



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Presentation of Employee Service Awards
 - B. Proclamation Recognizing Local Winner of National Top Spin Tournament
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Financial Report for September 2013
 - B. 3rd Quarter 2013 Insurance Claims Report
 - C. Revised Employment Agreement with J. Brent McFall
 - D. Revised Employment Agreement with Martin R. McCullough
 - E. 5th Amended IGA with UDFCD and Adams County re Little Dry Creek Regional Detention Pond
 - F. Open Space Master Planning Professional Services Contract
 - G. Second Reading of Councillor's Bill No. 40 Amending the Municipal Judge's Salary in Title I, W.M.C.
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing to Amend the Westminster Center Urban Reinvestment Plan
 - B. Resolution No. 29 Amending the Westminster Center Urban Reinvestment Plan
 - C. Public Hearing re 2013 Comprehensive Land Use Plan
 - D. Councillor's Bill No. 41 re Adoption of 2013 Comprehensive Land Use Plan
 - E. Public Hearing re Downtown Westminster Planned Unit Development Rezone and PDP
 - F. Councillor's Bill No. 42 Rezoning the Downtown Westminster Planned Unit Development
 - G. Downtown Westminster Planned Unit Development Preliminary Development Plan
 - H. Councillor's Bill No. 43 Approving Pension Plan Amendments
 - I. Councillor's Bill No. 44 re Site Agreement Extension for Use of Fire Station #6 Cell Tower
 - J. Councillor's Bill No. 45 to Increase Maximum Municipal Court Fine in Section 1-8-1(A), W.M.C.
 - K. Councillor's Bill No. 46 re Strasburg Natural Resources Farm Lease Amendment
 - L. Councillor's Bill No. 47 re DigitalGlobe Economic Development Agreement
 - M. Councillor's Bill No. 48 re Plato BioPharma, Inc. Economic Development Agreement
 - N. Resolution No. 30 re Redesignation of Parklands to Open Space
11. Old Business and Passage of Ordinances on Second Reading
 - A. Second Reading of Councillor's Bill No. 39 Amending the Adopted 2014 Budget
12. Miscellaneous Business and Executive Session
 - A. City Council
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.



WESTMINSTER
Strategic Plan
2013-2018
Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



SAFE AND HEALTHY COMMUNITY

- Maintain citizens feeling safe anywhere in the City
- Public safety departments: well-equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective storm water management program



FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Prepare for next generation of leaders; managers and employees.
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain green space (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 14, 2013, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Faith Winter and Councillors Herb Atchison, Bob Briggs, Mark Kaiser, Mary Lindsey, and Scott Major were present at roll call. City Manager J. Brent McFall, City Attorney Martin McCullough, and City Clerk Linda Yeager were also present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of September 23, 2013, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that at the conclusion of this meeting, the Boards of Directors of the City's General Improvement Districts would meet to conduct a consolidated public hearing to consider the 2014 budgets of each district and to approve the 2013 mill levy to be collected in 2014. After that meeting was adjourned, the City Council would meet in executive session to discuss personnel matters (annual performance evaluations of the City Attorney and of the City Manager) pursuant to Section 1-11-3(C)(1), W.M.C., and Section 24-6-402(4)(f), C.R.S.

CITY COUNCIL COMMENTS

Councillor Major and Mayor McNally commended Parks, Recreation and Libraries Director Don Tripp and his crews for successfully completing renovation of the Jessica Ridgeway Memorial Park (formerly Chelsea Park) so that it could be dedicated at a community celebration of Jessica's life and spirit on October 5. As the community mourned Jessica's disappearance and murder one year ago, the concept was conceived to reclaim and renovate the neighborhood park in which she had played. Fundraising efforts and staff energy to design the park were successful and the park renovation was completed by the October 5 deadline. Jessica's favorite color, purple, was used in playground equipment and design details that would be a continuing tribute to her life. The ceremony to dedicate the park had truly been a celebration for family, friends, and the community. The City Council was proud and grateful.

PROCLAMATION

Councillor Major read a proclamation, signed by the Mayor, declaring October 23 through 31 to be Red Ribbon Week. He presented it to Phyllis and Phil Aschenbrenner and Eleanor Scott, members of the Westminster Area Community Awareness Action Team (C.A.A.T.), annual sponsors of this drug prevention awareness campaign. This year's campaign theme was "A Healthy Me is Drug Free." C.A.A.T had started in Westminster in 1980 and had worked diligently to focus on the well-being of the community's youth. The organization appreciated the City Council's support.

PRESENTATION

Councillor Kaiser and Don Tripp, Parks, Recreation and Libraries Director, were proud to accept a \$15,000 contribution to the Jessica Ridgeway Memorial Park from Xcel Energy. Councillor Kaiser noted that this was but one of the valuable partnerships between the City and Xcel Energy that benefitted Westminster residents on a continual basis. He thanked the company on behalf of the City Council and the community.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the City Manager to execute a contract for the sale of property at 8878 Newton Street to the Hyland Creek Homeowners Association for \$11,000; based on the City Manager's recommendation, find that the public interest would best be served by authorizing the City Manager to execute a sole source \$126,150 contract with Hydros Consulting, Inc. to update the water supply planning model and authorize a contingency of \$5,000 for a project budget of \$131,150; execute a professional services agreement with Hatch Mott MacDonald to prepare a Reclaimed Water System Master Plan Update for a cost not to exceed \$286,360 and authorize a 10% contingency of \$28,636 for a total project budget of \$314,996; authorize payment of \$58,607, plus a 10% construction contingency in the amount of \$5,861 for a total construction budget of \$64,468 to the Regional Transportation District for the cost of betterments associated with the relocation of Crestview Water and Sanitation District sanitary sewers that support current and planned Westminster operations; authorize the City Manager to sign a contract for legal services on an as-needed basis with Williamson & Hayashi, LLC, to advise City boards and commissions when a conflict of interest would prevent the City Attorney's Office from representing the board or commission in a quasi-judicial matter; determine that the public interest would best be served by approving vehicle repair cumulative purchases in 2013 with Miles Auto Service for purchases not to exceed \$75,000; authorize the reallocation of \$240,666 from the Capital Projects Reserve, Parks Recreation and Libraries and \$60,657 from the Park Renovation, Park Open Space and Trails account into the Heritage Back 9 land acquisition capital project account, all in the General Capital Improvement Fund; authorize the City Manager to enter into a purchase and sale agreement with Jefferson County for the purchase of approximately 120 acres of land currently leased from the Rocky Mountain Regional Airport for the back nine holes of the Heritage Golf Course at Westmoor in the amount of \$2.36 million inclusive of closing costs of \$10,800; authorize the City Manager to execute a contract amendment with URS Corporation in the amount of \$119,075 to provide engineering services during construction of the Appleblossom Sewer and the Little Dry Creek Interceptor Sewer Relocation Projects; authorize the City Manager to sign an Intergovernmental Agreement between the City and County of Broomfield and the City of Westminster for the Lowell Boulevard, 120th Avenue to 124th Avenue Project, the 120th Avenue FASTER Project, and the City Park Channel, Phase II Project; authorize the expenditure of \$289,000 for right-of-way acquisition from the New Development Participation Capital Improvement Project (CIP) with a reimbursement to this account to occur in January 2014 from funds appropriated for this expense in the Amended 2014 CIP Budget; and final passage on second reading of Councillor's Bill No. 38 authorizing the City Manager to execute an amendment to the Contract to Buy and Sell Real Estate, in substantially the same form as attached to the agenda documentation, with Urban Pacific Multi-Housing, LLC and Pacific West Communities, Inc., and to take all actions necessary to close this land sale.

Councillor Major moved, seconded by Councillor Kaiser, to approve the consent agenda as presented. The motion carried with all Council members voting in favor.

PUBLIC HEARING FOR 144TH AVE METRO DISTRICTS 1 & 2 AMENDED & RESTATED SERVICE PLAN

At 7:13 p.m., Mayor McNally opened a public hearing to consider the Amended and Restated Service Plan for the 144th Avenue Metropolitan District Nos. 1 and 2. Staff had no presentation and was present to answer any questions. There were no questions.

Mayor McNally opened the hearing for public comment. Alan D. Pogue, General Counsel to the District, was present to answer any questions. There were none and no one else wished to testify. Mayor McNally closed the hearing at 7:14 p.m.

RESOLUTION NO. 24 APPROVING 144TH AVE METRO DIST AMENDED & RESTATED SERVICE PLAN

It was moved by Councillor Briggs, seconded by Councillor Kaiser, to adopt Resolution No. 24 approving the Amended and Restated Service Plan for 144th Avenue Metropolitan District Nos. 1 and 2. At roll call, the motion passed unanimously.

PUBLIC HEARING ON CRYSTAL LAKES FILING #1, 1ST REPLAT, 4TH AMENDED PDP/5TH AMENDED ODP

At 7:15 p.m., Mayor McNally opened a public hearing to consider the Crystal Lakes Filing No. 1 1st Replat, 4th Amended Preliminary Development Plan (PDP) and 5th Amended Official Development Plan (ODP). Mac Cummins, Planning Manager, entered into the record all required legal notices and the agenda memorandum with all attachments. This matter was before Council for consideration because the previous approval was stale dated due to no development activity within three years of approval. Gwen Presser, the applicant and property owner, had recently purchased the property and intended to build homes on both lots in the near future. One of the homes built would be owner occupied. This matter had been considered by the Planning Commission. The only comment received at that time was from a neighbor who had questions and was generally supportive of the development proposal.

Mayor McNally opened the hearing to public comment. Cindy McDonald, 4925 West 72nd Place, lived directly behind the property in question and had concerns about unattended weeds growing on the property and spreading to hers, the size of the homes to be built and the speed of vehicles traveling on 73rd Avenue that occasionally missed the curve and ran into the property to be developed.

John Jennings, the architect of record, advised that both homes would be one-story structures and would be built within established setbacks. They would not be massive homes.

In conclusion, Mr. Cummins advised that the Planning Commission had recommended approval.

No others wished to speak and the Mayor closed the hearing at 7:25 p.m.

CRYSTAL LAKES FILING #1, 1ST REPLAT, 4TH AMENDED PDP/5TH AMENDED ODP APPROVED

Upon a motion by Councillor Lindsey, seconded by Councillor Kaiser, the Council voted unanimously to approve the Crystal Lakes Filing No. 1, 1st Replat, 4th Amended Preliminary Development Plan and 5th Amended Official Development Plan based on finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code had been satisfied.

RESOLUTION NO. 25 ALLOCATING 2014 SERVICE COMMITMENTS

Councillor Major moved, seconded by Councillor Lindsey, to adopt Resolution No. 25 allocating 2,687 Service Commitments for the year 2014 to the various categories of the Growth Management Program including 550 Service Commitments for residential competitions for new Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments. At roll call, the motion passed unanimously.

RESOLUTION NO. 26 AMENDING LANGUAGE IN ALL RESIDENTIAL DESIGN GUIDELINES

Mayor Pro Tem Winter moved, seconded by Councillor Lindsey, to adopt Resolution No. 26 amending language within all residential design guidelines to clarify the requirements for building construction relating to energy conservation. The motion passed unanimously on roll call vote.

RESOLUTION NO. 27 TO ACQUIRE UTILITY EASEMENTS FOR SEWER INTERCEPTOR RELOCATION

Councillor Briggs moved to adopt Resolution No. 27 authorizing City Staff to proceed with acquisition of easement interests necessary to relocate the Little Dry Creek Interceptor Sewer, including the use of eminent domain, if necessary, and authorize all reasonable costs associated with the easement acquisitions. The motion, seconded by Councillor Major, passed unanimously on roll call vote.

2014 FINANCIAL SUPPORT TO AGENCIES RECOMMENDED BY HUMAN SERVICES BOARD

Mayor Pro Tem Winter moved, seconded by Councillor Kaiser, to accept the Human Services Board recommendations and authorize payment for 2014 funding as outlined in Attachment A, which identified the agencies that the City of Westminster would provide financial support to during FY2014 and the associated dollar amounts. The motion carried unanimously.

COUNCILLOR’S BILL NO. 39 AMENDING THE ADOPTED 2014 BUDGET

It was moved by Mayor Pro Tem Winter and seconded by Councillor Lindsey to pass on first reading Councillor’s Bill No. 39 amending the FY2014 budgets of the General, General Reserve, General Fund Stabilization Reserve, Utility, Utility Rate Stabilization Reserve, Utility Capital Project Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space & Trails (POST), General Capital Improvement, Conservation Trust and Property Liability/Workers’ Compensation Funds. The motion carried on a 6:1 vote with Councillor Atchison voting no for reasons stated regarding a \$400,000 expenditure for improvements to the Council Board Room and Council Chambers.

RESOLUTION NO. 28 APPROVING 2014 AMENDED PAY PLAN

Upon a motion by Councillor Briggs, seconded by Councillor Major, the Council voted unanimously on roll call vote to adopt Resolution No. 28 amending the 2014 Pay Plan previously approved by Council.

2014 CITY EMPLOYEE INSURANCE CONTRACTS AND MEDICAL/DENTAL PLANS AND RATES

It was moved by Councillor Lindsey and seconded by Councillor Kaiser to authorize the City Manager to renew contracts with Cigna and Kaiser Permanente for healthcare and Delta Dental for dental coverage for City employees and authorize the continuation of a four-tier rate structure with the employer and employee premium rates as presented. The motion carried with all Council members voting favorably.

REVISED EMPLOYMENT AGREEMENT WITH JOHN A. STIPECH

Councillor Atchison moved to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2014 with an effective date of January 1, 2014, and an automatic renewal for 2015 unless terminated by City Council. Councillor Major seconded the motion and it carried unanimously.

COUNCILLOR’S BILL NO. 40 ESTABLISHING MUNICIPAL JUDGE’S 2014 SALARY

Councillor Atchison moved, seconded by Councillor Major, to pass Councillor’s Bill No. 40 on first reading setting the salary for the Municipal Judge for 2014. The motion carried unanimously on roll call vote.

ADJOURNMENT

There was no further business to come before the City Council. It was moved by Councillor Kaiser, seconded by Councillor Major to adjourn. The vote was unanimous and the meeting adjourned at 7:32 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, General Services Director
Dee Martin, Workforce Planning & Compensation Manager

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five year increments thereafter.

Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In the sixth grouping of 2013, employees with 20, 25, and 35 years of service will be celebrated tonight.
 - Presentation of 20-year certificates and pins – Councillor Major
 - Presentation of 25-year certificate, pin, and check – Mayor McNally
 - Presentation of 35-year certificate and pin – Mayor Pro Tem Winter

Expenditure Required: \$2,500

Source of Funds: \$2,500 – General Fund – Police Department

Policy Issue

None identified

Alternative

None identified

Background Information

The following 20-year employees will be presented with certificates and service pins:

Tony Ficco	Traffic Technician	Community Development
John (JD) McQuiston	Equipment Operator II	Public Works Utilities
Tim Wright	Senior Police Officer	Police Department

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

Kim Barron	Police Commander	Police Department
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The following 35-year employee will be presented with a certificate and service pin:

Doug Hall	Fire Chief	Fire Department
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On October 30, 2013, the City Manager will host an employee awards luncheon. During this time, four (4) employees will receive their 15-year service pin, two (2) employees will receive their 10-year service pin, and fifteen (15) employees will receive their 5-year service pin. Recognition will also be given to those celebrating their 20th, 25th, and 35th anniversaries. This is the sixth luncheon in 2013 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the sixth luncheon is 275 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee's years of service addresses all five of Council's Strategic Plan goals as part of the overall recognition program developed to encourage and recognize employee commitment to the organization. Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Background on employees being recognized



Agenda Item 6 B

Agenda Memorandum

City Council Meeting
October 28, 2013

SUBJECT: Proclamation re local Top Spin Team - National Tournament Champions

Prepared By: Karen Layfield, Administrative Coordinator

Recommended City Council Action

Councillor Lindsey will present a proclamation in recognition of the Dab Ntxaug Top Spin team for their success in winning the July 4, 2013, National Tournament in St. Paul, Minnesota.

Summary Statement

- Close to 7 years after the top spin field was built at Skyline Vista Park, the team Dab Ntxaug won the first place in the St. Paul, Minnesota, July 4th Tournament of 2013. The July 4th Tournament is one of the largest Asian festivals in America, with a budget close to \$1 million.
- The top spin field in Westminster, Colorado, is the first built in the United States for the community.
- There are currently five formal top spin teams in the Westminster area that compete locally and nationally. Some of the best top spin players in the United States live in the Westminster area. They travel to compete against other teams in Wisconsin, Minnesota, California, Virginia and other states.
- The captain and some members of the championship Dab Ntxaug Top Spin Team along with the members of the Vu team and SomXai Vue, former President of the Hmong in Colorado, will be present to accept the proclamation. Championship team members include Bi Lor, Xor Lor, Sue Lao, Fong Lao, Blong Vue, Tally Lee, and Thai Her.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified.

Background Information

The top spin is one of the world's oldest crafted toys, found in all cultural circles of the world, mostly in Asia. The top might be slightly different from others, in term of the shapes of the top and how it's played. For the Hmong, top is played during the New Year Festival as part of the celebrations after the harvest. Now, top spin is being played year round as a recreational sport. The top spin field in Westminster, Colorado, is the first community field built in the United States.

