online Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring online, where the property to be sold was originally purchased for use by the seller or members of the seller’s household.

- (53) **“Parent”** means a parent of a student.
- (54) **“Person”** means any individual, firm, partnership, joint venture, corporation, limited liability company, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.
- (55) **“Photovoltaic System”** means a power system designed to supply usable solar power by means of photovoltaics, a method of converting solar energy into direct current electricity using semiconducting materials that create voltage or electric current in a material upon exposure to light. It consists of an arrangement of several components, including solar panels to absorb and convert sunlight into electricity, a solar inverter to change the electric current from DC to AC, as well as mounting, cabling, metering systems and other electrical accessories to set up a working system.
- (56) **“Precious Metal Bullion”** means any precious metal, including but not limited to, gold, silver, platinum, palladium, that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content and not its form.
- (57) **“Prepress Preparation Material”** means all materials used by those in the printing industry including, but not limited to, airbrush color photos, color keys, dies, engravings, light-sensitive film, light-sensitive paper, masking materials, Mylar, plates, proofing materials, tape, transparencies, and veloxes, which are used by printers in the preparation of customer specific layouts or in plates used to fill customers' printing orders, which are eventually sold to a customer, either in their original purchase form or in an altered form, and for which a sales or use tax is demonstrably collected from the printer's customer, if applicable, either separately from the printed materials or as part of the inclusive price therefor. Materials sold to a printer which are used by the printer for the printer's own purposes, and are not sold, either directly or in an altered form, to a customer, are not included within this definition.
- (58) **“Preprinted Newspaper Supplements”** shall mean inserts, attachments or supplements circulated in newspapers that: (1) are primarily devoted to advertising; and (2) the distribution, insertion, or attachment of which is commonly paid for by the advertiser.
- (59) **“Prescription Drugs for Animals”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any order in writing, dated and signed by a licensed veterinarian specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.
- (60) **“Prescription Drugs for Humans”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any written or electronic order dated and signed by a licensed practitioner

of the healing arts, or given orally by a practitioner and immediately reduced to writing by the pharmacist, assistant pharmacist, or pharmacy intern, specifying the name and any required information of the patient for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label.

(61) “Price” or “Purchase Price” means the aggregate value measured in currency paid or delivered or promised to be paid or delivered in consummation of a sale, without any discount from the price on account of the cost of materials used, labor or service cost, and exclusive of any direct tax imposed by the federal government or by this article, and, in the case of all retail sales involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if: (1) Such exchanged property is to be sold thereafter in the usual course of the retailer's business, or (2) Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration, or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft, and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

Price or Purchase Price includes:

- (1) The amount of money received or due in cash and credits.
- (2) Property at fair market value taken in exchange but not for resale in the usual course of the retailer's business.
- (3) Any consideration valued in money, whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange.
- (4) The total price charged on credit sales including finance charges which are not separately stated at the time of sale. An amount charged as interest on the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is included in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated at the time of sale is not part of the purchase price.
- (5) Installation, applying, remodeling or repairing the property, delivery and wheeling-in charges included in the purchase price and not separately stated.
- (6) Transportation and other charges to effect delivery of tangible personal property to the purchaser.
- (7) Indirect federal manufacturers' excise taxes, such as taxes on automobiles, tires and floor stock.
- (8) The gross purchase price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

Price or Purchase Price shall not include:

- (1) Any sales or use tax imposed by the State of Colorado or by any political subdivision thereof.

- (2) The fair market value of property exchanged if such property is to be sold thereafter in the retailers' usual course of business. This is not limited to exchanges in Colorado. Out of state trade-ins are an allowable adjustment to the purchase price.
 - (3) Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser, and the seller is not reimbursed for the discount by the manufacturer or someone else. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.
- (62) **“Private Communications Services”** means telecommunications services furnished to a subscriber, which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels, or to the exclusive or priority use of any interstate inter-communications system for the subscriber's stations.
- (63) **“Prosthetic Devices for Animals”** means any artificial limb, part, device or appliance for animal use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed veterinarian. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.
- (64) **“Prosthetic Devices for Humans”** means any artificial limb, part, device or appliance for human use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.
- (65) **“Purchase” or “Sale”** means the acquisition for any consideration by any person of tangible personal property, other taxable products or taxable services that are purchased, leased, rented, or sold. These terms include capital leases, installment and credit sales, and property and services acquired by:
- * (Drafter's Note: for jurisdictions that have separate sales and use tax articles, for this definition in the sales tax article, would strike “used, stored, distributed, or consumed, and include it back in for the use tax article, but for jurisdictions with only sales tax or that combine sales and use tax in one article then include “used, stored, distributed, or consumed.)
- (1) Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property, other taxable products, or taxable services;
 - (2) A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to use tangible personal property, other taxable products, or taxable services;
 - (2a) OPTION: insert after "services," and before the semi-colon, "The utilization of coin operated devices, except coin-operated telephones, which do not vend

articles of tangible personal property shall be considered short term rentals of tangible personal property."

* (Drafter's Note: 2a reflects the desire of several municipalities to state clearly in their codes that use of devices such as laundromat equipment is a taxable rental.)

- (3) Performance of taxable services; or
- (4) Barter or exchange for other tangible personal property, other taxable products, or services.

The terms Purchase and Sale do not include:

- (1) A division of partnership assets among the partners according to their interests in the partnership;
- (2) The transfer of assets of shareholders in the formation or dissolution of professional corporations, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (3) The dissolution and the pro rata distribution of the corporation's assets to its stockholders, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (4) A transfer of a partnership or limited liability company interest;
- (5) The transfer of assets to a commencing or existing partnership or limited liability company, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (6) The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder;
- (7) The transfer of assets from a parent company to a subsidiary company or companies which are owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the subsidiary company;
- (8) The transfer of assets from a subsidiary company or companies which are owned at least eighty percent by the parent company to a parent company or to another subsidiary which is owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the parent corporation or the subsidiary which received the assets;
- (9) The transfer of assets between parent and closely held subsidiary companies, or between subsidiary companies closely held by the same parent company, or between companies which are owned by the same shareholders in identical percentage of stock ownership amounts, computed on a share-by-share basis, when a tax imposed by this article was paid by the transferor company at the time it acquired such assets, except to the extent that there is an increase in the fair market value of such assets resulting from the manufacturing, fabricating, or physical changing of the assets by the transferor company. To such an extent any transfer referred to in this paragraph (11) shall constitute a sale. For the purposes of this paragraph (11) , a closely held subsidiary corporation is one in which the parent company owns stock possessing or membership interest at least eighty percent of the total combined voting power of all classes of stock entitled to vote and owns at least eighty percent of the total number of shares of all other classes of stock.

(65) OPTION: Same as above, except do not include subparagraphs (7), (8) and (9)

* (Drafter's Note: (65) 1 reflects a preference by a minority of municipalities to consider the transactions described in subparagraphs (7) , (8) and (9) as “purchases” or “sales”; (65) is the State's language and that utilized by most municipalities.)