Westminster City Council and staff worked with Hmong community leaders to develop the park. This court is truly one-of-a-kind and is a major improvement over the plastic or wooden boards that the game has historically been played on.

Top spin is played with 2 teams with 6 players on each side. The first part of the court consists of a launching area from where the players release the tops. Next, there is a square, called step or station 1, where each defensive player spins a top that is hit by an offensive player's top. Whoever's top spins the longest scores a point. The final portion of the top spin court looks like a long jump platform and consists of 9 different steps. Teams score points by hitting tops at each of these steps. Each step has a different configuration and a different number of tops. For the 1st and 2nd steps, the tops are actually spinning. At the other steps, the tops are static. For many players, the last step provides a significant challenge.

Top spin is played by adults and youth. Future top spin aces are getting their start in Westminster, not only building skills, but also carry the sport and tradition forward.

This proclamation supports City Council's Strategic Plan goal of a Safe and Healthy Community through public recognition of an activity that promotes teamwork and good sportsmanship and provides healthy competition and community gathering.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Proclamation

WHEREAS, the Dab Ntxaug Top Spin Team won the July 4, 2013, National Tournament in St. Paul, Minnesota; and

WHEREAS, Dab Ntxaug played ten games to win the championship; and

WHEREAS, Dab Ntxaug competed in a tournament of twenty teams representing communities across the nation and one team from Thailand; and

WHEREAS, top spin is a team competition that helps build character through teamwork, communication, hard work, perseverance and good sportsmanship; and

WHEREAS, top spin is a game rich in history and culture; and

WHEREAS, the City of Westminster is committed to supporting and recognizing the tradition and success of our local top spin teams and competitors.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize

DAB NTXAUG TOP SPIN TEAM

as Champions in the City of Westminster.

Signed this 28th day of October, 2013.

Nancy McNally, Mayor



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Financial Report for September 2013

Prepared By: Tammy Hitchens, Finance Director

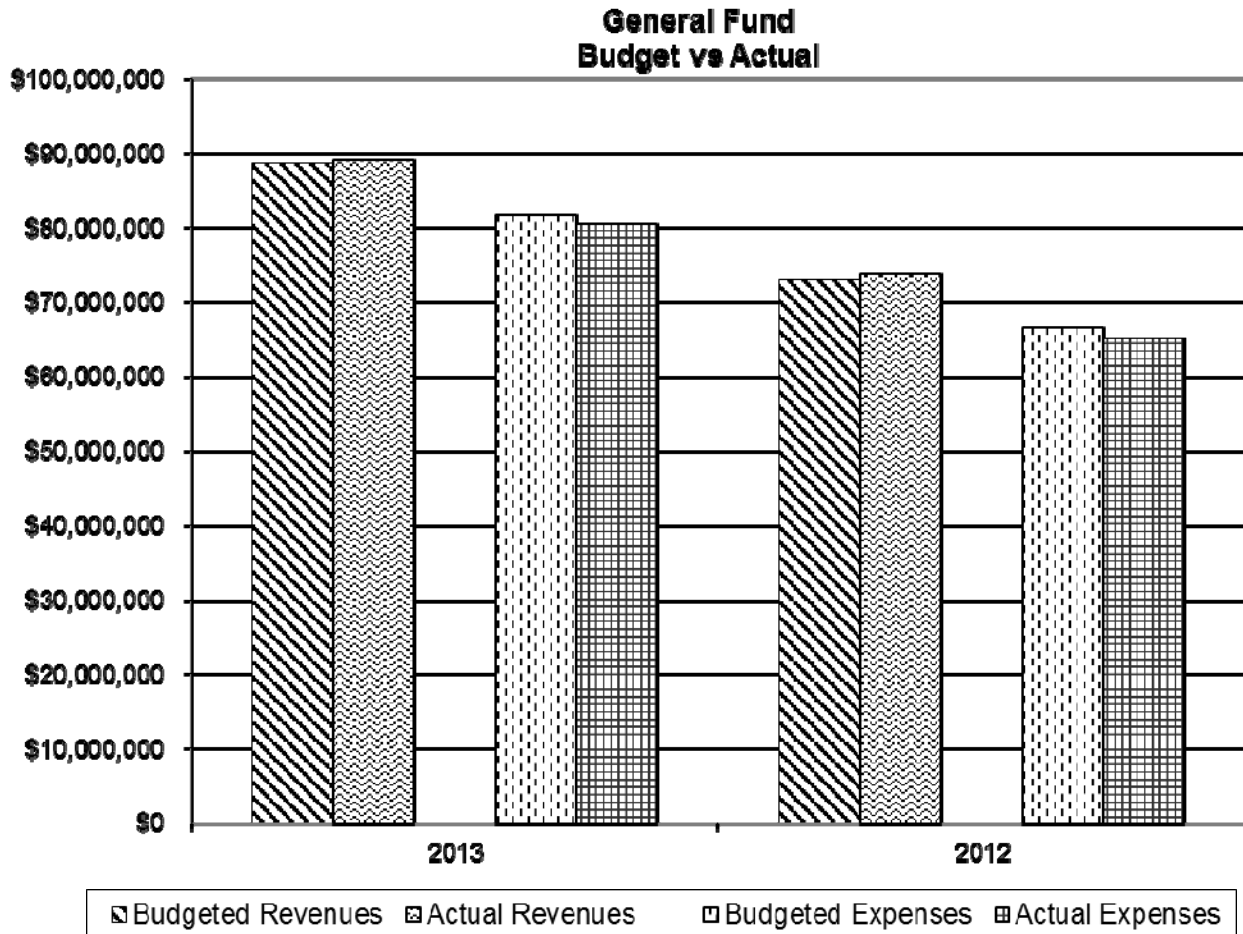
Recommended City Council Action

Accept the Financial Report for September as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The budget numbers that are presented reflect the City’s amended adopted budget. Both revenues and expense are pro-rated based on 10-year historical averages.

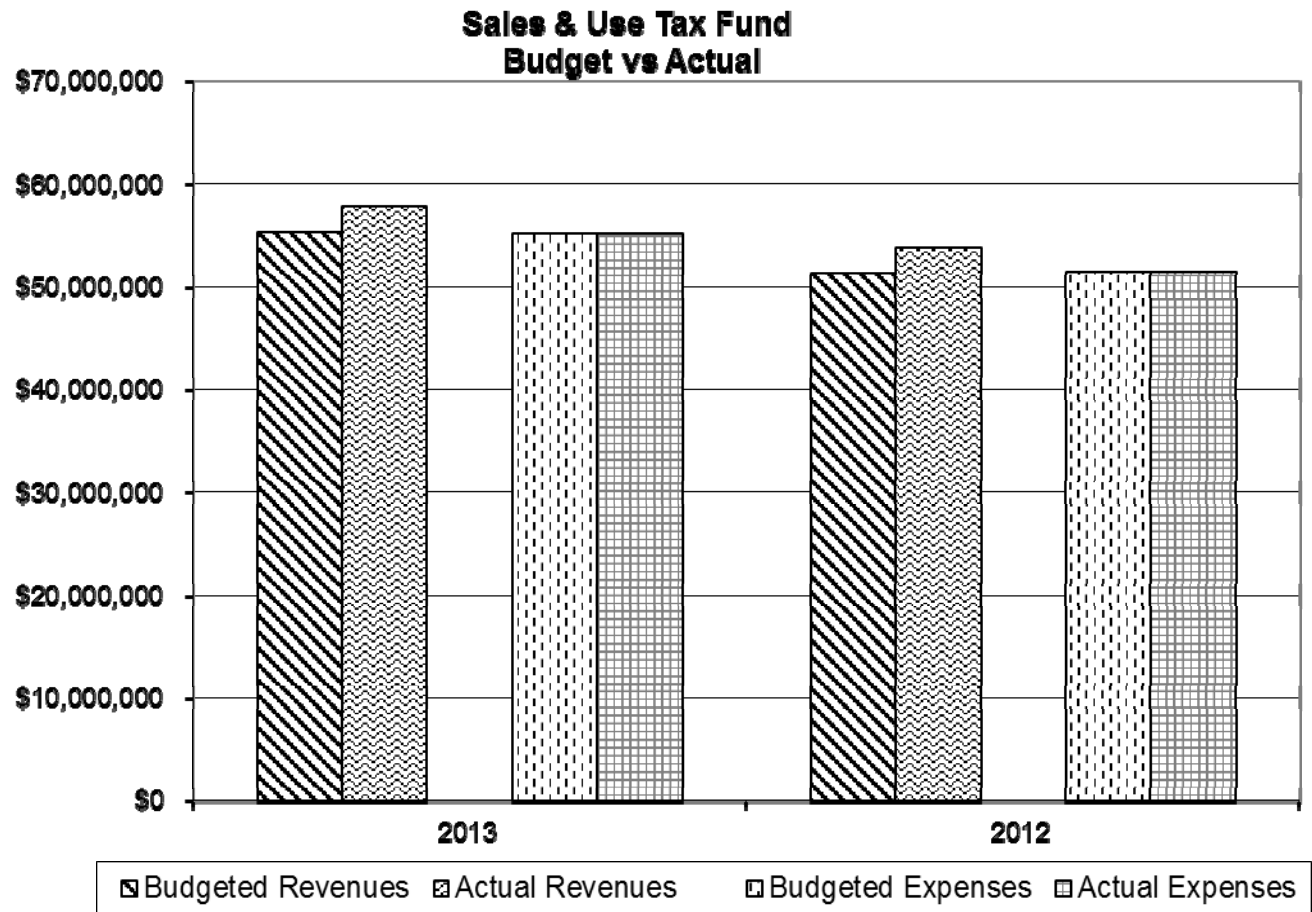
The General Fund revenues and carryover exceed expenditures by \$8,553,349. The following graph represents Budget vs. Actual for 2012-2013.



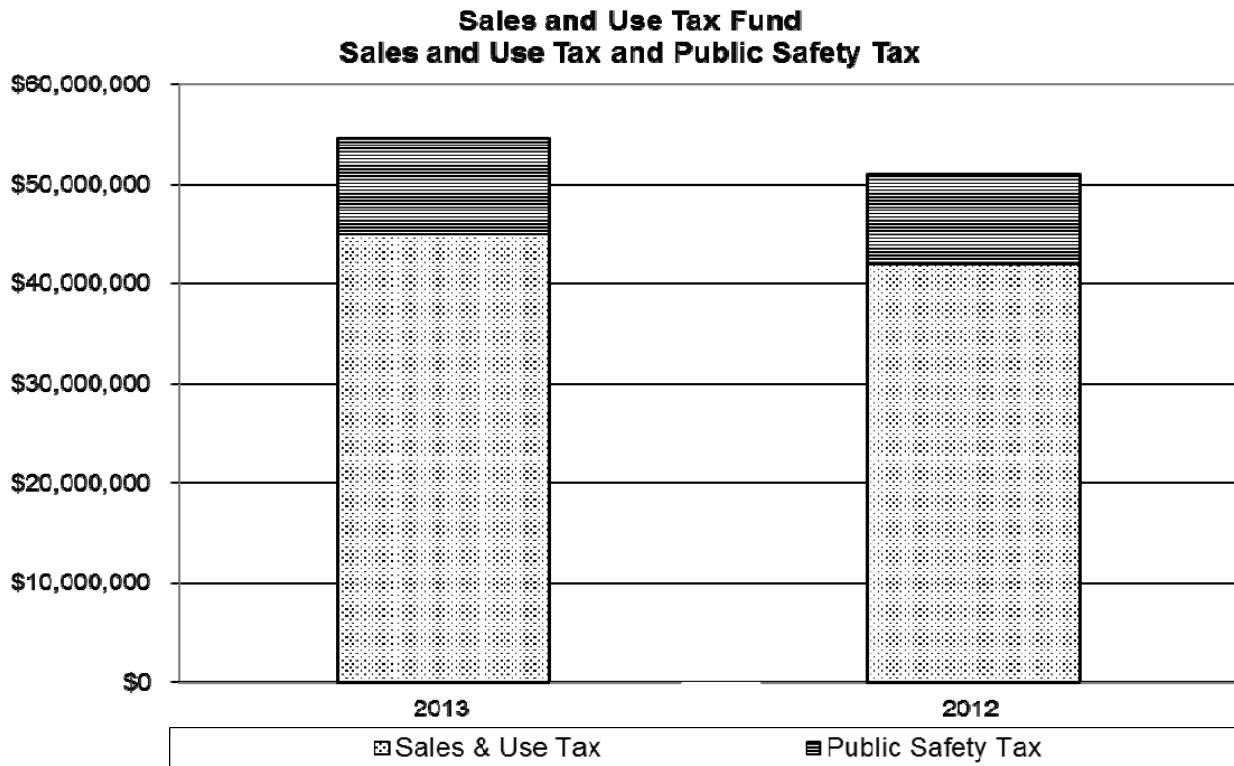
The revenue and expense variance between years reflects the 2013 refinancing of the 2005 Certificates of Participation.

The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$2,598,821. On a year-to-date cash basis, total sales and use tax is up 7.1% from 2012. Key components are listed below:

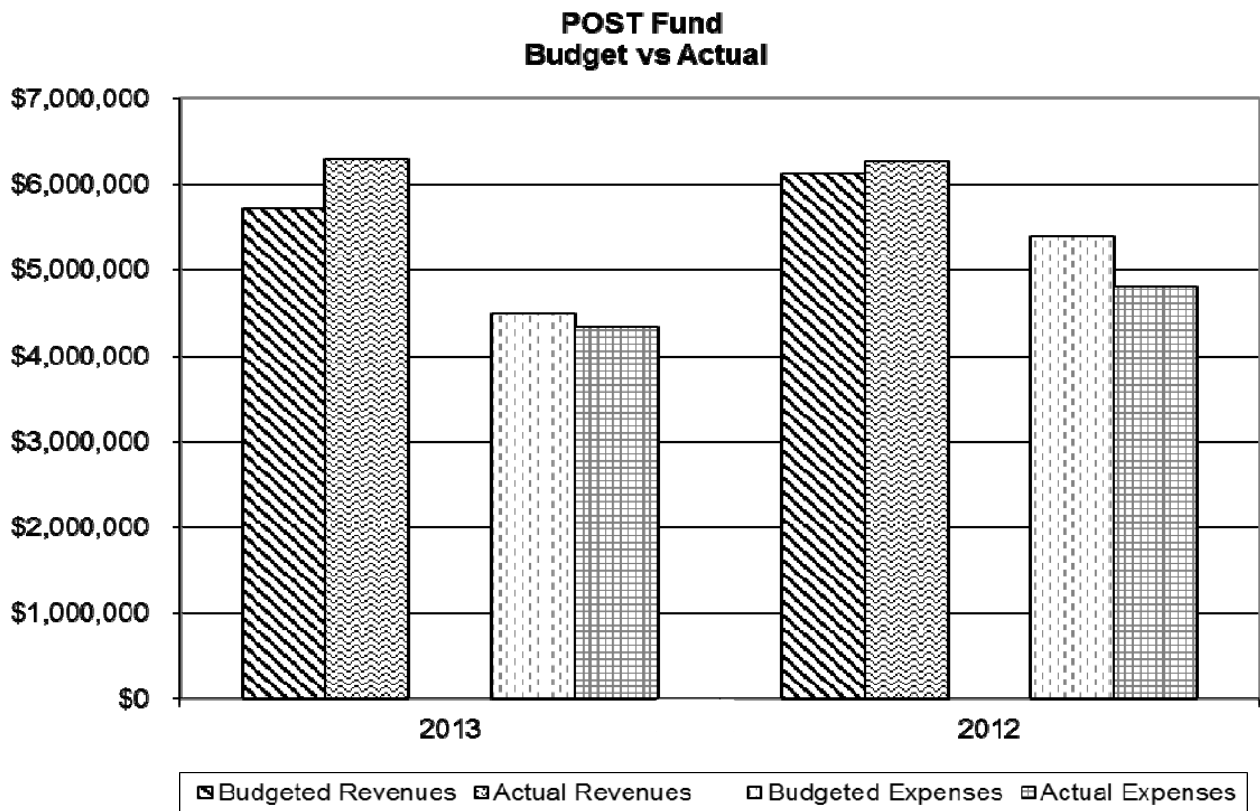
- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 3.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 61.4% of all collections, are up 3.5% for the month when compared to 2012.
- Urban renewal areas make up 40.7% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 86.1% of this money is being retained for General Fund use.



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



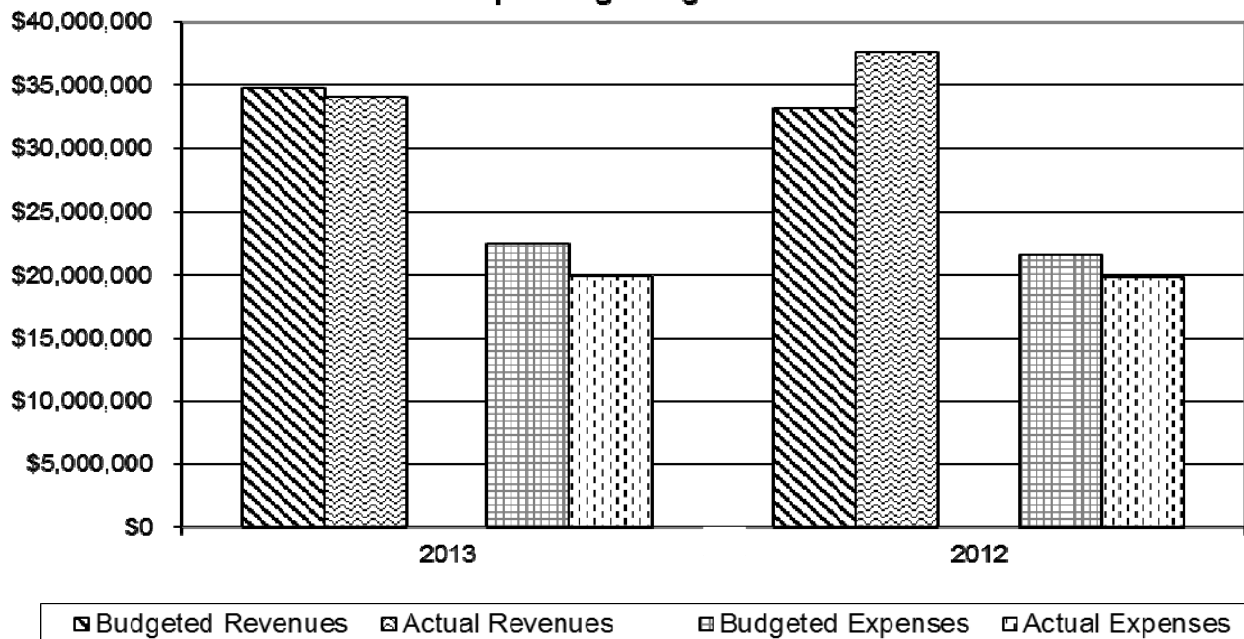
The Parks Open Space and Trails Fund revenues and carryover exceed expenditures by \$1,957,825.



Intergovernmental reimbursements appropriated in prior years is reflected in the 2013 budget to actual revenue variance.

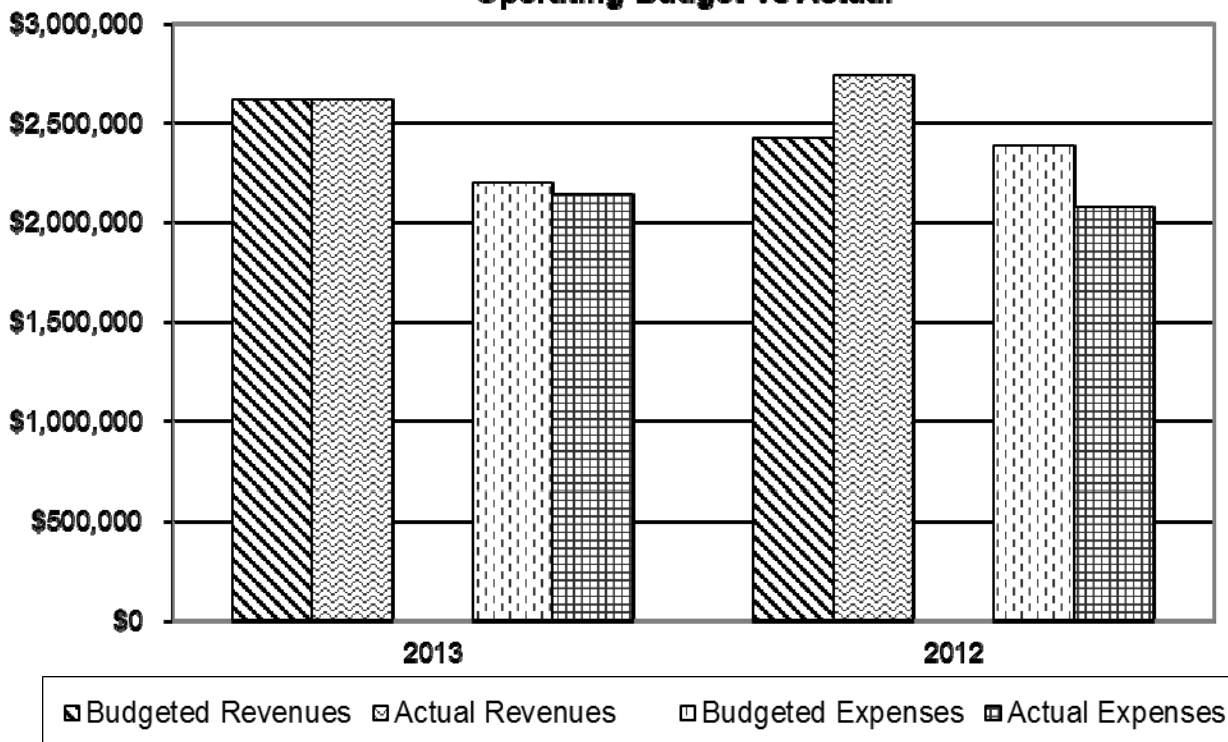
The combined Water & Wastewater Fund revenues and carryover exceed expenditures by \$19,277,528. Operating revenues exceed operating expenditures by \$14,134,574. \$17,725,961 is budgeted for capital projects and reserves. As 2012 was a drier year, water revenues were up.

**Combined Water and Wastewater Funds
Operating Budget vs Actual**



The combined Golf Course Fund revenues and carryover exceed expenditures by \$1,072,861. Operating revenues exceed operating expenditures by \$474,810.

**Golf Course Enterprise
Operating Budget vs Actual**



At this time in 2012, green fees and driving range fees were slightly higher. The snowy Spring decreased the number of rounds played in 2013.

Policy Issue

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

Alternative

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

Background Information

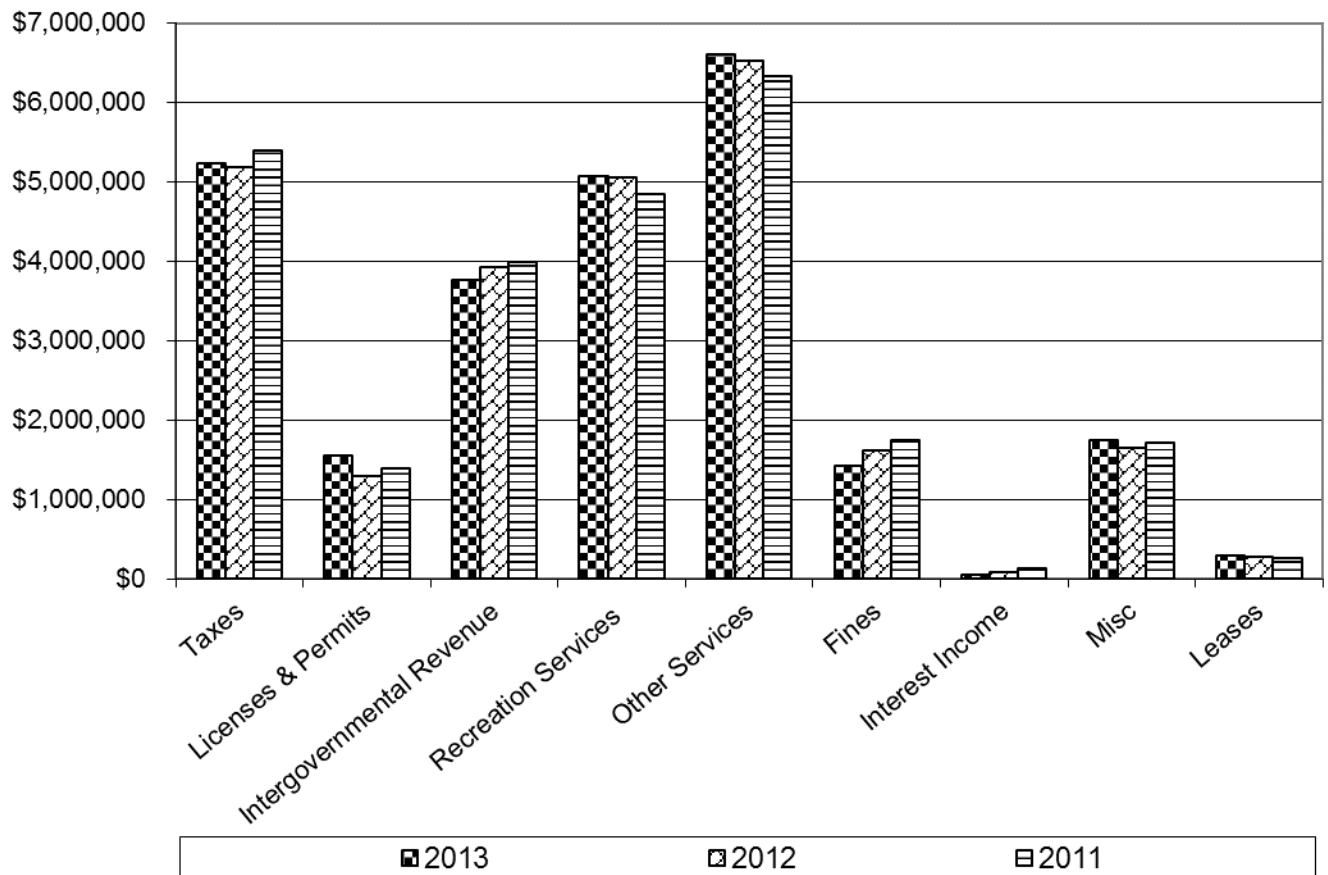
This section includes a discussion of highlights of each fund presented.

General Fund

This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Streets), Parks Recreation and Libraries, Community Development, and the internal service functions: City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2011-2013 year-to-date.

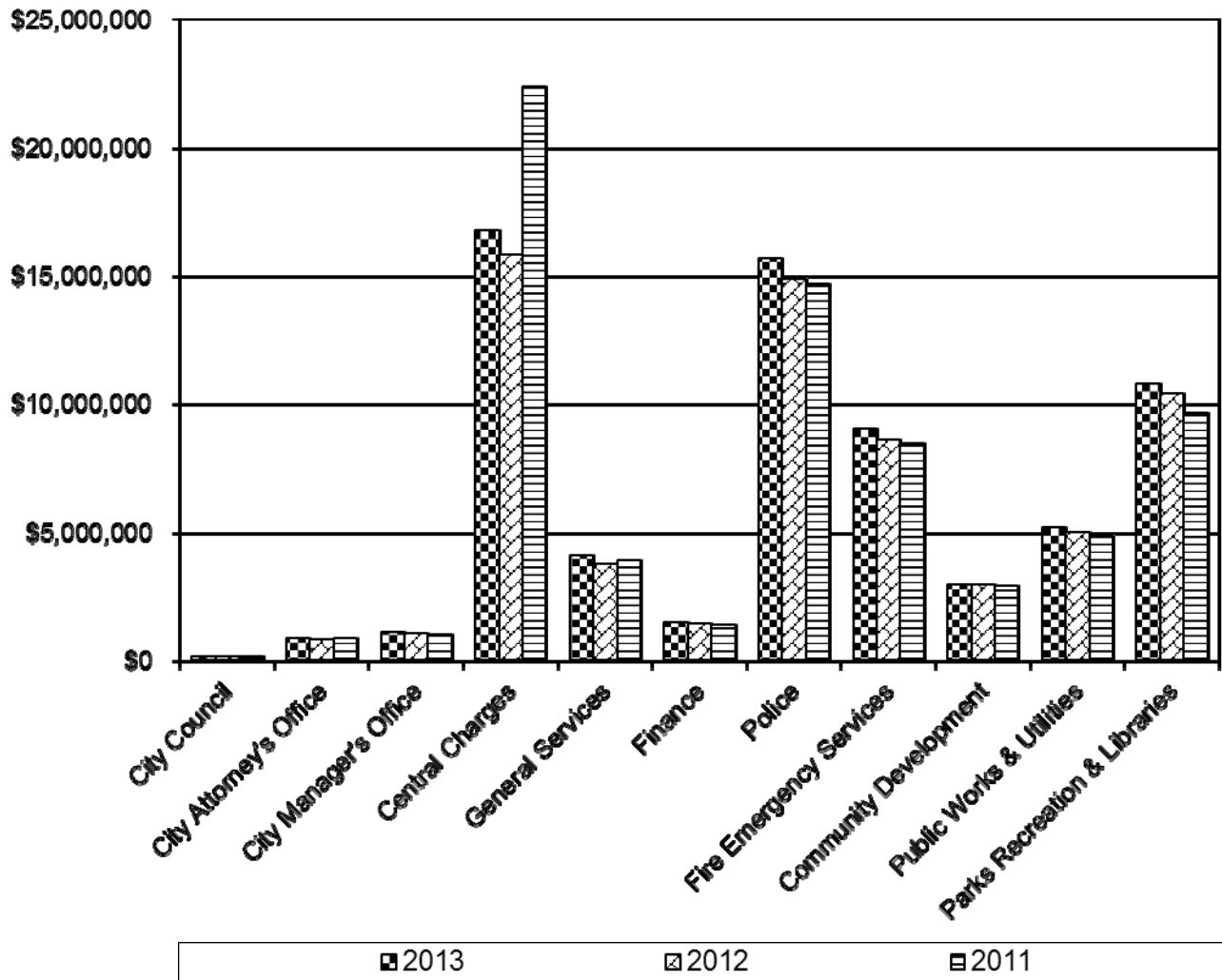
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2011-2013**



Licenses and permits are up due to Adams County building permits, including the residential project at The Orchard.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2011-2013.

**General Fund Expenditures by Function, less Other Financing Uses
2011-2013**

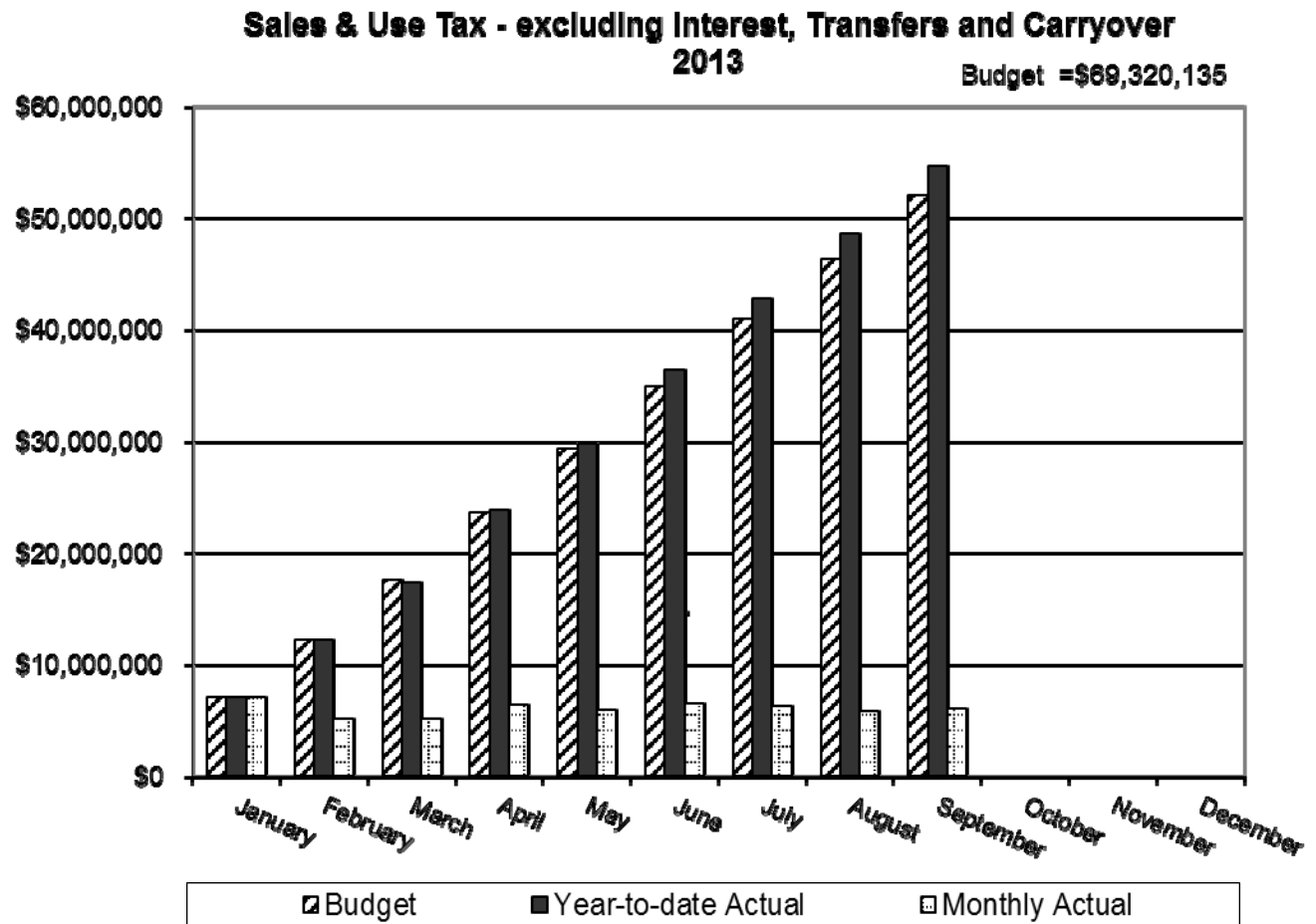


Central Charges expenditures is higher in 2011 primarily due to a transfer to WEDA of \$5.1 million.