- (66) **“Rail Carrier”** means as defined in Section 10102 of Title 49 of the United States Code as of October 10, 2013, and as it may be amended hereafter.
- (67) **“Rail Carrier Part”** means any tangible personal property that is originally designed and intended to be permanently affixed or attached as a component part of a locomotive or rail car used by a rail carrier.
- (68) **“Recreation Services”** means all services relating to athletic or entertainment participation events and/or activities including but not limited to pool, golf, billiards, skating, tennis, bowling, health/athletic club memberships, coin operated amusement devices, video games and video club memberships.
- (69) **“Renewable Energy”** means any energy resource that is naturally regenerated over a short time scale and derived directly from the sun (such as thermal, photochemical, and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy). Renewable Energy does not include energy resources derived from fossil fuels, waste products from fossil sources, or waste products from inorganic sources.
- (70) **“Resident”** means a person who resides or maintains one or more places of business within the City, regardless of whether that person also resides or maintains a place of business outside of the City.
- (71) **“Retail Sales”** means all sales except wholesale sales.
- (72) **“Retailer”** means any person selling, leasing, renting, or granting a license to use tangible personal property or services at retail. Retailer shall include, but is not limited to, any: (1) Auctioneer; (2) Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer; (3) Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes; (4) Retailer-Contractor, when acting in the capacity of a seller of building supplies, construction materials, and other tangible personal property.
- (73) **“Retailer-Contractor”** means a contractor who is also a retailer of building supplies, construction materials, or other tangible personal property, and purchases, manufactures, or

fabricates such property for sale (which may include installation), repair work, time and materials jobs, and/or lump sum contracts.

- (74) **“Return”** means any form prescribed by the city/town administration for computing and reporting a total tax liability.
- (75) **“Sale that Benefits a Colorado School”** means a sale of a commodity or service from which all proceeds of the sale, less only the actual cost of the commodity or service to a person or entity as described in this Code, are donated to a school or a school-approved student organization.
- (76) **“Sales Tax”** means the tax that is collected or required to be collected and remitted by a retailer on sales taxed under this Code.
- (77) **“School”** means a public or nonpublic school for students in kindergarten through 12th grade or any portion thereof.
- (78) **“Security System Services”** means electronic alarm and/or monitoring services. Such term does not include non-electronic security services such as consulting or human or guard dog patrol services.
- (79) **“Soft Drink”** means a nonalcoholic beverage that contains natural or artificial sweeteners. “Soft drink” does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.
- (80) **“Software Program”** means a sequence of instructions that can be measured, interpreted and executed by an electronic device (e.g. a computer, tablets, smart phones) regardless of the means by which it is accessed or the medium of conveyance. Software program includes: (1) Custom software program, which is a software program prepared to the special order or specifications of a single customer; (2) Pre-written software program, which is a software program prepared for sale or license to multiple users, and not to the special order or specifications of a single customer. Pre-written software is commonly referred to as “canned,” “off-the-shelf (“COTS”),” “mass produced” or “standardized;” (3) Modified software, which means pre-written software that is altered or enhanced by someone other than the purchaser to create a program for a particular user; and (4) The generic term “software,” “software application,” as well as “updates,” “upgrades,” “patches,” “user exits,” and any items which add or extend functionality to existing software programs.
- (81) **“Software as a Service”** means software that is rented, leased or subscribed to from a provider and used at the consumer’s location, including but not limited to applications, systems or programs.
- (82) **“Software License Fee”** means a fee charged for the right to use, access, or maintain software programs.

- (83) **“Software Maintenance Agreement”** means an agreement, typically with a software provider, that may include (1) provisions to maintain the right to use the software; (2) provisions for software upgrades including code updates, version updates, code fix modifications, enhancements, and added or new functional capabilities loaded into existing software, or (3) technical support
- (84) **“Solar Thermal Systems”** means a system whose primary purpose is to use energy from the sun to produce heat or cold for: (1) Heating or cooling a residential or commercial building; (2) Heating or cooling water; or (3) Any industrial, commercial, or manufacturing process.
- (85) **“Sound System Services”** means the provision of broadcast or pre-recorded audio programming to a building or portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.
- (86) **“Special Fuel”** means kerosene oil, kerosene distillate, diesel fuel, all liquefied petroleum gases, and all combustible gases and liquids for use in the generation of power for propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft, railroad cars or railroad locomotives.
- (87) **“Special Sales Event”** means any sales event which includes more than three (3) Vendors taking place at a single location for a limited period of time not to exceed seven (7) consecutive days.
- (88) **“Storage”** means any keeping or retention of, or exercise dominion or control over, or possession of, for any length of time, tangible personal property not while in transit but on a stand still basis for future use when leased, rented or purchased at retail from sources either within or without the City from any person or vendor.
- (89) **“Student”** means any person enrolled in a school.
- (90) **“Tangible Personal Property”** means personal property that can be one or more of the following: seen, weighed, measured, felt, touched, stored, transported, exchanged, or that is in any other manner perceptible to the senses.
- (91) **“Tax”** means the use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.
- (92) **“Tax Deficiency” or “Deficiency”** means any amount of tax, penalty, interest, or other fee that is not reported and/or not paid on or before the date that any return or payment of the tax is required under the terms of this Code.
- (93) **“Taxable Sales”** means gross sales less any exemptions and deductions specified in this Code.

- (94) **“Taxable Services”** means services subject to tax pursuant to this Code.
- (95) **“Taxpayer”** means any person obligated to collect and/or pay tax under the terms of this Code.
- (96) **“Telecommunications Service”** means the service of which the object is the transmission of any two-way interactive electronic or electromagnetic communications including but not limited to voice, image, data and any other information, by the use of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave, Voice over Internet Protocol (VoIP), or any combinations of such media, including any form of mobile two-way communication.
- ** Drafter’s Note: Municipalities may consider adding, “Telecommunications service” does not include separately stated non-transmission services which constitute computer processing applications used to act on the information to be transmitted’ to their exemption language.
- (97) **“Television & Entertainment Services”** means audio or visual content, that can be transmitted electronically by any means, for which a charge is imposed.
- (98) **“Therapeutic Device”** means devices, appliances, or related accessories that correct or treat a human physical disability or surgically created abnormality.
- (99) **“Toll Free Telecommunications Service”** means a Telecommunications Service that allows a caller to dial a number without incurring an additional charge for the call.
- (100) **“Total Tax Liability”** means the total of all tax, penalties and/or interest owed by a taxpayer and shall include sales tax collected in excess of such tax computed on total sales.
- (101) **“Transient / Temporary Sale”** means a sale by any person who engages in a temporary business of selling and delivering goods within the city for a period of no more than seven consecutive days.
- (102) **“Transient / Temporary Vendor”** means any person who engages in the business of Transient / Temporary Sales.
- (103) **“Use”** means the exercise, for any length of time by any person within the City of any right, power or dominion over tangible personal property or services when rented, leased or purchased at retail from sources either within or without the City from any person or vendor or used in the performance of a contract in the City whether such tangible personal property is owned or not owned by the taxpayer. Use also includes the withdrawal of items from inventory for consumption.
- (104) **“Use Tax”** means the tax paid or required to be paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the City.