Sales and Use Tax Funds (Sales & Use Tax Fund and Parks, Open Space and Trails Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, pay bonds related to the Heritage Golf Course, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

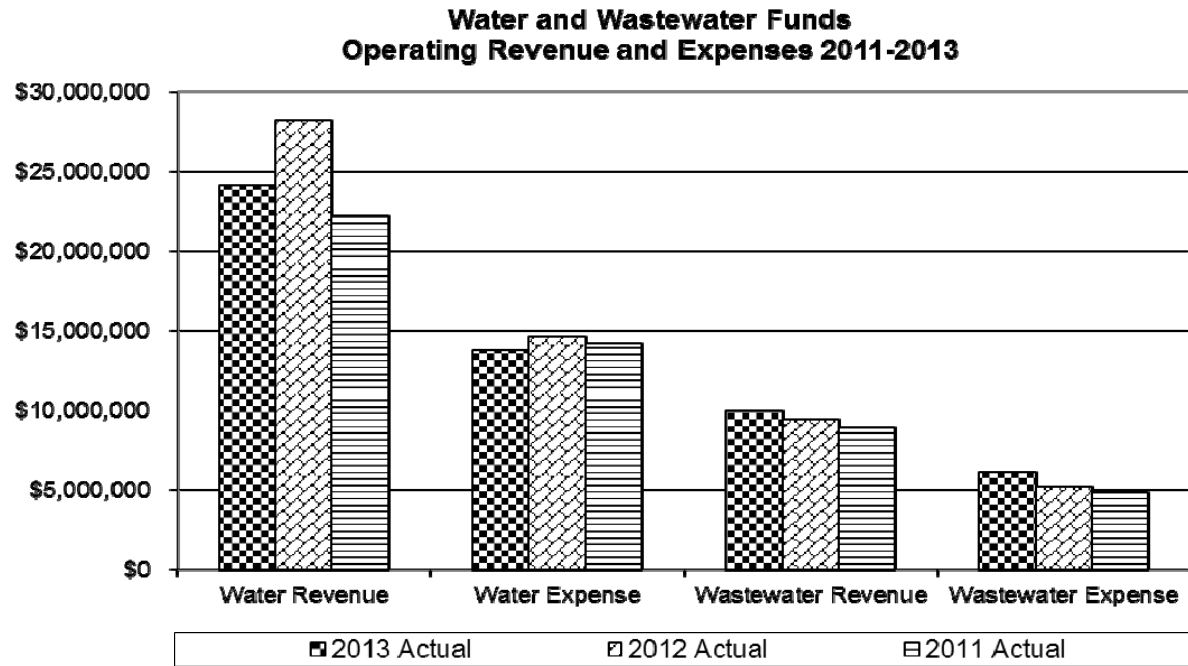
This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.



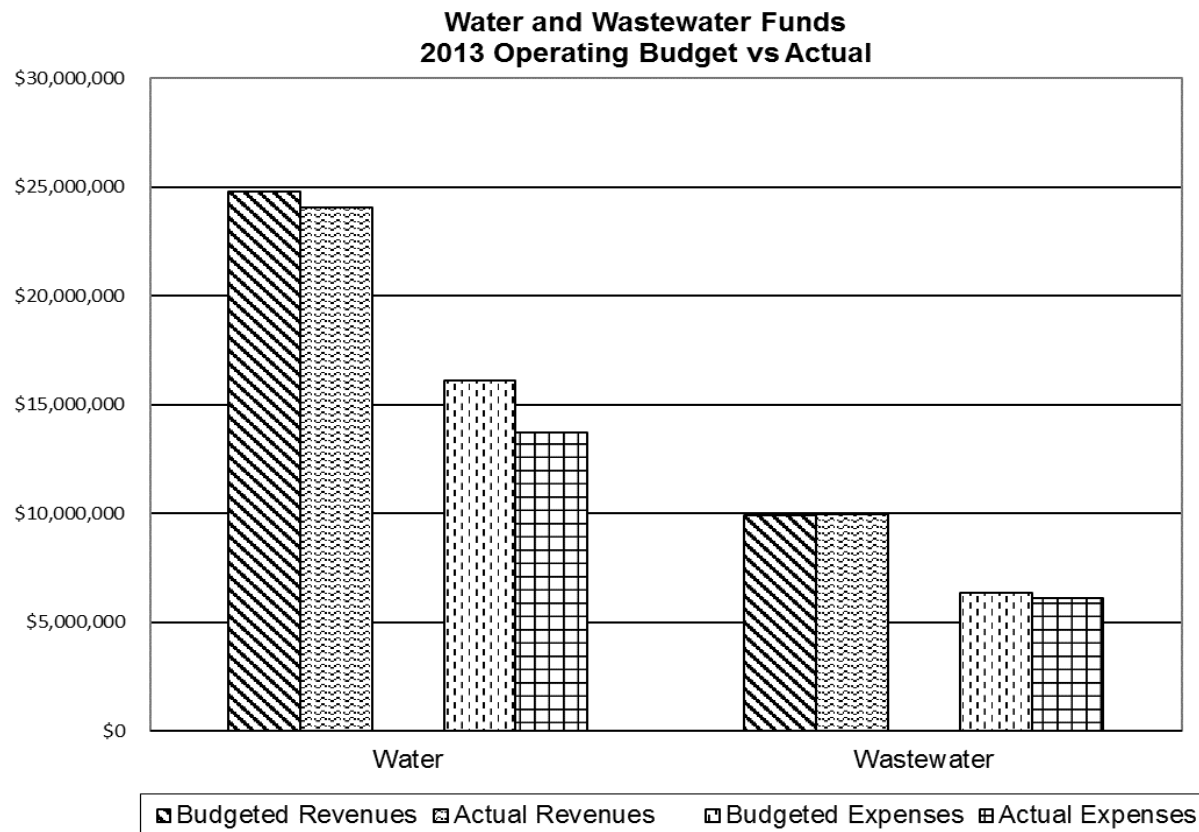
Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net revenues are used to fund capital projects and reserves.

These graphs represent segment information for the Water and Wastewater funds.

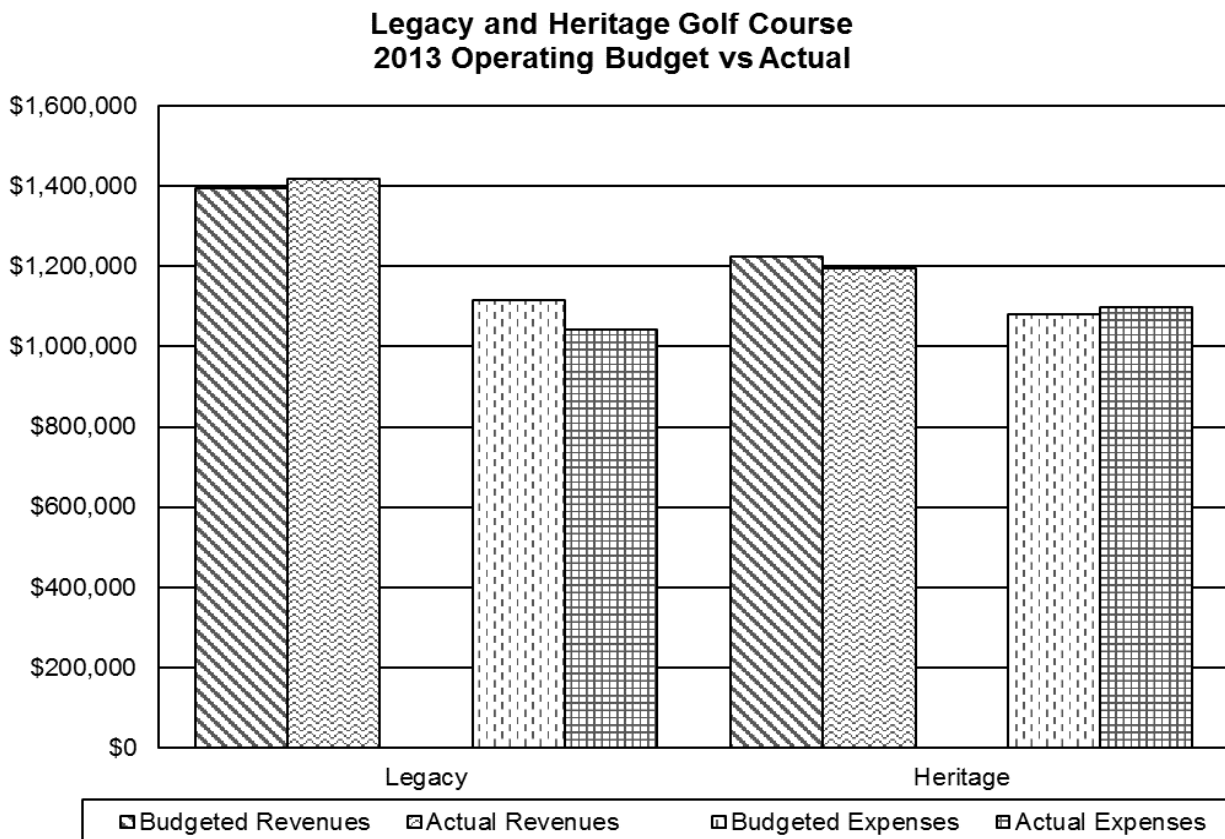
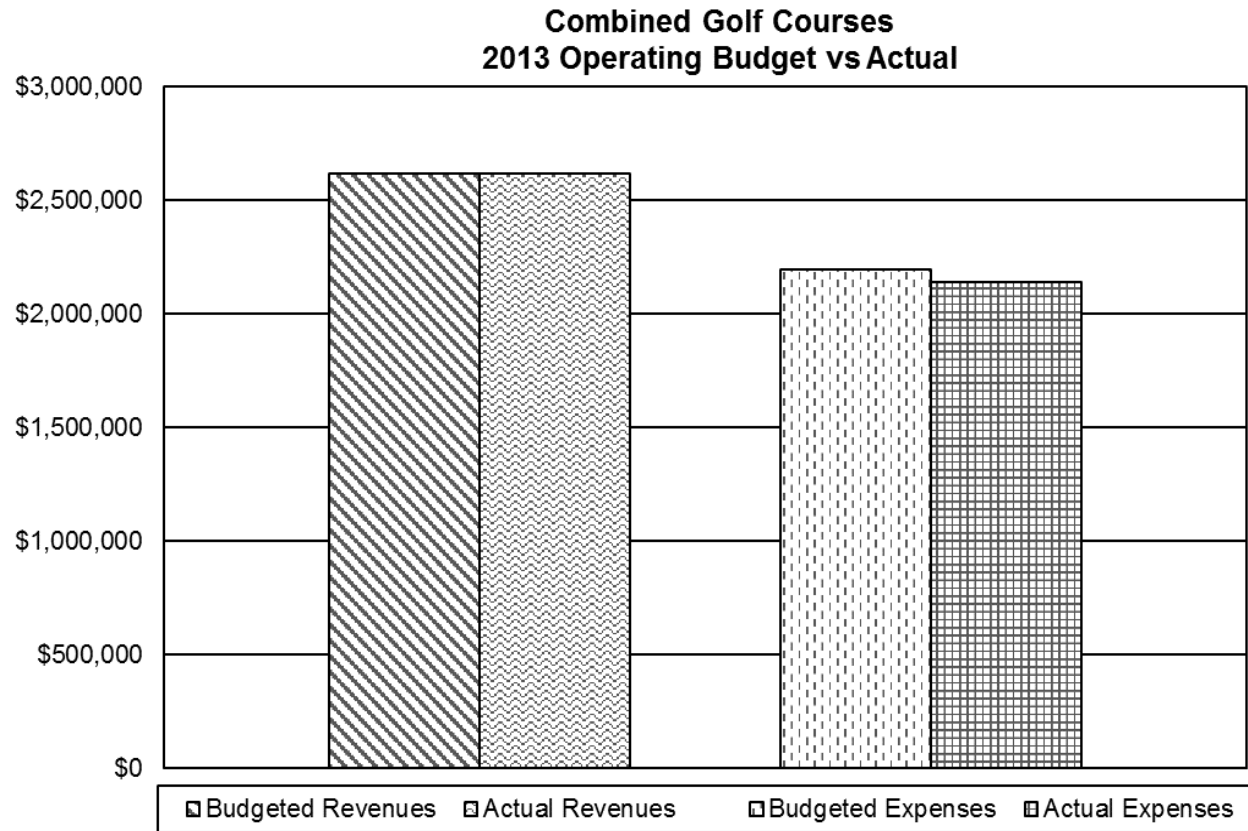


The Water Fund revenue variance is due to the effect of climatic variations on water consumption as well as changes in billing rates. 2012 was an exceptionally dry year. 2013 Wastewater revenues are up slightly due to changes in billing rates. 2013 Wastewater expenses exceed prior years due to capital purchases for field operations.



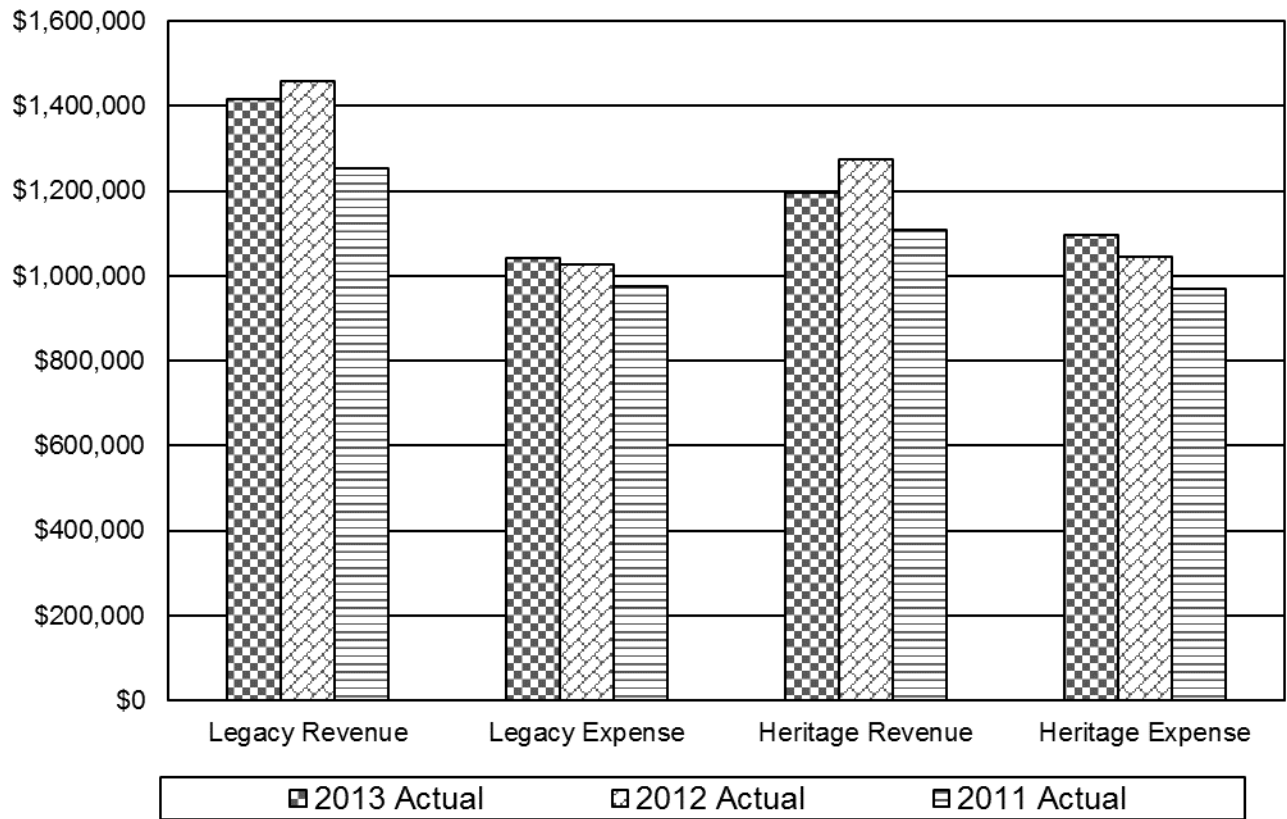
Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City’s two municipal golf courses.



The following graphs represent the information for each of the golf courses.

Legacy and Heritage Golf Courses Operating Revenue and Expenses 2011-2013



Revenue variances are due primarily to charges for services including driving range and greens fees.

This financial report supports City Council’s Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and to assist with critical decision making.

Respectfully submitted,

J. Brent McFall
City Manager

- Attachments
- Financial Statements
 - Shopping Center Report

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,729,500	5,423,235	(1)	5,235,408	(187,827)	96.5%
Licenses & Permits	1,619,750	1,161,728		1,553,215	391,487	133.7%
Intergovernmental Revenue	5,077,706	3,513,617		3,767,157	253,540	107.2%
Charges for Services						
Recreation Services	6,710,438	5,043,871		5,072,815	28,944	100.6%
Other Services	9,881,292	6,581,267		6,599,347	18,080	100.3%
Fines	2,260,000	1,737,365	(2)	1,429,035	(308,330)	82.3%
Interest Income	125,000	87,516		62,311	(25,205)	71.2%
Miscellaneous	1,745,932	1,518,554		1,756,827	238,273	115.7%
Leases	401,779	299,453		299,453	0	100.0%
Interfund Transfers	64,049,819	48,037,364		48,037,364	0	100.0%
Other Financing Sources	12,262,165	12,262,165		12,262,165	0	100.0%
Sub-total Revenues	<u>109,863,381</u>	<u>85,666,135</u>		<u>86,075,097</u>	<u>408,962</u>	<u>100.5%</u>
Carryover	2,921,136	2,921,136		2,921,136	0	100.0%
Total Revenues	<u>112,784,517</u>	<u>88,587,271</u>		<u>88,996,233</u>	<u>408,962</u>	<u>100.5%</u>
Expenditures						
City Council	254,094	187,579		145,211	(42,368)	77.4%
City Attorney's Office	1,256,450	917,122		892,191	(24,931)	97.3%
City Manager's Office	1,573,013	1,120,814		1,097,360	(23,454)	97.9%
Central Charges	40,536,771	29,288,589		29,031,080	(257,509)	99.1%
General Services	6,009,953	4,274,614		4,112,903	(161,711)	96.2%
Finance	2,110,661	1,532,168		1,507,727	(24,441)	98.4%
Police	21,446,162	15,579,316		15,670,880	91,564	100.6%
Fire Emergency Services	12,574,040	9,063,834		9,030,920	(32,914)	99.6%
Community Development	4,228,402	3,047,827		2,961,724	(86,103)	97.2%
Public Works & Utilities	8,046,221	5,928,447		5,188,128	(740,319)	87.5%
Parks, Recreation & Libraries	14,748,750	10,733,314		10,804,760	71,446	100.7%
Total Expenditures	<u>112,784,517</u>	<u>81,673,624</u>		<u>80,442,884</u>	<u>(1,230,740)</u>	<u>98.5%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>6,913,647</u>		<u>8,553,349</u>	<u>1,639,702</u>	

(1) The budget to actual Taxes variance is due mostly to Admissions and Accommodations taxes.

(2) The budget to actual Fines variance is due mostly to traffic fines.

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	47,601,952	35,939,849		36,779,327	839,478	102.3%
Sales Tx Audit Revenues	724,000	543,000		582,513	39,513	107.3%
S-T Rev. STX	<u>48,325,952</u>	<u>36,482,849</u>		<u>37,361,840</u>	<u>878,991</u>	102.4%
Use Tax						
Use Tax Returns	8,017,000	5,780,740		6,560,833	780,093	113.5%
Use Tax Audit Revenues	785,000	588,750		962,254	373,504	163.4%
S-T Rev. UTX	<u>8,802,000</u>	<u>6,369,490</u>		<u>7,523,087</u>	<u>1,153,597</u>	118.1%
Total STX and UTX	<u><u>57,127,952</u></u>	<u><u>42,852,339</u></u>		<u><u>44,884,927</u></u>	<u><u>2,032,588</u></u>	104.7%
Public Safety Tax						
PST Tax Returns	11,883,683	8,944,340		9,414,242	469,902	105.3%
PST Audit Revenues	308,500	231,375		308,834	77,459	133.5%
Total Rev. PST	<u><u>12,192,183</u></u>	<u><u>9,175,715</u></u>		<u><u>9,723,076</u></u>	<u><u>547,361</u></u>	106.0%
Interest Income	85,000	63,750		44,669	(19,081)	70.1%
Interfund Transfers	265,458	199,094		199,094	0	100.0%
Carryover	3,036,366	3,036,366		3,036,366	0	100.0%
Total Revenues	<u><u>72,706,959</u></u>	<u><u>55,327,264</u></u>		<u><u>57,888,132</u></u>	<u><u>2,560,868</u></u>	104.6%
Expenditures						
Central Charges	<u>72,706,959</u>	<u>55,289,311</u>		<u>55,289,311</u>	<u>0</u>	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>37,953</u></u>		<u><u>2,598,821</u></u>	<u><u>2,560,868</u></u>	

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	5,085,325	3,832,435		4,050,244	217,809	105.7%
Intergovernmental Revenue	832,899	225,000	(1)	625,000	400,000	277.8%
Interest Income	10,000	7,500		12,168	4,668	162.2%
Sale of Assets	0	0		0	0	
Miscellaneous	87,130	65,349		18,218	(47,131)	27.9%
Interfund Transfers	19,542	14,657		14,657	0	100.0%
Other Financing Sources	0	0		0	0	
Sub-total Revenues	<u>6,034,896</u>	<u>4,144,941</u>		<u>4,720,287</u>	<u>575,346</u>	113.9%
Carryover	<u>1,566,139</u>	<u>1,566,139</u>		<u>1,566,139</u>	<u>0</u>	100.0%
Total Revenues	<u><u>7,601,035</u></u>	<u><u>5,711,080</u></u>		<u><u>6,286,426</u></u>	<u><u>575,346</u></u>	110.1%
Expenditures						
Central Charges	7,270,219	4,282,120		4,140,864	(141,256)	96.7%
Park Services	330,816	201,730		187,737	(13,993)	93.1%
Total Expenditures	<u>7,601,035</u>	<u>4,483,850</u>		<u>4,328,601</u>	<u>(155,249)</u>	96.5%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>1,227,230</u></u>		<u><u>1,957,825</u></u>	<u><u>730,595</u></u>	

(1) Actual Intergovernmental Revenue reflects a \$400,000 grant reimbursement that was budgeted in a prior year.

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	56,250		78,230	21,980	139.1%
Intergovernmental Revenue	0	0	(1)	272,564	272,564	
Rates and Charges	45,315,766	34,321,339		33,445,980	(875,359)	97.4%
Miscellaneous	435,000	326,250		211,430	(114,820)	64.8%
Total Operating Revenues	45,825,766	34,703,839		34,008,204	(695,635)	98.0%
Operating Expenditures						
Central Charges	6,299,672	4,724,754		4,622,359	(102,395)	97.8%
Finance	646,064	472,273		375,428	(96,845)	79.5%
Public Works & Utilities	21,486,266	15,098,675		12,867,997	(2,230,678)	85.2%
Parks, Recreation & Libraries	152,415	130,467		106,821	(23,646)	81.9%
Information Technology	2,868,928	2,068,497		1,901,025	(167,472)	91.9%
Total Operating Expenditures	31,453,345	22,494,666		19,873,630	(2,621,036)	88.3%
Operating Income (Loss)	14,372,421	12,209,173		14,134,574	1,925,401	
Other Revenue and Expenditures						
Tap Fees	4,560,000	3,478,695		2,847,177	(631,518)	81.8%
Interest Income	365,000	273,750		234,014	(39,736)	85.5%
Interfund Transfers	2,533,172	1,899,879		1,899,879	0	100.0%
Sale of Assets	0	0		90,304	90,304	
Carryover	9,058,544	9,058,544		9,058,544	0	100.0%
Debt Service	(7,221,199)	(3,044,987)		(3,044,987)	0	100.0%
Reserve Transfer	(5,941,977)	(5,941,977)		(5,941,977)	0	100.0%
Total Other Revenue (Expenditures)	3,353,540	5,723,904		5,142,954	(580,950)	
Revenues Over(Under) Expenditures	17,725,961	17,933,077		19,277,528	1,344,451	

(1) The Intergovernmental budget variance reflects the Build America Bond interest rate subsidy.

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	56,250		78,230	21,980	139.1%
Intergovernmental Revenue	0	0	(1)	272,564	272,564	
Rates and Charges	32,100,766	24,410,089		23,507,178	(902,911)	96.3%
Miscellaneous	425,000	318,750		202,755	(115,995)	63.6%
Total Operating Revenues	<u>32,600,766</u>	<u>24,785,089</u>		<u>24,060,727</u>	<u>(724,362)</u>	
Operating Expenditures						
Central Charges	4,427,473	3,320,605		3,219,854	(100,751)	97.0%
Finance	646,064	472,273		375,428	(96,845)	79.5%
Public Works & Utilities	14,527,801	10,122,271		8,145,086	(1,977,185)	80.5%
PR&L Standley Lake	152,415	130,467		106,821	(23,646)	81.9%
Information Technology	2,868,928	2,068,497		1,901,025	(167,472)	91.9%
Total Operating Expenditures	<u>22,622,681</u>	<u>16,114,113</u>		<u>13,748,214</u>	<u>(2,365,899)</u>	85.3%
Operating Income (Loss)	<u>9,978,085</u>	<u>8,670,976</u>		<u>10,312,513</u>	<u>1,641,537</u>	
Other Revenue and (Expenditures)						
Tap Fees	3,500,000	2,664,000		2,123,065	(540,935)	79.7%
Interest Income	250,000	187,500		160,024	(27,476)	85.3%
Interfund Transfers	2,097,065	1,572,799		1,572,799	0	100.0%
Sale of Assets	0	0		90,304	90,304	
Carryover	7,451,335	7,451,335		7,451,335	0	100.0%
Debt Service	(5,714,756)	(2,466,478)		(2,466,478)	0	100.0%
Reserve Transfer	(4,777,768)	(4,777,768)		(4,777,768)	0	100.0%
Total Other Revenues (Expenditures)	<u>2,805,876</u>	<u>4,631,388</u>		<u>4,153,281</u>	<u>(478,107)</u>	
Revenues Over(Under) Expenditures	<u>12,783,961</u>	<u>13,302,364</u>		<u>14,465,794</u>	<u>1,163,430</u>	

(1) The Intergovernmental budget variance reflects the Build America Bond interest rate subsidy.

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	13,215,000	9,911,250		9,938,802	27,552	100.3%
Miscellaneous	10,000	7,500		8,675	1,175	115.7%
Total Operating Revenues	<u>13,225,000</u>	<u>9,918,750</u>		<u>9,947,477</u>	<u>28,727</u>	100.3%
Operating Expenditures						
Central Charges	1,872,199	1,404,149		1,402,505	(1,644)	99.9%
Public Works & Utilities	6,958,465	4,976,404		4,722,911	(253,493)	94.9%
Total Operating Expenditures	<u>8,830,664</u>	<u>6,380,553</u>		<u>6,125,416</u>	<u>(255,137)</u>	96.0%
Operating Income (Loss)	<u>4,394,336</u>	<u>3,538,197</u>		<u>3,822,061</u>	<u>283,864</u>	
Other Revenue and Expenditures						
Tap Fees	1,060,000	814,695		724,112	(90,583)	88.9%
Interest Income	115,000	86,250		73,990	(12,260)	85.8%
Interfund Transfers	436,107	327,080		327,080	0	100.0%
Carryover	1,607,209	1,607,209		1,607,209	0	100.0%
Debt Service	(1,506,443)	(578,509)		(578,509)	0	100.0%
Reserve Transfer	(1,164,209)	(1,164,209)		(1,164,209)	0	100.0%
Total Other Revenues (Expenditures)	<u>547,664</u>	<u>1,092,516</u>		<u>989,673</u>	<u>(102,843)</u>	
Revenues Over(Under) Expenditures	<u>4,942,000</u>	<u>4,630,713</u>		<u>4,811,734</u>	<u>181,021</u>	

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,082,000	1,561,500		1,511,191	(50,309)	96.8%
Interest Income	50,000	37,500		24,509	(12,991)	65.4%
Miscellaneous	0	0		20	20	
Sub-total Storm Drainage Revenues	<u>2,132,000</u>	<u>1,599,000</u>		<u>1,535,720</u>	<u>(63,280)</u>	96.0%
Carryover	44,136	44,136		44,136	0	100.0%
Total Revenues	<u>2,176,136</u>	<u>1,643,136</u>		<u>1,579,856</u>	<u>(63,280)</u>	96.1%
Expenditures						
General Services	86,200	55,254		48,736	(6,518)	88.2%
Community Development	174,090	128,653		124,707	(3,946)	96.9%
PR&L Park Services	200,000	81,200		53,145	(28,055)	65.4%
Public Works & Utilities	358,590	188,618		183,595	(5,023)	97.3%
Total Expenditures	<u>818,880</u>	<u>453,725</u>		<u>410,183</u>	<u>(43,542)</u>	90.4%
Revenues Over(Under) Expenditures	<u>1,357,256</u>	<u>1,189,411</u>		<u>1,169,673</u>	<u>(19,738)</u>	

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Operating Revenues						
Charges for Services	2,967,608	2,618,618		2,613,663	(4,955)	99.8%
Total Revenues	<u>2,967,608</u>	<u>2,618,618</u>		<u>2,613,663</u>	<u>(4,955)</u>	99.8%
Operating Expenditures						
Central Charges	217,435	164,247		130,712	(33,535)	79.6%
Recreation Facilities	2,594,708	2,031,828		2,008,141	(23,687)	98.8%
Total Expenditures	<u>2,812,143</u>	<u>2,196,075</u>		<u>2,138,853</u>	<u>(57,222)</u>	97.4%
Operating Income (Loss)	<u>155,465</u>	<u>422,543</u>		<u>474,810</u>	<u>52,267</u>	
Other Revenues and Expenditures						
Interest Income	0	0		3,150	3,150	
Other Financing Sources	484,283	484,283		484,283	0	100.0%
Other Financing Use	(484,283)	(484,283)		(484,283)	0	100.0%
Debt Service	(737,608)	(391,706)		(391,706)	0	100.0%
Interfund Transfers In	617,771	572,235		1,022,235	450,000	178.6%
Interfund Transfers Out	(585,628)	(585,628)		(585,628)	0	100.0%
Carryover	550,000	550,000		550,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(155,465)</u>	<u>144,901</u>		<u>598,051</u>	<u>453,150</u>	
Revenues Over(Under) Expenditures	<u>0</u>	<u>567,444</u>		<u>1,072,861</u>	<u>505,417</u>	

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,582,258	1,393,969		1,417,470	23,501	101.7%
Total Revenues	<u>1,582,258</u>	<u>1,393,969</u>		<u>1,417,470</u>	<u>23,501</u>	101.7%
Operating Expenditures						
Central Charges	113,659	85,585		66,809	(18,776)	78.1%
Recreation Facilities	1,274,371	1,029,692		974,826	(54,866)	94.7%
Total Expenditures	<u>1,388,030</u>	<u>1,115,277</u>		<u>1,041,635</u>	<u>(73,642)</u>	93.4%
Operating Income (Loss)	<u>194,228</u>	<u>278,692</u>		<u>375,835</u>	<u>97,143</u>	
Other Revenues and Expenditures						
Interest Income	0	0		3,525	3,525	
Other Financing Sources	240,539	240,539		240,539	0	100.0%
Other Financing Use	(240,539)	(240,539)		(240,539)	0	100.0%
Debt Service	(158,600)	(136,136)		(136,136)	0	100.0%
Interfund Transfers Out	(585,628)	(585,628)		(585,628)	0	100.0%
Carryover	550,000	550,000		550,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(194,228)</u>	<u>(171,764)</u>		<u>(168,239)</u>	<u>3,525</u>	
Revenues Over(Under) Expenditures	<u>0</u>	<u>106,928</u>		<u>207,596</u>	<u>100,668</u>	

**City of Westminster
Financial Report
For Nine Months Ending September 30, 2013**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,385,350	1,224,649		1,196,193	(28,456)	97.7%
Total Revenues	<u>1,385,350</u>	<u>1,224,649</u>		<u>1,196,193</u>	<u>(28,456)</u>	97.7%
Operating Expenditures						
Central Charges	103,776	78,662		63,903	(14,759)	81.2%
Recreation Facilities	1,320,337	1,002,136		1,033,315	31,179	103.1%
Total Expenditures	<u>1,424,113</u>	<u>1,080,798</u>		<u>1,097,218</u>	<u>16,420</u>	101.5%
Operating Income (Loss)	<u>(38,763)</u>	<u>143,851</u>		<u>98,975</u>	<u>(44,876)</u>	
Other Revenues and Expenditures						
Interest Income	0	0		(375)	(375)	
Other Financing Sources	243,744	243,744		243,744	-	100.0%
Other Financing Use	(243,744)	(243,744)		(243,744)	-	100.0%
Debt Service	(579,008)	(255,570)		(255,570)	-	100.0%
Interfund Transfers In	617,771	572,235		1,022,235	450,000	178.6%
Total Other Revenue (Expenditures)	<u>38,763</u>	<u>316,665</u>		<u>766,290</u>	<u>449,625</u>	
Revenues Over(Under) Expenditures	<u>0</u>	<u>460,516</u>		<u>865,265</u>	<u>404,749</u>	

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF SEPTEMBER 2013

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	413,501	10,899	424,400	389,139	10,117	399,256	6	8	6
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	353,408	1,414	354,822	351,827	943	352,770	0	50	1
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	247,051	38,558	285,610	179,528	4,178	183,706	38	823	55
SHOPS AT WALNUT CREEK 104TH & REED TARGET	257,112	1,919	259,031	220,976	1,387	222,363	16	38	16
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	219,630	1,398	221,029	249,605	4,217	253,822	-12	-67	-13
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	178,656	343	178,999	199,307	591	199,899	-10	-42	-10
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	177,587	474	178,061	173,794	590	174,384	2	-20	2
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	163,449	900	164,348	164,298	2,502	166,799	-1	-64	-1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	138,917	16,836	155,753	118,342	18,071	136,413	17	-7	14
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	117,282	705	117,988	108,627	421	109,048	8	68	8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	104,302	192	104,494	85,439	325	85,764	22	-41	22
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	82,444	606	83,050	51,931	255	52,186	59	138	59
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	81,908	326	82,233	74,772	55	74,827	10	494	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	64,784	614	65,398	24,025	144	24,170	170	326	171
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	63,475	292	63,767	58,423	573	58,996	9	-49	8