- (105) “Wholesale Sales”** means a sale by wholesalers to retailers, jobbers, dealers, or other wholesalers for resale and does not include a sale by Wholesalers to users or consumers not for resale; latter types of sales shall be deemed to be Retail Sales and shall be subject to the provisions of this chapter.
- (106) “Wholesaler”** means any person doing an organized wholesale or jobbing business and selling to Retailers, jobbers, dealers, or other Wholesalers, for the purpose of resale, and not for storage, use, consumption, or distribution.



Colorado Automobile Dealers Association



Jan. 31, 2017

The Standardized Sales Tax Project is a simplification effort undertaken by locally collecting home rule cities and towns in conjunction with the business community and the Colorado General Assembly. This project is built on the strong partnership between municipal governments and the business community to work together to make locally collected taxes easier to file, report, and remit.

The General Assembly adopted Senate Joint Resolution (SJR) 14-038, asking the Colorado Municipal League (CML) to work with its members to develop a package of standardized definitions, reprising a successful effort led by CML in 1992. CML supported SJR14-038. The goals in developing these definitions were to add clarity about current tax practices without a fiscal impact. No new tax is levied and no increase in tax revenue is expected, because the updated definitions were drafted to reflect current tax practices.

Government and business recognize that the use of different definitions by locally collecting municipalities for the same sales tax term is a source of complexity for businesses that operate in multiple municipalities. Using standardized definitions minimizes this complexity.

CML's membership has been strongly supportive of simplification efforts originating at the local level – and the CML Executive Board has recommended adoption of these definitions to its membership. Likewise, we urge you to consider the benefits of standardized sales tax definitions to your locally collecting city or town, as well as your resident businesses and multi-jurisdictional businesses that work hard to collect your sales tax.

The following statewide associations, in addition to CML, support the adoption standardized sales tax definitions by all 69 locally collecting home rule municipalities: Colorado Association of Commerce & Industry, Colorado Retail Council, Colorado Automobile Dealers Association, and Simplify Colorado Sales Tax.

Sincerely,

Sam Mamet
Colorado Municipal League
Executive Director

Loren Furman
Colorado Association of Commerce &
Industry Senior Vice President of State and
Federal Relations

Christopher Howes
Colorado Retail Council President

Tim Jackson
Colorado Automobile Dealers Association
President

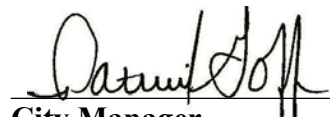
Tony Gagliardi
National Federation of Independent
Business Colorado State Director and
Coalition to Simplify Colorado Sales Tax
President

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO AWARD A CONTRACT TO MOORE IACOFANO GOLTSMAN, INC. IN THE AMOUNT OF \$124,950 FOR THE ANDERSON PARK RENOVATION MASTER PLAN**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

The scope of this contract award is for the preparation of a master plan for the renovation of Anderson Park, which includes focus group meetings, community and stakeholder meetings, Park and Recreation Commission review and recommendation, and City Council approval.

The master plan design will address the functions and traffic flow of the park, the entryway, and the Anderson Building. It also includes plans for the outdoor pool bathhouse renovation, pavilion replacement, field rehabilitation, and possibly the addition of new amenities.

The improvements associated with this project are intended to provide an updated park that functions effectively for the current uses, future trends and park users.

PRIOR ACTION:

In November of 2016, Wheat Ridge voters approved a ½ cent increase in the City's sales tax rate in order to fund investments that will improve the community. The renovation of Anderson Park is one of the four projects identified for use of these funds.

FINANCIAL IMPACT:

The Anderson Park renovation budget is four million dollars. The Master Plan phase was estimated at \$125,000. The Master Plan will be funded out of the 2E Fund 31.

BACKGROUND:

The 2015 Parks and Recreation Master Plan was adopted by City Council in April of 2015. The plan recommends redevelopment of Anderson Park. This beautiful and unique park currently borders Clear Creek on two sides, has a large picnic pavilion, playground, baseball field and soccer field. It also houses the Anderson building, outdoor pool, Parks, Forestry and Open Space maintenance shops and administration buildings and is the venue for the Carnation Festival and Kite Flite Festival.

The Neighborhood Revitalization Strategy plan recommends improving the entrance and view corridors into the park to maximize the location and promote awareness of the park and it's amenities.

Sixteen landscape architecture firms submitted qualifications in response to RFQ-JN-17-01. An evaluation committee narrowed the list to the top three submittals, and held presentation/interviews with those three teams. Following the interviews, the team led by Moore Iacofano Goltsman Inc. (MIG), was identified by the committee as best meeting the needs of the City for creation of the Anderson Park Master Plan. The MIG team also includes Barker, Rinker, Seacat Architecture, Kiowa Engineering Corp., and AE Design. Earlier this month the evaluation committee met with representatives of MIG to discuss the project for refinements to the scope.

RECOMMENDATIONS:

Staff recommends award of contract for design development and construction documents to Moore Iacofano Goltsman Inc.

RECOMMENDED MOTION:

“I move to award a contract to Moore Iacofano Goltsman, Inc. in the amount of \$124,950 for the Anderson Park Renovation Master Plan.”

Or,

“I move to deny the award of a contract to Moore Iacofano Goltsman, Inc. in the amount of \$124,950 for Anderson Park Renovation Master Plan for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Joyce Manwaring, Director of Parks and Recreation
Patrick Goff, City Manger

ATTACHMENTS:

1. Negotiated Scope of Work
2. Estimated Cost Proposal



Anderson Park Renovation Plan: Phase 1 Scope of Work and Deliverables March 20, 2017

SCHEDULE

The MIG Team is prepared to complete the work shown below by the end of 2017 (assuming an early April authorization to proceed).

PHASE 0.0: ON-GOING PROJECT MANAGEMENT

Task 0.0 Project Initiation

Prior to the Kick-off Meeting, MIG will work with City of Wheat Ridge Parks and Recreation Staff (City staff) to reach consensus on the project requirement, desired outcomes and final the scope of work.

- A. Refine the Project Schedule to reflect City Staff input and distribute to all interested parties.
- B. A critical step in Project Initiation will be to reach consensus on the public outreach approach. Jay Renkens and Paul Kuhn from MIG will work with City staff to develop the preferred public outreach approach including the methods used, timing within the schedule and the desired outcomes. We will also revise the scope of work and fees as needed based on the approved outreach approach.