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF SEPTEMBER 2013

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	60,048	199	60,248	8,190	25	8,215	633	699	633
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	57,386	213	57,599	43,357	189	43,546	32	13	32
WILLOW RUN 128TH & ZUNI SAFEWAY	49,020	313	49,333	33,510	196	33,706	46	60	46
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	48,999	226	49,225	46,755	691	47,446	5	-67	4
GREEN ACRES NORTH SIDE 112TH SHER-FED CONOCO/FRCC	46,205	0	46,205	55,313	0	55,313	-16	*****	-16
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	13,223	27,288	40,511	11,091	24,755	35,846	19	10	13
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	7,890	26,657	34,546	6,385	3,599	9,984	24	641	246
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	30,600	68	30,669	24,976	35	25,011	23	95	23
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	28,718	147	28,864	27,037	117	27,154	6	25	6
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	27,964	375	28,339	23,961	346	24,307	17	8	17
	3,033,558	130,962	3,164,520	2,730,608	74,322	2,804,930	11	76	13

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
SEPTEMBER 2013 YEAR-TO-DATE

Center Location Major Tenant	YTD 2013			YTD 2012			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	3,921,830	136,372	4,058,201	3,549,604	127,536	3,677,140	10	7	10
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,042,900	24,531	3,067,431	3,125,473	19,756	3,145,229	-3	24	-2
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,291,641	29,172	2,320,813	2,126,366	15,824	2,142,190	8	84	8
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,187,292	6,160	2,193,452	2,101,272	8,716	2,109,988	4	-29	4
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,959,133	51,603	2,010,736	1,727,133	17,876	1,745,009	13	189	15
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,578,961	5,927	1,584,888	1,766,537	4,720	1,771,256	-11	26	-11
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,548,653	7,557	1,556,210	1,509,810	16,674	1,526,484	3	-55	2
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,512,766	13,862	1,526,628	1,492,383	5,270	1,497,653	1	163	2
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,251,344	178,147	1,429,491	1,152,907	167,045	1,319,952	9	7	8
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,170,224	11,123	1,181,347	1,084,781	7,124	1,091,906	8	56	8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	979,345	13,529	992,874	1,057,455	6,881	1,064,336	-7	97	-7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	786,524	3,860	790,384	729,762	1,778	731,540	8	117	8
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	687,880	3,573	691,453	646,107	6,031	652,138	6	-41	6
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	603,951	26,584	630,536	532,128	5,258	537,386	14	406	17
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	566,578	5,355	571,932	550,065	2,343	552,408	3	129	4

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 SEPTEMBER 2013 YEAR-TO-DATE

Center Location Major Tenant	YTD 2013			YTD 2012			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	518,120	5,940	524,060	480,388	6,985	487,373	8	-15	8
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	418,220	17,254	435,474	392,151	20,981	413,132	7	-18	5
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	406,189	1,823	408,012	392,077	7,042	399,119	4	-74	2
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	395,833	6,227	402,060	718,009	17,704	735,712	-45	-65	-45
WILLOW RUN 128TH & ZUNI SAFEWAY	305,995	2,365	308,360	300,984	2,876	303,860	2	-18	1
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	278,521	4,305	282,827	252,193	2,434	254,627	10	77	11
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	274,035	5,612	279,647	251,064	900	251,963	9	524	11
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	244,711	20,735	265,446	229,127	4,476	233,602	7	363	14
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	231,738	5,390	237,128	228,315	8,133	236,448	2	-34	0
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	220,163	7,292	227,456	270,972	5,419	276,391	-19	35	-18
	27,382,548	594,300	27,976,847	26,667,062	489,783	27,156,845	3	21	3



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Quarterly Insurance Claims Report – July through September 2013

Prepared By: Martee Erichson, Risk Manager

Recommended City Council Action

Accept the Third Quarter 2013 Insurance Claims Report.

Summary Statement

- The attached report provides detailed information on each insurance claim made to the City including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office on litigated claims to make sure the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Manager, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under the City's contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjuster and settlement of claims proceed with the concurrence of both CIRSA and the Risk Manager. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 3rd quarter of 2013 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee representatives and department heads. Follow-up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the third quarter of 2013, Staff has noted the following summary information:

- Five of the eight claims reported in the second quarter of 2013 are closed at this time.
- Total claims for the quarter and year-to-date are broken down by department as follows:

	3rd Qtr 2013			YTD
Department	Total Claims	Open	Closed	Total
General Services (GS) - Building Operations & Maintenance	0	0	0	1
Parks, Recreation and Libraries (PRL)	1	1	0	4
Police (PD)	2	2	0	7
Public Works and Utilities (PWU) - Street Maintenance	1	0	1	3
Public Works and Utilities (PWU) - Utilities Planning & Engineering	0	0	0	1
Public Works and Utilities (PWU) - Utility Field Operations	4	0	4	6
TOTAL	8	3	5	22

Risk Management supports Council’s Strategic Plan goals of a Safe and Healthy Community and a Financially Sustainable City Government Providing Exceptional Services by working to mitigate the cost of claims to the City and maintaining a loss control program that strives to keep City streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall
City Manager

Quarterly Insurance Claims Report – July through September 2013

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2013-220-1	7/14/2013	PWU - Util	G&B Realty (owners Henry and Marilou Bonavida)	8237 Everett St., Arvada CO 80005	Claimant (owner) experienced property damage from a sewer backup. The main sewer line had not been cleaned within the three year industry standard of care.	\$ 2,100.27	Closed	
2013-220-2	7/14/2013	PWU - Util	Brian Carbone	8560 W 88th Pl, Westminster CO 80021	Claimant (renter) experienced property damage from a sewer backup. The main sewer line had not been cleaned within the three year industry standard of care.	\$ 3,486.99	Closed	
2013-241	7/31/2013	PWU - Util	Jerome Weaver	8434 Newcombe St., Arvada CO 80005	Claimant sustained damage to his vehicle when a Utility division employee, who had stopped in traffic to do repairs, opened his city vehicle door into the claimant's passing vehicle.	\$ 271.31	Closed	
2013-246	8/4/2013	PRL	Ray Luzier	10663 Yates Dr., Westminster CO 80031	Claimant sustained substantial damage to his property due to an irrigation line break on the golf course.	\$ 44,181.38	Open	
2013-248	8/4/2013	PD	Richard Black	7411 New St., Westminster CO 80030	Claimant alleges his sunglasses were lost during his arrest.	\$ -	Open	CIRSA Investigating.
CLAIMS SUBMITTED RECENTLY WITH OCCURRENCE DATE PRIOR TO 3rd QUARTER 2013:								
2012-427	7/11/2012	PWU - Util	Donald Shantz	1610 W. 116th Ct., Westminster CO 80234	Claimant alleges his garage floor and walkway are sinking due to a water main break in July 2012.	\$ -	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

Quarterly Insurance Claims Report – July through September 2013

2013-234	1/31/2013	PD	Estate of Kevin Dudley, Marilyn Dudley and Joseph Dudley	3645 81st Ave., Westminster CO 80031	Claimant's survivors allege the claimant suffered a wrongful death while in the custody of Washington House, subsequent to being taken into custody by Westminster police.	\$ -	Open	CIRSA Investigating.
2013-269	4/9/2013	PWU - Streets	James C. Swallow and Logan Swallow	4127 W Kenyon St., Denver CO 80236	Claimants allege bodily injury and property damage suffered while traveling on U.S. 36 due to the City's failure to remove snow and ice that caused an accident.	\$ -	Closed	Claim denied based on no evidence of negligence on the part of the City as highway snow removal is not the City's responsibility.
TOTAL						\$ 50,039.95		



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Revised Employment Agreement with J. Brent McFall

Prepared By: Debbie Mitchell, General Services Director

Recommended City Council Action

Authorize the Mayor to execute a revised employment agreement with J. Brent McFall for his services as City Manager for 2014 with an effective date of January 1, 2014, and automatic renewal for 2015 unless terminated pursuant to the provisions of the agreement.

Summary Statement

- City Council is requested to approve a revised employment agreement with Brent McFall for services as City Manager beginning January 1, 2014. The agreement will be automatically renewed for 2015 unless it is terminated by City Council or by Mr. McFall in accordance with the agreement provisions.
- Under the proposed revised agreement, Mr. McFall's combined salary and deferred compensation will be \$226,352, which reflects a three percent increase over his annual compensation in 2013.
- No additional modifications have been made to the existing agreement with the exception of the effective dates. If approved, the proposed contract between Mr. McFall and the City will be renewed automatically unless terminated by Council prior to October 31, 2014.

Expenditure Required: \$226,352, plus the cost of other fringe benefits as described in the attached employment agreement

Source of Funds: General Fund - City Manager's Office Budget

Policy Issue

Should City Council approve the employment agreement with J. Brent McFall for the continuation of his services as City Manager for 2014 and 2015?

Alternative

Council could make adjustments to the proposed employment agreement with Mr. McFall.

Background Information:

J. Brent McFall has been employed as City Manager since May 21, 2001. His previous experience includes holding city manager or city administrator positions in four cities in Kansas and Washington prior to becoming Westminster's City Manager. Mr. McFall is an active member of the International City/County Management Association (ICMA). He is a past president of the Metro City Managers' Association and is also active with the Colorado City and County Management Association (CCCMA) and with the Jefferson and Adams County City Managers' groups. During the past year, he has been a speaker or panelist at several regional conferences including Rocky Mountain Land Use Institute, ICSC Mountain Region Conference and CCCMA. His activities at the community level include serving on the Board of Directors for the Metro North Chamber of Commerce and for the Westminster Legacy Foundation.

Under Mr. McFall's leadership, the City continues to use the City Council's Strategic Plan to guide the City's ongoing activities. The City's strategic approach to management is further demonstrated in the recently updated 2014 Budget that included an organization wide review of service levels associated with the City core service priorities. A few key accomplishments for 2013 include: progress on the development of Westminster Station and transit oriented development area; Westminster Center Master Official Development plan; Jessica Ridgeway Memorial Park funding and development; and initial construction of Centura Health Systems hospital at 144th Avenue & I-25.

Mr. McFall continues to champion the City organization's key values of service, pride, integrity, responsibility, innovation and teamwork (SPIRIT). Under his leadership, the City continues to be a leader on many fronts and enjoys an excellent reputation nationwide for the quality of its facilities and programs.

City Council met with Mr. McFall on October 14 to review his job performance during the past twelve months. The proposed employment agreement with Mr. McFall reflects Council's direction with regard to his annual salary for 2014. The revised agreement will provide for a combined salary and deferred compensation of \$226,352, a three percent increase from his 2013 salary. No additional modifications have been made to the existing agreement with the exception of the effective dates. If approved, the proposed contract between Mr. McFall and the City will be renewed automatically unless terminated by Council prior to October 31, 2014.

The employment agreement allows the City Manager to designate a portion of his salary as deferred compensation up to the maximum allowed under federal law. As in previous years, the proposed employment agreement with City Manager Brent McFall provides that, except in those cases where the agreement provides for a different benefit level, the City Manager will receive the same fringe benefits as those extended to department heads.

Funds are available in the 2014 Budget to cover the expense for the salary and fringe benefits described in the agreement.

SUBJECT: Revised Employment Agreement with J. Brent McFall

Page 3

City Council's favorable action on the continuation of the City Manager's employment agreement will support all five of the City Strategic Plan Goals by ensuring the City organization will continue to be managed by a highly skilled and experienced chief executive.

Respectfully submitted,

Barbara Opie
Assistant City Manager

Attachment - Agreement

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January 2014, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "the CITY" as party of the first part, and J. BRENT McFALL, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of J. BRENT McFALL, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council of the CITY (the "City Council") to provide certain benefits, establish certain conditions of employment, and to set working conditions of EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties or when the CITY may desire to otherwise terminate his employ;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

A. The CITY hereby agrees to continue the employment of J. BRENT McFALL as City Manager of the CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

B. Except as otherwise expressly provided in this Agreement, EMPLOYEE shall be subject to the City of Westminster Personnel Policies and Rules, dated July 1, 2013, as amended ("Personnel Policies and Rules").

SECTION 2. TERM:

A. It is the intent of the City Council and EMPLOYEE that EMPLOYEE will serve as City Manager for calendar years 2014 and 2015. EMPLOYEE agrees to remain in the exclusive employ of the CITY. Further, EMPLOYEE agrees not to become employed by any other employer until this Agreement is terminated. Notwithstanding the foregoing, the term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the CITY to terminate the services of EMPLOYEE at any time and for any reason, subject only to the provisions set forth in Section 3 of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3 of this Agreement.

D. This Agreement shall be in effect through December 31, 2014, but shall be automatically renewed through December 31, 2015, unless terminated on or before October 31, 2014.

SECTION 3. TERMINATION AND SEVERANCE PAYMENT:

A. In the event the City Council decides to terminate EMPLOYEE's employment with the CITY before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to pay EMPLOYEE a lump sum cash payment equal to his Base Salary for the ensuing twelve (12) months, plus the pro rata share of deferred compensation to which EMPLOYEE is entitled based on his termination date (the "Severance Payment"); provided however, that in the event the EMPLOYEE is terminated because of his conviction of an illegal act, then, and in that event, the CITY has no obligation to pay the Severance Payment.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a written suggestion by at least four (4) members of the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction and be entitled to the Severance Payment as described in subsection A of this Section 3.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY no less than sixty (60) days notice in advance in writing, and this agreement shall terminate on the effective date of the resignation.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this Section 3.

E. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3.A. hereof and shall entitle EMPLOYEE to the Severance Payment described therein.

SECTION 4. SALARY AND EVALUATIONS:

A. The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual gross salary of \$226,352 (the "Gross Salary"), which consists of a base salary ("Base Salary") and the amount EMPLOYEE elects to take as deferred compensation. The Base Salary portion of this amount shall be payable in installments at the same time as other employees of the CITY are paid. EMPLOYEE may designate a portion of this amount not to exceed the amount allowed by Federal Law to be paid as a lump sum payment to EMPLOYEE'S deferred compensation plan.

B. The CITY agrees to review EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY, and salary evaluation shall be based on the Gross Salary.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours, in compliance with the Personnel Policies and Rules.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the City Council, and such consulting or other non-City connected business shall not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. The City Council shall be the sole judge of such conflicts, and its determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he have an EMPLOYEE-provided automobile. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. The CITY shall pay EMPLOYEE a monthly car allowance of \$750 to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

The CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the CITY.

SECTION 8. PROFESSIONAL DEVELOPMENT:

The CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for the CITY, including but not limited to the International City/County Management Association, the Colorado City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

The CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

A. The CITY shall provide EMPLOYEE with all benefits that are provided to all other Department Head level employees by the Personnel Policies and Rules, except that when such benefits are in conflict with this Agreement, this Agreement shall control.

B. EMPLOYEE shall continue to accrue General Leave at the rate prescribed for "over 20" years of continuous municipal service in the City Code and Personnel Policies and Rules and shall be able to use such accrued leave in accordance with the rate of use accorded to employees in the "over 20" category.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with the provisions of this Agreement, the City Charter or any other law.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2014, and if automatically renewed shall be in effect through December 31, 2015.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this Agreement shall be construed as creating a multiple fiscal year obligation on the part of the CITY within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement.

APPROVED by Westminster City Council on this 28th day of October, 2013.

Nancy McNally, Mayor

ATTEST:

City Clerk

J. Brent McFall

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Revised Employment Agreement with Martin R. McCullough

Prepared By: Debbie Mitchell, General Services Director

Recommended City Council Action

Authorize the Mayor to execute a revised employment agreement with Martin R. McCullough for his services as City Attorney for 2014 with an effective date of January 1, 2014, and an automatic renewal for 2015 unless terminated pursuant to the terms of the agreement.

Summary Statement

- City Council is requested to approve a revised Employment Agreement with Martin McCullough for services as City Attorney beginning January 1, 2014. The Agreement will be automatically renewed for 2015 unless it is terminated by City Council or Mr. McCullough in accordance with the termination section of the Agreement.
- City Council met with Mr. McCullough for his annual performance and salary review on October 14, 2013. The attached proposed agreement reflects Council's direction with regard to renewal of the current agreement.
- Under the proposed revised Agreement, Mr. McCullough's 2014 combined salary and deferred compensation will be \$179,575, which represents a three percent increase over his 2013 combined compensation.
- No additional modifications have been made to the existing agreement with the exception of effective dates. If approved, the proposed contract between Mr. McCullough and the City will be renewed automatically unless terminated by Council prior to October 31, 2014.

Expenditure Required: \$179,575 plus the cost of fringe benefits as described in the attached Employment Agreement

Source of Funds: General Fund - City Attorney's Office Budget

Policy Issue

Should City Council continue its employment agreement with Martin McCullough for his services as City Attorney for 2014 and 2015?

Alternative

Council could make adjustments to the employment agreement with Mr. McCullough.

Background Information

Martin McCullough was appointed City Attorney on February 10, 1986, after serving as Acting City Attorney since September 1985. Prior to holding these positions, he was an attorney with the municipal law firm of Calkins, Kramer, Grimshaw and Haring. Mr. McCullough holds a B.A. from the University of Virginia, an M.S. from Florida State University and graduated magna cum laude from the University of Houston School of Law in 1982. He is admitted to practice law in Texas and Colorado and is a member of the International Municipal Lawyers Association and the Colorado and Denver Bar Associations. Mr. McCullough has served as President of the Attorneys' Section of the Colorado Municipal League, is past President of the Metro City Attorneys' Association, and is a member and past Chairperson of the Local Government Committee of the Colorado Bar Association. Mr. McCullough is also a past recipient of the Metro City Attorney's Association's "City Attorney of the Year" and "Leadership" awards. In 2004, Mr. McCullough was designated a Fellow In Local Government Law by the International Municipal Lawyers' Association. Mr. McCullough's fellowship status was recently extended through 2014.