Task 0.1 On-Going Project Management

As part of the on-going project management tasks for the Anderson Renovation Plan, MIG's Project Management staff will:

- A. Meet or conduct a conference call with City staff at least once a month over the course of the project. The goal will be to review: Work completed to date, value added services, budget completion versus scheduled completion and upcoming milestones. These meetings will typically involve Paul Kuhn and/or Samantha Suter. Jay Renkens will participate where the discussion will include planning or implementing the public outreach process.
- B. MIG will prepare a brief status report to be submitted with each month's invoice that summarizes completed work, current activities and upcoming tasks. Monthly invoices will also include the percent complete for each phase of work and a detailed breakdown of MIG's hours that month.

PHASE 1.0: PROJECT START-UP AND DATA GATHERING

Task 1.1 Kick-Off Meeting

The key members of the MIG Design Team (MIG; Barker Rinker Seacat Architecture; Kiowa Engineering; and AE Design) will meet with members of the City of Wheat Ridge Parks and Recreation Staff (City staff) and members of other City Departments (as appropriate) to:

- A. Agree on the roles and responsibilities of project participants – City, Design Team and other participants.
- B. Identify issues and confirm project goals, key milestones, products and outcomes.
- C. Collect, or identify the method to collect existing City data.
- D. Review relevant recommendations and findings contained in the 2006 and 2015 Parks and Recreation Master Plans (and other relevant City and neighborhood plans).



- E. Review the project schedule including key submittal dates, public engagement events and presentations to City Council and the Parks and Recreation Commission.
- F. Discuss the public engagement strategy and the roles and responsibilities of the MIG Design Team and the City staff.
- G. Determine the composition and mandate for the Stakeholder Advisory Group, including the objectives for each of the scoped Stakeholder Advisory Group meetings.

Task 1.2 Base Mapping

Unless initiated prior to the start of work, the MIG Design Team will work with City staff to establish the parameters of the survey and base mapping required for the project that will be completed by a consultant under separate contract with the City. The base mapping will include topography (1' contours), existing improvements such as fencing, shelters, play equipment, buildings and light poles; the locations and sizes of existing trees in excess of 4" in diameter; inlets and storm water facilities; locations and elevations for pavements and walks within and adjacent to the project area; and locations of existing utilities (both above and below ground), etc. We have assumed that if a boundary survey and/or amended plat is needed it will either be completed by the City's on-call survey consultant. Kiowa Engineering is qualified and available to provide this service as an additional service. The MIG Design Team will collect the AutoCAD base map file that will be prepared once the survey is completed.

Task 1.3 Conduct Background Research

The MIG Design Team will collect and process existing data (provided by City staff) including:

- A. Current City planning documents and other park planning data and reports related to the project.
- B. Studies and plans related to existing and proposed park land uses and transportation systems.
- C. City planning maps of surrounding context including trails maps, traffic data for 44th Avenue, and any proposed land development in the vicinity.
- D. Results of prior community surveys (if available).
- E. Existing as-built drawings for the Anderson Building and Bathhouse.

Task 1.4 Site Inventory / Opportunities and Constraints

The MIG Design Team will visit the Anderson Park site with City staff to discuss key constraints / opportunities and review existing infrastructure and important features. A critical element of this walk though will be to identify the status of existing facilities: What are the "givens" for the park? What assets must be preserved in the current location? What assets must be part of the program, but in a different location? What assets will likely be demolished or significantly renovated to meet programming needs? During the site visit MIG will also augment photography from earlier site visits and note conditions of special concern.

- A. MIG will use existing mapping and air photos to document the location of valuable existing trees. The determination as to whether a tree is to be preserved or removed to accommodate a future program element would occur later in the planning process, after the site survey and base mapping has been completed.
- B. Following the site inventory MIG (with Design Team input) will prepare a site analysis / opportunities and constraints summary graphic.



Task 1.5 Review of Park Structures

- A. BRS will provide a comprehensive analysis of Anderson Building and Bathhouse. Evaluation will include a visual inspection of interior and exterior conditions (siding, flooring, ceilings and wall finishes and equipment.) BRS will seek input from City Staff on current condition of mechanical, electrical and plumbing systems.
 - a. BRS will provide a narrative on building construction and the pros and cons of the ability to repair, renovate or expand the structure.
 - b. Note: BRS is available to produce measured drawings for the Anderson Building and Bathhouse as an optional service if as-built drawings are not available.
- B. MIG will evaluate the existing park structures as part of the site inventory. This effort will primarily focus on the picnic shelters as it is assumed that the restroom/concession/storage buildings in the park are in good condition.
 - a. BRS is available to review the condition of other park structures not associated with pool complex or the Anderson Building as an optional service.

Task 1.6 Infrastructure Due Diligence

- A. Kiowa Engineering and AE Design will evaluate the utility systems serving the site to verify the locations and capacity relative to the design requirements for potential uses.
- B. Kiowa Engineering will expand on the flood plain research completed prior to the interview and provide a brief written summary of the findings and next steps.
- C. Kiowa Engineering will also review the on-site drainage systems.
- D. The MIG Design Team's infrastructure and drainage findings will be summarized in a brief memorandum.

Task 1.7 Stakeholder Advisory Group Meeting #1

MIG, BRS and City staff will meet with the members of the Stakeholder Advisory Group to summarize the findings of the site evaluation; review the Renovation Plan process, key milestones and anticipated outcomes; and to discuss their vision for the renovated Anderson Park.

Task 1.8 Project Website Graphics and Text

MIG will provide graphics and a brief text or bulleted summary that highlights the salient points for each graphic and/or excerpts from interim written products produced by the MIG Design Team during the Renovation Plan process. The graphics and text will be used by City staff to create a project specific page on the existing City website. MIG will provide materials for website updates up to four times throughout the Renovation plan process.

Phase 1.0: Deliverables

- Updated project schedule.
- Detailed public engagement strategy.
- Key findings from background research.
- Site Inventory / Opportunities and Constraints Graphic.
- Finding of the review of the Anderson Building, Bathhouse and park structures
- Infrastructure Due Diligence Summary.
- Summary of Stakeholder Advisory Group meeting.
- Digital graphics and text for the City's website.



PHASE 2.0: FOCUS GROUPS

Task 2.1 Prepare for Focus Groups

The MIG and BRS will conduct a series of four focus groups / stakeholder interviews in the first month of the project and then follow up with these and other stakeholders as deemed appropriate throughout the remainder of the effort. The focus groups will be conducted over two afternoons. The stakeholders will be interviewed separately where possible but may be combined where interests overlap. For the City staff focus group, MIG and BRS staff will jointly interview City staff and then break into smaller groups to focus on specific areas of interest. The focus group questions will be drafted with City staff input and reviewed prior to the interviews. City staff will identify the focus group participants, schedule and send out invitations and secure a venue.

Task 2.2 Focus Group 1: City Staff

MIG and BRS staffs will conduct a focus group with key City staff to understand how the park is currently being used and staff's vision for the renovated park. This will likely be the longest of the four focus groups. Areas of focus include:

- A. City staff's vision for the renovated park.
- B. The scope, timing and space demands for special events and opportunities for new events.
- C. The interface between the pool complex, the Anderson Building and the park.
- D. Facilities to remain unchanged and opportunities for expansion of new facilities.
- E. After this initial discussion, smaller groups will be formed.
 - a. BRS will meet with City staff that is responsible for the programming and function of the Anderson Building and Pool Complex (Bathhouse).
 - b. MIG will meet with Parks staff to review the programming and use patterns for the park's amenities and fields.

Task 2.3 Focus Group 2: Special Events Groups

MIG will conduct a focus group or a series of one-on-one interviews with the groups that sponsor special events. Areas of discussion could include scope, timing and space demands for their event; potential for growth and physical improvements that are needed in the park to improve the event's function or the attendee's experience.

Task 2.4 Focus Group 3: Anderson Building, Pool Complex and Park Facilities User Groups

- A. BRS staff will conduct a focus group with the user groups and stakeholders for the pool complex and Anderson Building to determine needs, improvements, and programming desires.
- B. MIG will meet concurrently, but separately with representatives from the sports leagues / associations that use the existing soccer fields and baseball field.
- C. Following the focus groups, BRS and MIG staff's will meet to discuss areas of overlap between the Anderson Building/Pool Complex and the remainder of the park (e.g. extent the park used for shade tents during a large swim meet).

Task 2.5 Focus Group #4: Residents and Other Stakeholders

In the fourth focus group, MIG and BRS staffs will meet with a representative cross section of the community or other smaller stakeholder groups such as neighbors, trail users or seniors to understand their issues and concerns with the current park and how changes to the park would be viewed.



Task 2.6 Summarize Input

MIG will provide a written summary of the input received at each focus group.

Phase 2.0: Deliverables

- Written summary of the input received in each focus group.

PHASE 3.0: PROGRAMMING AND DESIGN CHARRETTE

Task 3.1 Draft Project Vision and Goals

Based on the input received during the focus groups, the field reviews and site analysis, and input from City staff, the MIG Design Team will develop a draft project vision goal statement for the renovation of Anderson Park, the Anderson Building and the Bathhouse. The MIG Team will also develop a set of goals that will be crafted in a manner that they can be used to evaluate programming and design concepts throughout the process.

Task 3.2 Programming

The based on the vision and input from previous steps, the MIG Design Team will develop the preliminary program options for Anderson Park:

- A. MIG will develop a list of potential program elements that could be added to Anderson Park including facilities for special events / performances and enhancements to vehicular and pedestrian / bike access to the park. The preliminary program will also begin the process of identifying park facilities that will remain in place, without being renovated.
- B. The program elements will be supported by precedent images of similar existing facilities.
- C. BRS will develop a list of potential improvements based on public input and staff expectations. The preliminary improvements will be prioritized by immediate needed repairs, possible renovations and expansion or replacement. Additionally, BRS will provide a summarized narrative of potential programmatic changes, possibilities or capabilities (if any) and high level cost implications
- D. The MIG Design Team will also identify any increase in parking demand for new uses.
- E. Prepare materials for the Design Charrette.

Task 3.3 Flood Plain Changes

Kiowa Engineering will identify and map the changes to the 100-year flood plain based on data collected from FEMA, the Urban Drainage and Flood Control District and City Public Works. This will likely be an on-going effort which is revised as new updates on the flood plain are provided by the governing agencies during the Renovation Plan process.

Task 3.4 Design Charrette

The relevant members of the MIG Design Team will meet with City staff explore design options for the park. The goal will be to apply the facilities included in the Preliminary Program in various configurations to take advantage of opportunities and the updated flood plain mapping. This will be a half-day "Digital Design Charrette" where site plan options will be explored in real-time in SketchUp with City staff and Design Team input. The goal for the charrette will be to develop two to three viable concept sketches for Anderson Park.



Phase 3.0: Deliverables

- Project vision and goals.
- Summary of the preliminary programming options for the park, Anderson Building, Bathhouse.
- Preliminary revisions to the 100-year flood plain mapping.
- Digital design studies from the charrette.

PHASE 4.0: CONCEPT ALTERNATIVES DEVELOPMENT

Task 4.1 Develop Concept Alternatives

The MIG Design Team will:

- A. Develop three Concept Alternatives that illustrate site organization, the application of the programmatic options, character, and access. The Concept Alternatives will consider: roadways and parking; athletic fields; program summary, conceptual floor plans (including square footages) and elevations for the Anderson Building / Bathhouse and summary of programmatic capabilities; concepts for accommodating special events and performances; locations for new park structures (picnic shelters, stage, etc.); new trails, paths and access points to the creek; park play features and amenities; and buffers. While it is possible that some elements of the Concept Alternatives may be plug-and-play between two or more options, the intent of the Concept Alternatives is to optimize three distinct approaches to realizing the community's vision and goals for Anderson Park. Precedent images of built park amenities will be incorporated in photo boards to help illustrate the intended character and function of each proposed feature.
- B. Provide a summary of the pros and cons of each Concept Alternative that will help to organize the presentation of the concepts to the public and the Stakeholder Advisory Group. The format of this summary will be a matrix or other system that measures and compares each concept against a consistent evaluation criteria derived from the community's vision and vision / goals established in earlier phases.
- C. MIG staff will review the site to identify existing trees to be removed or preserved given the locations for the improvements in the proposed Concept Alternatives. The goal will be to determine if changes are required to the Concept Alternatives to preserve valuable existing trees. This review should be conducted with City Parks staff and the City Forester participating. Note: This is shown as an optional service until it is determined that major trees will be impacted in the park's renovation.
- D. Kiowa Engineering and AE Design will evaluate the impact each Concept Alternative will have on the site's infrastructure and drainage and identify the necessary enhancements.
- E. The MIG Design Team will develop order of magnitude opinions of probable cost for each alternative. Given the preliminary nature of the Concept Alternatives, allowances will be used for costs that require more detailed engineering such as grading, infrastructure, etc.

Task 4.2 City Staff Review

The relevant members of the MIG Team will meet with City staff review the preliminary Concept Alternatives. The MIG Design Team will revise the Concept Alternatives based on City staff input and prepare the materials for the Stakeholder Advisory Group review.

Task 4.3 Stakeholder Advisory Group Meeting #2

MIG, BRS and City staff will meet with the members of the Stakeholder Advisory Group and present Conceptual Alternatives for the Anderson Park Renovation Plan. This meeting could be expanded to include representatives from key stakeholder and user groups to broaden input.



Task 4.4 Plan and Prepare for Intercept Event

MIG will work with City staff to discuss the details, timing, presentation materials, staffing and expected outcomes for the intercept event to be held in Anderson Park (or other location). The MIG Design Team will prepare the materials for the intercept event based on direction from the Stakeholder Advisory Group and City staff.