During the past twelve months, the City Attorney's Office has provided a significant amount of legal support in a number of key areas: continued work on the Westminster Center Urban Reinvestment Project leading to acquisition of all the properties needed for the project with all litigation concerns resolved; execution of a final agreement between the City and RTD for construction of a portion of the Gold Line as it adjoins the City's Jim Baker Reservoir; acquisition of key pieces of real estate in the transit oriented development area to allow for the relocation of water, sewer and storm drainage utilities in preparation for the Westminster Rail Station and Parking Garage; the City's prosecution services continue to provide outstanding prosecution services for Westminster citizens', particularly in regards to difficult domestic violence prosecution in Municipal Court; and collected over \$228,000 in unpaid sales and use taxes. In addition, the City Attorney and staff continue to provide regular legal support to City Council and City Staff.

The proposed City Attorney's employment agreement reflects City Council's decision to increase the City Attorney's salary and deferred compensation by three percent to \$179,575. No additional modifications have been made to the existing agreement with the exception of the effective dates. If approved, the proposed contract between Mr. McCullough and the City will be renewed automatically unless terminated by Council prior to October 31, 2014.

The employment agreement allows the City Attorney to designate a portion of his salary as deferred compensation up to the maximum allowed under federal law. As in previous years, the proposed employment agreement with City Attorney McCullough provides that, except in those cases where the agreement provides for a different benefit level, the City Attorney will receive the same fringe benefits as those extended to all department heads.

Funds are available in the 2014 Budget to cover the expense for the salary and fringe benefits described in the agreement.

SUBJECT: Revised Employment Agreement with Martin R. McCullough

Page 3

The continuation of an employment agreement with Mr. McCullough supports all five of the City's Strategic Plan goals by ensuring quality legal advice and support for the wide range of government functions provided by the City organization.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Agreement

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2014, by and between the CITY OF WESTMINSTER, State of Colorado, a municipal corporation, hereinafter called "the CITY" as party of the first part, and MARTIN R. McCULLOUGH, hereinafter called "EMPLOYEE," as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of MARTIN R. McCULLOUGH, as City Attorney of the City of Westminster as provided by City Charter, Chapter IV, Section 4.13; and

WHEREAS, it is the desire of the City Council of the CITY (the "City Council") to provide certain benefits, establish certain conditions of employment, and to set working conditions of EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties or when the CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Attorney of the CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

A. The CITY hereby agrees to continue the employment of EMPLOYEE as City Attorney of the CITY to perform the duties and functions specified in Section 4.13 of the City Charter, Chapter 16 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall prepare and submit a proposed budget for the City Attorney's Office following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

C. EMPLOYEE shall supervise the staff of the City Attorney's Office as may be authorized by the City Council. All employees of the City Attorney's Office shall be employed by the City Attorney in accordance with the provisions of Section 1-16-3 of the City Code.

D. Except as otherwise expressly provided in this Agreement, EMPLOYEE shall be subject to the City of Westminster Personnel Policies and Rules, dated July 1, 2013, as amended ("Personnel Policies and Rules").

SECTION 2. TERM:

A. It is the intent of the City Council and EMPLOYEE that EMPLOYEE will serve as City Attorney for calendar years 2014 and 2015. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of the CITY. Further, EMPLOYEE agrees not to become employed by any other employer until this Agreement is terminated. Notwithstanding the foregoing, the term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the CITY to terminate the services of EMPLOYEE at any time and for any reason, subject only to the provisions set forth in Section 3 of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3, paragraph C of this Agreement.

D. This Agreement expires December 31, 2014 but shall be automatically renewed for 2015 unless terminated no later than October 31, 2014.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAYMENT:

A. In the event the City Council decides to terminate EMPLOYEE's employment with the CITY before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Attorney, then and in that event, the CITY agrees to give EMPLOYEE six (6) months' prior written notice or, if no such notice is given, to pay EMPLOYEE a lump sum cash payment equal to his Base Salary for the ensuing six (6) months, plus or minus the pro rata share of deferred compensation to which EMPLOYEE is entitled based on his termination date and the amount of deferred compensation already paid to EMPLOYEE for that year (the "Severance Payment"); provided however, that in the event EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, the CITY has no obligation to give notice or pay the Severance Payment.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across-the-board reduction for all City employees, or in the event the CITY refuses, following written notice, to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a written suggestion by at least four (4) members of the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction and be entitled to the Severance Payment as described in subsection A of this Section 3.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY no less than sixty (60) days notice in advance in writing, and this agreement shall terminate on the effective date of the resignation.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this Section 3.

E. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3A hereof and shall entitle EMPLOYEE to the Severance Payment described herein.

SECTION 4. SALARY AND EVALUATIONS:

A. Effective January 1, 2014, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual gross salary ("Gross Salary") of \$179,575 which consists of a base salary ("Base Salary") and the amount EMPLOYEE elects to take as deferred compensation. EMPLOYEE may elect to receive a portion of his Gross Salary in the form of a lump sum amount of deferred compensation up to the then current maximum allowed by law. The Base Salary shall be payable in installments at the same time as other employees of the CITY are paid.

B. The CITY agrees to review EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours, in compliance with the Personnel Policies and Rules.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the express prior approval of the City Council, and such consulting or other non-City connected business shall not constitute a conflict of any nature with EMPLOYEE'S work as City Attorney. The City Council shall be the sole judge of such conflicts, and its determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he have an EMPLOYEE-provided automobile. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. The CITY shall pay EMPLOYEE a monthly car allowance of \$500 to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

The CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the CITY.

SECTION 8. PROFESSIONAL DEVELOPMENT:

The CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the Colorado Bar Association, NIMLO, the Colorado Municipal League, and continuing legal education courses and seminars related to the practice of municipal law. In addition to reasonably funding educational/training programs for EMPLOYEE's professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each calendar year.

SECTION 9. GENERAL EXPENSES:

The CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

The CITY shall provide EMPLOYEE with all benefits that are provided to all Department Head level employees by the Personnel Policies and Rules; provided that when such benefits are in conflict with this Agreement, this Agreement shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with the provisions of this Agreement, the City Charter or any other law.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This agreement becomes effective on January 1, 2014, and if automatically renewed, shall be in effect through December 31, 2015.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

F. Nothing in this Agreement shall be construed as creating any multiple fiscal year obligation on the part of the CITY within the meaning of Colorado Constitution Article X, Section 20.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement both effective as of the day and year first above written.

APPROVED by Westminster City Council this 28th day of October, 2013.

ATTEST:

Nancy McNally, Mayor

City Clerk

Martin R. McCullough



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Little Dry Creek Regional Detention Pond - Fifth Amended Intergovernmental Agreement with the Urban Drainage and Flood Control District and Adams County

Prepared By: John Burke, P.E., CFM, Senior Engineer

Recommended City Council Action

Authorize the City Manager to sign the fifth amended intergovernmental agreement with the Urban Drainage and Flood Control District and Adams County to provide additional funding in the amount of \$975,000 for the Little Dry Creek Regional Detention Pond and related channel improvements.

Summary Statement

- This is the fifth amendment to the intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) for the Little Dry Creek drainage project, which was originally approved by City Council on February 9, 2009. This amendment is necessary to accrue sufficient funding to start the next phase of construction located east of Federal Boulevard.
- The first phase of construction work began in February 2013 with the boring of three pipes through the Federal Boulevard embankment near Little Dry Creek. The first pipe bored was for the City's 36-inch diameter sanitary sewer. The second boring was for the Crestview Water & Sanitation District's 10-inch sanitary sewer line, and the third will be the 108-inch diameter storm drainage culvert.
- This amended IGA will add \$800,000 from the City of Westminster and \$175,000 from UDFCD into the project account in order to start construction east of Federal Boulevard in advance of the Federal Boulevard Bridge replacement project.
- The IGA contains provisions for amending the document to allocate additional funding in future budget years. Future funding from the City's Storm Water Utility, Adams County and the UDFCD is anticipated that will allow this project to be fully funded within the next two years.

Expenditure Required: \$800,000 (City's share)

Source of Funds: Stormwater Utility Fund – Little Dry Creek Drainage Project

Policy Issue

Should the City amend the Intergovernmental Agreement with the Urban Drainage and Flood Control District and Adams County for the design and construction of drainage and flood control improvements for the Little Dry Creek Regional Detention Pond Project?

Alternative

Council could choose not to authorize this amended intergovernmental agreement at this time. Staff does not recommend this alternative because the matching funds from the UDFCD will help complete this project in a cost effective manner. If Council chooses not to approve this IGA, it would take longer to complete the project without UDFCD funds, thus delaying the drainage improvements necessary to accommodate the construction of the proposed transit-oriented development in the vicinity of Westminster Station.

Background Information

Construction of the Little Dry Creek regional detention pond upstream of Federal Boulevard will lower the flood plain by four feet, eliminating its direct impact upon the commuter rail track serving Westminster Station scheduled to commence service in early 2016. It will also create a regional detention facility to serve the redevelopment of the future Transit Oriented Development and provide a regional park and open space area for residents and commuter rail users alike. The first phase of this project, now underway, involves boring three separate utility tunnels under Federal Boulevard.

The original IGA for this project was authorized by City Council on February 9, 2009. At that time, the UDFCD contributed \$100,000, Adams County contributed \$150,000 and the City contributed \$150,000 to the project budget. The first amendment to the IGA authorized by Council on October 25, 2010, added \$600,000 in funding from UDFCD and \$500,000 from the City. The second amended IGA authorized by Council on December 10, 2012 added \$275,000 from UDFCD and \$275,000 from the City. The third amended IGA authorized by Council on January 28, 2013 added \$300,000 from UDFCD and \$1,700,000 from the City. The fourth amendment to the IGA authorized by Council on April 22, 2013 added \$600,000 from the City, thus increasing the total funding for the project to \$4,650,000. The proposed action on this fifth amendment to the IGA will add an additional \$800,000 from the City and \$175,000 from UDFCD, increasing the total funding for the project to \$5,625,000.

The timing of this fifth amendment is critical in order to construct the downstream improvements prior to the Colorado Department of Transportation (CDOT) Federal Boulevard Bridge Replacement project, anticipated to commence in July of 2014. The CDOT project will replace the existing four-lane road over the BNSF Railroad tracks with a six-lane bridge including eight-foot walks on each side.

This phase of the Little Dry Creek project will extend the culvert headwalls both east and west of Federal Boulevard and will allow the construction of the Federal Boulevard bridge replacement. City staff is currently working collaboratively with CDOT on a cost sharing agreement since both projects will benefit from this drainage improvement work.

This multi-faceted project will help advance the City of Westminster's Strategic Plan Goal of a Safe and Healthy Community by protecting people, homes and buildings from flooding through an effective stormwater management program. Additionally, this project will assist in the development of a multi-modal transportation system and a transit oriented development around the Westminster Station.

This project will dramatically change and revitalize this area once the regional open space and active recreational uses as identified in the Little Dry Creek Park Master Plan are implemented. This also assists the City's Strategic Plan Goal of creating a Beautiful and Environmentally Sensitive City by increasing green space consistent with defined goals.

The current amount of funding that is being administered through UDFCD is as follows:

	Previously Contributed	Additional Contribution	Current Total	Percentage Share
DISTRICT	\$1,275,000	\$175,000	\$1,450,000	25.8%
COUNTY	\$150,000	\$0	\$150,000	2.7%
CITY	\$3,225,000	\$800,000	\$4,025,000	71.5%
TOTAL	\$4,050,000	\$975,000	\$5,625,000	100.0%

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Fifth Amendment to IGA
- Project Vicinity Map

FIFTH AMENDMENT TO
AGREEMENT REGARDING
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LITTE DRY CREEK FROM LOWELL BOULEVARD TO FEDERAL BOULEVARD

Agreement No. 08-09.09E

THIS AGREEMENT, made this _____ day of _____, 2013, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), CITY OF WESTMINSTER (hereinafter called "CITY") and ADAMS COUNTY (hereinafter called "COUNTY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Little Dry Creek from Lowell Boulevard to Federal Boulevard" (Agreement No. 08-09.09) dated August 19, 2009, as amended, and

WHEREAS, PARTIES now desire to proceed with construction; and

WHEREAS, PARTIES desire to increase the level of funding by \$975,000; and

WHEREAS, the City Council of CITY, the County Commissioners of COUNTY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:
 4. PROJECT COSTS AND ALLOCATION OF COSTS
 - A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Delineation, description and acquisition of required rights-of-way/ easements;
 3. Construction of improvements;
 4. Contingencies mutually agreeable to PARTIES.
 - B. It is understood that PROJECT costs as defined above are not to exceed \$5,625,000 without amendment to this Agreement.
PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>PREVIOUSLY AMENDED</u>
1. Final Design	\$ 1,050,000	\$ 1,050,000
2. Right-of-way	200,000	200,000
3. Construction	4,275,000	3,300,000
4. Contingency	100,000	100,000
Grand Total	\$5,625,000	\$4,650,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	25.8%	\$1,275,000	\$175,000	\$1,450,000
COUNTY	2.7%	\$ 150,000	\$ -0-	\$ 150,000
CITY	71.5%	\$3,225,000	\$800,000	\$4,025,000
TOTAL	100.0%	\$4,650,000	\$975,000	\$5,625,000

3. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior Board approval.

Payment of each party's full share (CITY - \$4,025,000; COUNTY - \$150,000; DISTRICT - \$1,450,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special interest bearing account to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY and COUNTY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

5. All other terms and conditions of Agreement No. 08-09.09 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

ADAMS COUNTY

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

County Attorney

CITY OF WESTMINSTER

(SEAL)

By _____

ATTEST:

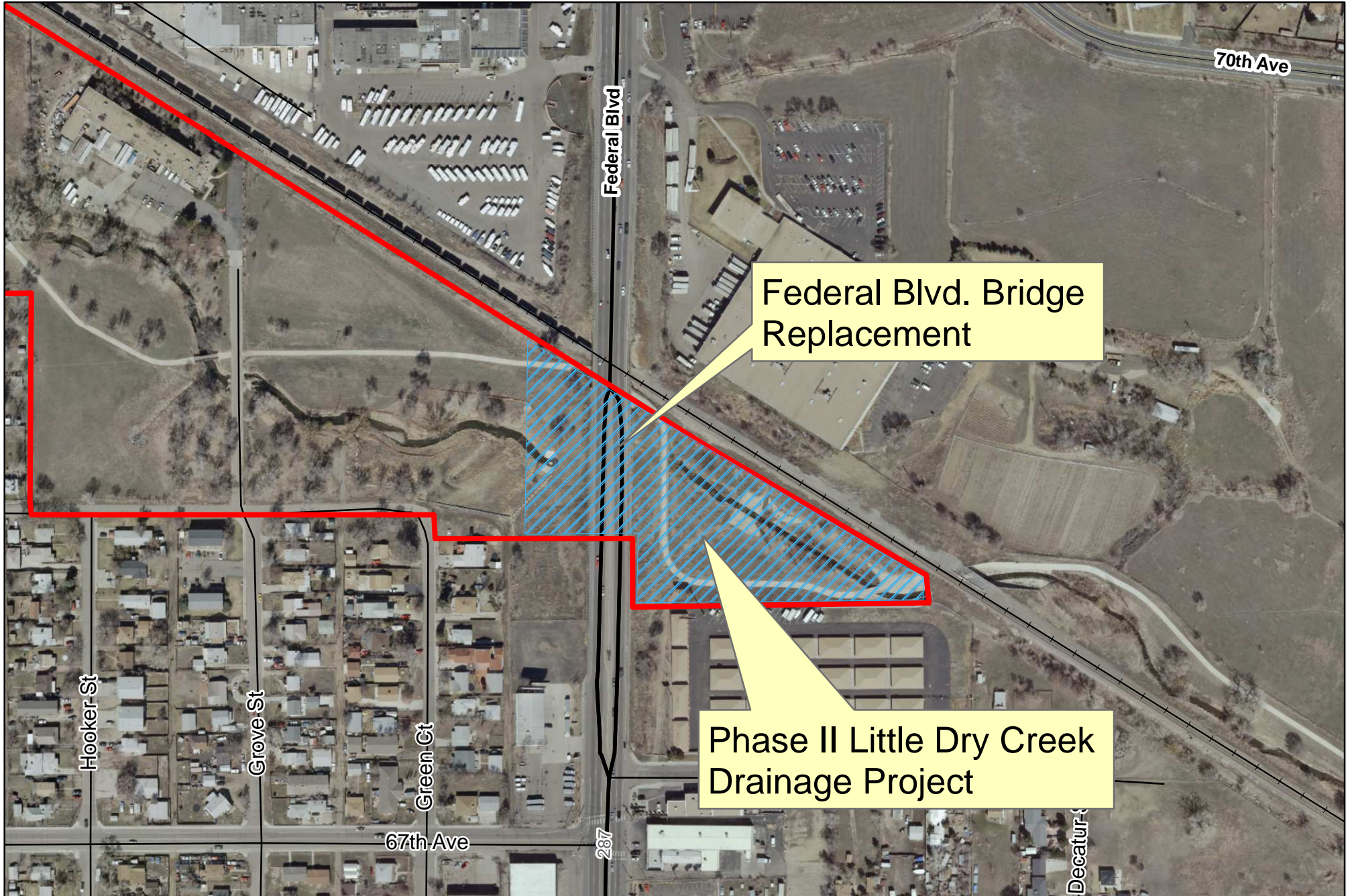
Title _____

Date _____

APPROVED AS TO FORM:

City Attorney

LITTLE DRY CREEK



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Feet 1 inch = 250 feet



Agenda Item 8 F

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Open Space Master Planning Professional Services Contract

Prepared By: Rod Larsen, Open Space Supervisor

Recommended City Council Action

Authorize the City Manager to execute a contract with Studio CPG/ERO Resources Consultant Team in the amount not to exceed \$75,000 for master planning services needed for the creation of the Open Space Master Plan.