Task 4.5 Pop-Up Community Workshop Intercept Event

The specifics of the Pop-Up Community Workshop Intercept Event to be held in Anderson Park will be determined either during Project Initiation or in advance of the event. Intercept events typically take the form of a pop-up tent at the park site or a station at a special event in the park or other City venue. The intercept event will feature boards that tell the story for the work completed in the previous phases and the Preliminary Concept Alternative plans. The goal of this event will be to get direction on a preferred vision for Anderson Park. The MIG Design Team will establish a way to differentiate input from Wheat Ridge residents from non-residents and summarize input received. The MIG Design Team is targeting the Saturday of the City's annual Carnation Festival (scheduled for August 11th – 13th) as the date for this intercept event.

Task 4.6 Project Website Graphics and Text

MIG will provide graphic content to update the Anderson Park Renovation Plan page of the City's website.

Phase 4.0: Deliverables

- Three color renderings of the Concept Alternatives for the park, Anderson Building and Bathhouse.
- Pro-con summary of the strengths and weaknesses of the Concept Alternatives (e.g., how well does each concept help the community realize the vision and goals for Anderson Park).
- Order of magnitude opinions of probable cost.
- Summary of Stakeholder Advisory Group meeting.
- Summary of input from the intercept event.
- Digital graphics and text for the City's website.

PHASE 5.0: DRAFT ANDERSON PARK RENOVATION PLAN

Task 5.1 Refine and Produce the Draft Anderson Park Renovation Plan

Based on input from the Intercept Event, the Stakeholder Advisory Group and City staff, the MIG Design Team will refine one of the Conceptual Alternatives for the park (or combination of plans) and develop the Draft Anderson Park Renovation Plan and supporting materials. The draft plan will include:

- A. A summary of the public outreach and planning process.
- B. Overview of vision and goals.
- C. The final program recommendations for both the park and park structures.
- D. A brief summary of Concept Alternatives and the associated evaluation.
- E. The Anderson Park Renovation Plan site organization and layout.
- F. Photo precedent images of key program and design elements.
- G. Renovation plans for the Anderson Building and Bathhouse which will include floorplans, elevations, program summary, and a high-level description of potential finishes.
- H. Improvements to roads and parking.



- I. Improvements to pedestrian and bicycle access to the park, as well as access to the creek.
- J. The findings for the flood plain analysis and impact on the Anderson Park site plan.
- K. Proposed enhancement to the site's infrastructure and storm drainage systems (a renovation master plan for utilities).
- L. A summary of the green design systems included in Renovation Plan (e.g., energy performance, green infrastructure, sustainable materials / finishes, multi-modal access, etc.).

Task 5.2 Develop and Opinion of Probable Cost and Phasing Options

The MIG Design Team will develop an opinion of probable cost for Anderson Park's Phase 1 Construction (using the bond monies and other funding sources if available). The opinion of probable cost will focus on the improvements that will fit within the Phase 1 budget. Other future / long-term improvements may be shown on the Renovation Plan's illustrative graphic (e.g. potential uses for the Parks Forestry and Open Space Administration Building and Operations Shops once they are relocated to a new City Yard facility) but may not be included in the opinion of cost.

Task 5.3 City Staff Review and Community Meeting Planning Meeting

The relevant members of the MIG Design Team will meet with City staff to review the Draft Anderson Park Renovation Plan and the presentation outline for the Community Meeting. Revise and refine as needed and prepare the materials for the Community Meeting. Submit to City staff for review and approval prior to the meeting.

Task 5.4 Community Meeting

The goals of the Community-Meeting will be to:

- A. Review the key findings from Phases 1.0 to 4.0 -- focusing on the public input from those phases.
- B. Solicit input on vision and goals for the park's renovation.
- C. Present the Draft Anderson Park Renovation Plan for the park, the Anderson Building and the Bathhouse.
- D. MIG and BRS will help facilitate and present at the meeting, provide graphics for the presentation and will record the input from the attendees using the "Wallgraphic" recording system. BRS staff will present the plans for the Anderson Building and the Bathhouse.

Task 5.5 Prep for Parks and Recreation Commission and City Council Meetings

MIG and BRS will work with City staff to prepare an outline that highlights the preliminary recommendations of the Draft Anderson Park Renovation Plan which will then be presented Parks and Recreation Commission and City Council. Prior to each packet date, MIG will prepare the presentation materials for the meetings, which will be submitted to City staff for review and approval.

Task 5.6 Parks and Recreation Commission Meeting

MIG and BRS will assist City staff in presenting the Draft Anderson Park Renovation Plan to the Parks and Recreation Commission. MIG and BRS will prepare the presentation materials for the meeting, which will be submitted to City staff for review and approval.



Task 5.7 City Council Presentation

MIG and BRS will assist City staff in presenting the Draft Anderson Park Renovation Plan to City Council. Prior to the packet date, MIG and BRS will prepare the presentation materials for the meeting, which will be submitted to City staff for review and approval.

Task 5.8 Project Website Graphics and Text

MIG will provide graphic content to update the Anderson Park Renovation Plan page of the City's website.

Phase 5.0: Deliverables

- Draft Anderson Park Renovation Plan document and supporting materials
- Presentation materials for the Parks and Recreation Commission and City Council Meetings
- Digital graphics and text for the City's website.

PHASE 6.0: FINAL ANDERSON PARK RENOVATION PLAN

Task 6.1 Complete and Package the Final Anderson Park Renovation Plan Document

The MIG Design Team will complete the final Anderson Renovation Plan report document. The document will be concise (approximately 20 - 30 pages) and will be laid out in desktop publishing format with photographs, illustrations, and an illustrative Renovation Plans for the park and park building renovations along with supporting graphics. The Anderson Park Renovation Plan document will be in an 8 ½" x 11" format. Full-size color site plans and floor plan / building elevation plans (+/- 24" x 36") will also be provided.

Phase 6.0: Deliverables

- Draft and Final Anderson Park Renovation Plan with supporting maps, graphics and opinion of probable cost (hard copy and digital copy).
- Full-size color site plans and floor plans / building elevation plans
- Digital graphics and text for the City's website.

ANDERSON PARK RENNOVATION MASTER PLAN

estimated project cost

City of Wheat Ridge

Attachment 2

March 20, 2017

March 20, 2017		MIG, Inc.														Barker Rinker Seacat Architecture	Kiowa Engineering Corporation	AE Design	Direct Costs	Professional Fees Totals		
		Jay Renkens <i>Principal-in-Charge</i>		Paul Kuhn <i>Sr. Project Manager / RLA</i>		Chase Mullen <i>Visualization Specialist</i>		Samantha Suter <i>Project Associate II</i>		Brian Pille <i>Landscape Architect / Deputy PM</i>		Elly Brophy <i>Project Associate</i>		MIG <i>Project Assistant</i>							MIG Totals	
		Hours @	\$175	Hours @	\$145	Hours @	\$135	Hours @	\$110	Hours @	\$90	Hours @	\$75	Hours @	\$80							
Task 0.0: On-Going Project Management																						
0.0	Project Initiation (Schedule / Project Set-Up)		\$0	2	\$290		\$0	2	\$220		\$0		\$0	3	\$240	7	\$750				\$750	
	-- Refine Public Outreach Approach	1	\$175		\$0		\$0	3	\$330		\$0		\$0		\$0	4	\$505				\$505	
0.1	On-going Project Management (April - December 2017)		\$0	8	\$1,160		\$0	6	\$660		\$0		\$0	4	\$320	18	\$2,140	\$1,634	\$500	\$250	\$7	\$4,531
	Subtotal	1	\$175	10	\$1,450	0	\$0	11	\$1,210	0	\$0	0	\$0	7	\$560	29	\$3,395	\$1,634	\$500	\$250	\$7	\$5,786
Task 1.1: Project Start-Up and Data Gathering																						
1.1	Kick-Off Meeting	4	\$700	4	\$580		\$0	4	\$440		\$0		\$0		\$0	12	\$1,720	\$1,080	\$1,025	\$950	\$24	\$4,798
	-- Collect Air Photo for Early Site Work / Meeting Prep		\$0		\$0		\$0	2	\$220		\$0		\$0		\$0	2	\$220					\$220
1.2	Finalize Base Mapping from City's Survey Subconsultant		\$0		\$0		\$0		\$0	4	\$360		\$0		\$0	4	\$360		\$250			\$610
1.3	Conduct Background Research		\$0		\$0		\$0	4	\$440		\$0		\$0		\$0	4	\$440					\$440
1.4	Site Inventory / Opportunities and Constraints		\$0	4	\$580		\$0	4	\$440	4	\$360		\$0		\$0	12	\$1,380	\$242	\$2,800	\$500	\$49	\$4,971
	-- Site Inventory / Opportunities and Constraints Graphic		\$0		\$0		\$0	3	\$330		\$0	18	\$1,350		\$0	21	\$1,680					\$1,680
1.5	Review of Park Structures, Evaluation and Summary		\$0	1	\$145		\$0		\$0		\$0		\$0		\$0	1	\$145	\$2,878			\$12	\$3,034
	-- Measured Drawings of Buildings (BRS Optional Service: \$2,000)		\$0		\$0		\$0		\$0		\$0		\$0		\$0	0	\$0					\$0
1.6	Infrastructure Due Diligence		\$0	1	\$145		\$0		\$0	1	\$90		\$0		\$0	2	\$235		\$4,975	\$1,850		\$7,060
1.7	Stakeholder Advisory Group Meeting #1	3	\$525		\$0		\$0	3	\$330		\$0		\$0		\$0	6	\$855	\$1,081			\$24	\$1,959
	-- Meeting Coordination / Prep / Summary		\$0		\$0		\$0	4	\$440		\$0		\$0		\$0	4	\$440					\$440
1.8	Project Website Graphics and Text		\$0		\$0		\$0	2	\$220		\$0		\$0		\$0	2	\$220					\$220
	Subtotal	7	\$1,225	10	\$1,450	0	\$0	26	\$2,860	9	\$810	18	\$1,350	0	\$0	70	\$7,695	\$5,280	\$9,050	\$3,300	\$107	\$25,432
Task 2.0: Focus Groups																						
2.1	Prepare for Focus Groups	1	\$175		\$0		\$0	8	\$880		\$0		\$0		\$0	9	\$1,055	\$948				\$2,003
2.2	Focus Group 1: City Staff (Day 1)	3	\$525	3	\$435		\$0	3	\$330		\$0		\$0		\$0	9	\$1,290	\$1,060			\$34	\$2,383
2.3	Focus Group 2: Special Events Groups (Day 1)	2	\$350		\$0		\$0	2	\$220		\$0		\$0		\$0	4	\$570					\$570
2.4	Focus Group 3: Anderson Bldg., Pool & Park User Groups (Day 2)		\$0	2	\$290		\$0	2	\$220		\$0		\$0		\$0	4	\$510	\$494			\$34	\$1,038
2.5	Focus Group #4 Residents and Other Stakeholders (Day 2)	2	\$350		\$0		\$0	2	\$220		\$0		\$0		\$0	4	\$570	\$363				\$933
2.6	Summarize Input Received		\$0		\$0		\$0	8	\$880		\$0		\$0		\$0	8	\$880	\$686				\$1,566
	Subtotal	8	\$1,400	5	\$725	0	\$0	25	\$2,750	0	\$0	0	\$0	0	\$0	38	\$4,875	\$3,552	\$0	\$0	\$67	\$8,494
Task 3.0: Programming and Design Charrette																						
3.1	Draft Project Vision and Goals	1	\$175		\$0		\$0	3	\$330		\$0		\$0		\$0	4	\$505					\$505
3.2	Programming: Park and Park Facilities (MIG)		\$0	3	\$435		\$0	6	\$660		\$0		\$0		\$0	9	\$1,095					\$1,095
	-- Programming: Anderson Building and Bathhouse		\$0		\$0		\$0	1	\$110		\$0		\$0		\$0	1	\$110	\$1,401				\$1,511
	-- Precedent Images		\$0		\$0		\$0	4	\$440		\$0	4	\$300		\$0	8	\$740					\$740
3.3	Flood Plain Changes		\$0	2	\$290		\$0		\$0		\$0		\$0		\$0	2	\$290		\$3,150			\$3,440
3.4	Half-Day Design Charrette	5	\$875	5	\$725		\$0	5	\$550		\$0	5	\$375		\$0	20	\$2,525	\$1,379	\$850		\$74	\$4,827
	-- Design Charrette Coordination and Prep		\$0	1	\$145	3	\$405	2	\$220		\$0	16	\$1,200		\$0	22	\$1,970	\$667	\$150			\$2,787
	Subtotal	6	\$1,050	11	\$1,595	3	\$405	21	\$2,310	0	\$0	25	\$1,875	0	\$0	66	\$7,235	\$3,446	\$4,150	\$0	\$74	\$14,905

ANDERSON PARK RENNOVATION MASTER PLAN

estimated project cost

City of Wheat Ridge

March 20, 2017

March 20, 2017		MIG, Inc.															Barker Rinker Seacat Architecture	Kiowa Engineering Corporation	AE Design	Direct Costs	Professional Fees Totals	
		Jay Renkens <i>Principal-in-Charge</i>		Paul Kuhn <i>Sr. Project Manager / RLA</i>		Chase Mullen <i>Visualization Specialist</i>		Samantha Suter <i>Project Associate II</i>		Brian Pille <i>Landscape Architect / Deputy PM</i>		Elly Brophy <i>Project Associate</i>		MIG <i>Project Assistant</i>		MIG Totals						
		Hours @	\$175	Hours @	\$145	Hours @	\$135	Hours @	\$110	Hours @	\$90	Hours @	\$75	Hours @	\$80							
Task 4.0: Concept Alternatives Development																						
4.1	Develop Concept Alternatives (Team and City Coordination)		\$0	1	\$145		\$0	2	\$220		\$0		\$0		\$0	3	\$365				\$365	
	-- Park Concept Plans (Design and 3 Full Color Plans)	2	\$350	4	\$580		\$0	36	\$3,960		\$0	2	\$150		\$0	44	\$5,040		\$1,260	\$950	\$7,250	
	-- Update Precedent Images		\$0		\$0		\$0	2	\$220		\$0		\$0		\$0	2	\$220				\$220	
	-- Anderson Building and Bathhouse		\$0		\$0		\$0	1	\$110		\$0		\$0		\$0	1	\$110	\$3,821			\$3,931	
	-- Pro/Con Evaluation	1	\$175	1	\$145		\$0	4	\$440		\$0		\$0		\$0	6	\$760	\$1,453			\$2,213	
	-- Existing Trees to be Preserved / Removed (MIG Opt. Service: \$450)		\$0		\$0		\$0		\$0		\$0		\$0		\$0	0	\$0				\$0	
	-- Order of Magnitude Opinion of Probable Cost		\$0	4	\$580		\$0		\$0	18	\$1,620		\$0		\$0	22	\$2,200		\$500	\$450	\$3,150	
4.2	City Staff Review		\$0	3	\$435		\$0	3	\$330	3	\$270		\$0		\$0	9	\$1,035	\$413	\$500	\$450	\$37	\$2,435
4.3	Stakeholder Advisory Group Meeting #2		\$0	3	\$435		\$0	3	\$330		\$0		\$0		\$0	6	\$765	\$1,030			\$1,795	
	-- Meeting Coordination / Prep / Summary		\$0	1	\$145		\$0	2	\$220		\$0	2	\$150		\$0	5	\$515				\$515	
4.4	Plan and Prepare for Intercept Event	1	\$175		\$0		\$0	6	\$660		\$0	4	\$300		\$0	11	\$1,135			\$75	\$1,210	
4.5	Anderson Park Intercept Event and Summary		\$0		\$0		\$0	8	\$880	4	\$360		\$0		\$0	12	\$1,240			\$12	\$1,252	
4.6	Project Website Graphics and Text		\$0		\$0		\$0	2	\$220		\$0		\$0		\$0	2	\$220				\$220	
	Subtotal	4	\$700	17	\$2,465	0	\$0	69	\$7,590	25	\$2,250	8	\$600	0	\$0	123	\$13,605	\$6,717	\$2,260	\$1,850	\$124	\$24,555
Task 5.0: Draft Anderson Park Renovation Plan																						
5.1	Refine & Produce Anderson Park Renovation Plan (Report Text)	1	\$175	3	\$435		\$0	24	\$2,640		\$0		\$0	16	\$1,280	44	\$4,530				\$4,530	
	-- Draft Illustrative Anderson Park Renovation Plan	1	\$175	1	\$145		\$0	4	\$440	36	\$3,240	8	\$600		\$0	50	\$4,600				\$4,600	
	-- Anderson Building and Bathhouse		\$0		\$0		\$0	1	\$110		\$0		\$0		\$0	1	\$110	\$2,451			\$2,561	
	-- Infrastructure System / Flood Plain and Drainage		\$0	1	\$145		\$0		\$0	2	\$180		\$0		\$0	3	\$325		\$600	\$850	\$1,775	
5.2	Develop Opinion of Probable Cost and Phasing Options		\$0	4	\$580		\$0		\$0	16	\$1,440		\$0		\$0	20	\$2,020	\$1,998	\$480	\$350	\$4,848	
5.3	Staff Review and Community Meeting Planning	3	\$525	3	\$435		\$0	3	\$330		\$0		\$0		\$0	9	\$1,290	\$413		\$24	\$1,727	
5.4	Community Meeting	4	\$700		\$0		\$0	4	\$440		\$0		\$0		\$0	8	\$1,140	\$667		\$24	\$1,830	
	-- Prep Materials for Community Meeting	1	\$175	1	\$145		\$0	8	\$880	4	\$360	8	\$600		\$0	22	\$2,160	\$1,151			\$3,311	
5.5	Prep for Parks and Recreation Commission and City Council		\$0	1	\$145		\$0	8	\$880		\$0	2	\$150		\$0		\$1,175	\$484			\$1,659	
5.6	Parks and Recreation Commission Presentation		\$0	3	\$435		\$0	3	\$330		\$0		\$0		\$0	6	\$765	\$692		\$24	\$1,480	
5.7	City Council Presentation		\$0	2	\$290		\$0	2	\$220		\$0		\$0		\$0	4	\$510	\$692		\$24	\$1,225	
5.8	Project Website Graphics and Text		\$0		\$0		\$0	2	\$220		\$0		\$0		\$0	2	\$220				\$220	
	Subtotal	10	\$1,750	19	\$2,755	0	\$0	59	\$6,490	58	\$5,220	18	\$1,350	16	\$1,280	169	\$18,845	\$8,546	\$1,080	\$1,200	\$94	\$29,765
Task 6.0: Final Anderson Park Renovation Plan																						
6.1	Complete the Final Anderson Park Renovation Plan Document	2	\$350	2	\$290		\$0	18	\$1,980		\$0		\$0	8	\$640	30	\$3,260				\$3,260	
	-- Final Illustrative Anderson Park Renovation Plan	1	\$175	2	\$290		\$0	4	\$440	12	\$1,080	6	\$450		\$0	25	\$2,435				\$2,435	
	-- Anderson Building and Bathhouse		\$0		\$0		\$0	1	\$110		\$0		\$0		\$0	1	\$110	\$605			\$715	
	-- Infrastructure System / Flood Plain and Drainage		\$0	1	\$145		\$0		\$0		\$0		\$0		\$0	1	\$145		\$920	\$1,050	\$2,115	
	-- Update Opinion of Probable Cost and Phasing Options		\$0	3	\$435		\$0		\$0	12	\$1,080		\$0		\$0	15	\$1,515	\$480	\$500		\$2,495	
	-- Produce Final Deliverables		\$0	1	\$145		\$0	16	\$1,760	8	\$720	4	\$300		\$0	29	\$2,925		\$220	\$350	\$75	\$3,570
	Subtotal	3	\$525	9	\$1,305	0	\$0	39	\$4,290	32	\$2,880	10	\$750	54	\$640	101	\$10,390	\$605	\$1,620	\$1,900	\$75	\$14,590
Professional Time and Costs Subtotal		39	\$6,825	81	\$11,745	3	\$405	250	\$27,500	124	\$11,160	79	\$5,925	54	\$2,480	596	\$66,040	\$29,778	\$18,660	\$8,500	\$548	\$123,526
2.5% Administrative Mark Up																	\$744	\$467	\$213			
Total Project Cost		\$124,950																				