Summary Statement

- The City's open space program is approaching its goal of preserving 15% of the City's land mass and a master plan is necessary to set the direction and framework for the management and stewardship of the open space for the coming years.
- City Staff sent out a Request for Qualifications (RFQ) to five firms to perform this work. Two firms, Studio CPG/ERO Resources Team and Logan, Simpson Design submitted statements of qualifications for this project.
- A 5-person selection committee from Parks, Recreation and Libraries and Community Development reviewed both RFQs and recommends Studio CPG/ERO Resources be chosen as the consultant to create this master plan.

Expenditure Required: Not to exceed \$75,000

Source of Funds: POST Master Plan Project – General Capital Improvement Fund

Policy Issue

Should City Council contract for master planning services with Studio CPG/ERO Resources Consultant Team relating to the creation of an Open Space Master Plan that can be used as the future management, acquisitions, and marketing guide for the open space program?

Alternatives

Council could elect not to accept any of the Statement of Qualifications (SOQ) from the consultants and require staff to rebid the project. Staff does not recommend this alternative as very few qualified consultant teams have the capability to take on a project of this complexity; Staff doubts additional firms would submit RFQ's for the master plan process.

Council could elect not to accept the SOQ from either of the consultants and require staff to develop the master plan "in-house" using existing personnel. Although this alternative could be done, Staff does not recommend this alternative as it would exceed the time limit (six months) required to complete the project and push other department priorities farther out into the future.

Background Information

The City of Westminster's Open Space program was started in the 1980's and was the second official open space program in the state. With the goal of preserving a total of 15% of the City's landmass, Westminster has thus far acquired over 3,000 acres of prized natural areas throughout the City. These properties range from pastureland to stream bank corridors to upland meadows and are rich with natural resources. The majority of citizens rank open space within the City of Westminster as one of the top reasons they chose to live here.

Now that the bulk of land acquisition has been achieved, it is time to shift focus and resources to the management of these prized parcels of property. A well drafted and detailed master plan will focus on the accomplishments of the open space program, establish current resource inventories, provide direction for future needs and what resources are necessary to achieve established goals and objectives. It is essential that the open space system be managed to insure healthy ecosystems, citizen pride, and land stewardship for generations to come.

Studio CPG/ERO Resources, the selected consultant team, are recognized as the top tier in their field and the skill set they bring for open space master plan development is highly regarded throughout the country.

This project supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Beautiful and Environmentally Sensitive City" by investing in well-maintained and sustainable City infrastructure, and maintaining open space consistent with defined goals.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Second Reading of Councillor’s Bill No. 40 to Amend the Westminster Municipal Code re Municipal Judge Salary

Prepared By: Debbie Mitchell, General Services Director

Recommended City Council Action

Pass Councillor’s Bill No. 40 on second reading amending Section 1-7-2 of the Westminster Municipal Code by setting the salary for the Municipal Judge for 2014.

Summary Statement

- City Council previously approved a revised employment agreement with John A. Stipech for services as Presiding Judge. The agreement will go into effect January 1, 2014, contingent upon the approval of this ordinance on second reading.
- In the previously approved agreement, Judge Stipech’s 2014 combined salary and deferred compensation will be \$138,168. This agreement allows the Judge to designate a portion of his salary as City-paid deferred compensation to be paid as a lump sum at the beginning of 2014. The new combined salary and deferred compensation for 2014 is three percent higher than the Judge’s compensation in 2013.
- The previously approved agreement with Judge Stipech is similar to the current employment agreement with the exceptions of the effective dates of the contract and the changes in compensation.
- The City Charter requires that the Presiding Judge’s salary be approved by ordinance.
- The Councillor’s Bill was passed on first reading on October 14, 2013.

Expenditure Required: \$138,168 plus the cost of fringe benefits as described in the attached employment agreement

Source of Funds: General Fund - Municipal Court Division Budget

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Ordinance
- Employment Agreement

BY AUTHORITY

ORDINANCE NO. **3699**

COUNCILLOR'S BILL NO. **40**

SERIES OF 2013

INTRODUCED BY COUNCILLORS
Atchison - Major

**A BILL
FOR AN ORDINANCE SETTING THE SALARY OF THE MUNICIPAL JUDGE FOR 2014**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-7-2, W.M.C., is hereby AMENDED as follows:

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

~~\$134,144~~\$138,168 per annum, effective January 1, ~~2013~~2014, payable bi-weekly inclusive of any amounts provided as City-paid deferred compensation. Such deferred compensation amount may, at the Municipal Judge's option, be paid as a lump sum at the beginning of the calendar year.

Section 2. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of October, 2013.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2014, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "the CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to continue to employ the services of John A. Stipech as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; and

WHEREAS, it is the desire of the City Council of the CITY (the "City Council") to provide certain benefits, establish certain conditions of employment, and to set working conditions of EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties or when the CITY may desire to otherwise terminate his employ; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

A. The CITY hereby agrees to continue the employment of EMPLOYEE as Presiding Municipal Judge of the CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Municipal Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court, following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

E. Except as otherwise expressly provided in this Agreement, EMPLOYEE shall be subject to the City of Westminster Personnel Policies and Rules, dated July 1, 2013, as amended ("Personnel Policies and Rules").

SECTION 2. TERM

A. It is the intent of the City Council and EMPLOYEE that EMPLOYEE will serve as Presiding Judge for calendar years 2014 and 2015. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of the CITY. Further, EMPLOYEE agrees not to become employed by any other employer until this Agreement is terminated. Notwithstanding the foregoing, the term "employed" shall not be construed to include other judicial service, private law practice, teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the CITY to terminate the services of EMPLOYEE at any time and for any reason, subject only to the provisions set forth in Section 3 of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3 of this Agreement.

D. This Agreement is for a one-year term, but shall be automatically renewed for 2015 unless terminated no later than October 31, 2014.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAYMENT:

A. In the event the City Council decides to terminate EMPLOYEE's employment with the CITY before expiration of the aforementioned term of employment and during such time EMPLOYEE is willing and able to perform the duties of Presiding Municipal Judge, then, and in that event, the CITY agrees to give EMPLOYEE six (6) months' prior written notice or, if no such notice is given, to pay EMPLOYEE a lump sum cash payment equal to his Base Salary for the ensuing six (6) months, plus or minus the pro rata share of deferred compensation to which EMPLOYEE is entitled based on his termination date and the amount of deferred compensation already paid to EMPLOYEE for that year (the "Severance Payment"). In the event the CITY elects to terminate this Agreement without giving EMPLOYEE six (6) months' advance written notice thereof, the EMPLOYEE shall have as his sole and exclusive remedy the Severance Payment as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same; provided, however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, the CITY has no obligation to give notice or pay the Severance Payment .

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across-the-board reduction for all City employees, or in the event the CITY refuses, following written notice, to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a written suggestion by at least four (4) members of the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction and be entitled to the Severance Payment as described in subsection A of this Section 3.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY no less than sixty (60) days notice in advance in writing, and this agreement shall terminate on the effective date of the resignation.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this Section 3.

E. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3.A hereof and shall entitle EMPLOYEE to the Severance Payment described therein.

SECTION 4. SALARY AND EVALUATIONS:

A. Effective January 1, 2014, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual gross salary ("Gross Salary") of \$138,168 which consists of a base salary ("Base Salary") and the amount EMPLOYEE elects to take in deferred compensation. EMPLOYEE may elect to receive a portion of his Gross Salary in the form of a lump sum amount of deferred compensation up to the then current maximum allowed by law. The Base Salary shall be payable in installments at the same time as other employees of the CITY are paid.

B. The CITY agrees to review EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY. Such evaluation shall consider the salary of judges of similar municipalities.

C. Pursuant to the City Charter, the Base Salary and deferred compensation provided in this Section shall be approved by ordinance of the City Council.

SECTION 5. HOURS OF WORK:

It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end, EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours, in compliance with the Personnel Policies and Rules.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he have an EMPLOYEE-provided automobile. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. The CITY shall pay EMPLOYEE a monthly car allowance of \$500 to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

The CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the CITY.

SECTION 8. PROFESSIONAL DEVELOPMENT:

The CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the CITY, including, but not limited to, the American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. In addition to reasonably funding educational/training programs for EMPLOYEE'S professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each calendar year.

SECTION 9. GENERAL EXPENSES:

The CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

The CITY shall provide EMPLOYEE with all benefits that are provided to Department Head level employees by the Personnel Policies and Rules; provided that when such benefits are in conflict with this Agreement, this Agreement shall control. EMPLOYEE'S years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of EMPLOYEE'S benefits is computed.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with the provisions of this Agreement, the City Charter or any other law.

B. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2014, and, if automatically renewed, shall be in effect through December 31, 2015.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

F. Effective January 1, 2014, this Agreement replaces and supersedes prior employment agreements between CITY and EMPLOYEE.

G. Nothing in this Agreement shall be construed as creating a multiple fiscal year obligation on the part of the CITY within the meaning of Colorado Constitution Article X, Section 20.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has voluntarily signed and executed this Agreement.

APPROVED by the Westminster City Council on October 28, 2013, contingent upon approval of the Councillor's Bill amending the Municipal Judge salary.

ATTEST:

Nancy McNally, Mayor

City Clerk

John A. Stipech

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Item 10 A-B

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Public Hearing and Resolution No. 29 Amending the Westminster Center Urban Reinvestment Plan

Prepared By: Susan F. Grafton, Economic Development Director

Recommended City Council Action

1. Hold a Public Hearing.
2. Adopt Resolution No. 29 approving a major modification to the Westminster Center Urban Reinvestment Plan and direct Staff to commence with the implementation of the Plan.

Summary Statement

- The redevelopment of what was previously referred to as the “Westminster Mall” is the City Council’s top strategic plan priority, as outlined in the City’s 5-year Strategic Plan that is updated and reviewed annually.
- The vision for the future Westminster Center is for a high density, urban scale mixed-use development including office, residential, retail, entertainment and employment uses, all adjacent to a new commuter rail transit station as well as the existing Westminster Center Park-n-Ride.
- On April 13, 2009, Council unanimously adopted the Westminster Center Urban Reinvestment Plan.
- Amendment of the Westminster Center Urban Reinvestment Plan is now needed to implement tax increment financing to assist in funding the significant public investment that this project will require.
- The amended plan is attached with all changes illustrated.

Expenditure Required: None at this time

Source of Funds: N/A

Policy Issue

Should the City amend the Westminster Center Urban Reinvestment Plan to allow for the implementation of tax increment financing (TIF)?

Alternative

Do not amend the Westminster Center Urban Reinvestment Plan. This would limit the City and WEDA's ability to finance the significant project improvements that this project will require. Staff does not recommend this option since urban renewal financing will be critical to facilitating redevelopment of infrastructure in the area.

Background Information

With the approval of the urban renewal plan in 2009, the Westminster Economic Development Authority (WEDA) was authorized to undertake projects within the urban renewal area that may include infrastructure improvements or redevelopment of specific properties. The amendment to the Westminster Center Urban Reinvestment Plan is being requested to allow for the implementation of the TIF and enable investment.

Planning Commission Input

On October 22, 2013, as required by the Urban Renewal Law, the Westminster Planning Commission reviewed the Urban Renewal Plan Amendment and recommended to the City Council that the goals and vision contained in the Urban Renewal Plan Amendment were consistent with, and in conformity with, the City's Comprehensive Land Use Plan.

City Staff will be available to answer any questions Council may have concerning the proposed amendment at the October 28, 2013 hearing.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Resolution
- Amended Westminster Center Urban Reinvestment Plan

RESOLUTION

RESOLUTION NO. 29

INTRODUCED BY COUNCILORS

SERIES OF 2013

A RESOLUTION
FOR APPROVAL OF A MAJOR MODIFICATION TO THE WESTMINSTER CENTER URBAN
REINVESTMENT PLAN.

WHEREAS, an urban renewal plan for the Westminster Center Urban Reinvestment Plan Area was adopted by the City Council of the City of Westminster on April 13, 2009, pursuant to Part 1 of Article 25 of Title 31, C.R.S.; and

WHEREAS, the City Council has determined it necessary to modify the Westminster Center Urban Reinvestment Plan to include provisions authorizing the use of tax increment financing pursuant to C.R.S. § 31-25-107(9); and

WHEREAS, the Authority has previously invested over \$30 million to acquire property within the Plan Area in furtherance of projects undertaken pursuant to the Plan; and

WHEREAS, the City Council of the City of Westminster adopted the Westminster Comprehensive Land Use Plan on June 14, 2004, which is the general plan for the development of the City of Westminster; and

WHEREAS, the modification of the Westminster Center Urban Reinvestment Plan has previously been submitted to the Westminster Planning Commission for its review and recommendations as to conformity with the Westminster Comprehensive Land Use Plan pursuant to C.R.S. §31-25-107(2); and

WHEREAS, the Westminster Planning Commission has determined that the modification to the Westminster Center Urban Reinvestment Plan does conform to the Westminster Comprehensive Land Use Plan; and

WHEREAS, the City Clerk of the City of Westminster has published the notice of the time, place, and purpose of the public hearing to consider the adoption of the modification to the Westminster Center Urban Reinvestment Plan in the Westminster Window in conformance with C.R.S. §31-25-107(3); and

WHEREAS, the Plan Area does not contain any parcels of agricultural land as defined by C.R.S. § 31-25-103(1); and

WHEREAS the City of Westminster has provided written notice of the public hearing to consider the adoption of the modification to the Westminster Center Urban Reinvestment Plan to all property owners, residents, and business owners within the Westminster Center Urban Reinvestment Plan Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c); and

WHEREAS, the Jefferson County Commissioners have received notification of and copies of the modification to the Westminster Center Urban Reinvestment Plan as well as such additional information as is required by C.R.S. §31-25-107(3.5); and

WHEREAS, the Jefferson County School District has received notification of and copies of the modification to the Westminster Center Urban Reinvestment Plan and has been given an opportunity to participate in an advisory capacity; and

WHEREAS, the City Council of the City of Westminster has conducted a public hearing and considered the public testimony received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT:

The Westminster Center Urban Reinvestment Plan is modified by the deletion of Section 5.1 in the Westminster Center Urban Reinvestment Plan as adopted on April 13, 2009, and the addition of a new Section 5.1 as provided in the Amended Westminster Center Urban Reinvestment Plan attached hereto.

The Amended Westminster Center Urban Reinvestment Plan is a major modification of the Plan as provided for in C.R.S. § 31-25-107(7).

The principal purpose for the adoption of Amended Westminster Center Urban Reinvestment Plan is to facilitate redevelopment in order to eliminate or prevent the spread of physically blighted areas.

The Amended Westminster Center Urban Reinvestment Plan conforms to the Westminster Comprehensive Land Use Plan, which is the general plan for the development of the City of Westminster.

Written notice of the public hearing to consider the adoption of the modification to the Westminster Center Urban Reinvestment Plan has been provided to all property owners, residents, and business owners within the Westminster Center Urban Reinvestment Plan Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c).

The only public hearing to consider the Amended Westminster Center Urban Reinvestment Plan was conducted on October 28, 2013.

The Amended Westminster Center Urban Reinvestment Plan will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the Westminster Center Urban Reinvestment Plan Area by private enterprise.

The Amended Westminster Center Urban Reinvestment Plan is hereby approved.

Passed and adopted this 28th day of October, 2013.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM

City Attorney's Office

**AMENDED WESTMINSTER CENTER URBAN
REINVESTMENT PLAN**

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

October 28, 2013

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AMENDED WESTMINSTER CENTER URBAN REINVESTMENT PLAN

October 28, 2013

I. INTRODUCTION

1.1 Preface

This Amended Westminster Center Urban Reinvestment Plan ("Plan") has been prepared by the Westminster Economic Development Authority ("WEDA") for adoption by the City Council of the City of Westminster pursuant to provisions of the Urban Renewal Law of the State of Colorado, Article 25 of Title 31, Colorado Revised Statutes. This Plan is prepared and adopted to satisfy the requirements of § 31-25-107(1), C.R.S., that an urban renewal plan be adopted by the governing body of the municipality before an urban renewal authority undertakes an urban renewal project. The administration of this project and the enforcement and execution of this Plan shall be performed by WEDA.

1.2 Background

The Plan Area is the area generally bounded by West 92nd Avenue to the north, West 88th Avenue to the south, Benton Street to the east and Harlan Street to the west. The area is approximately 127 acres in size, including adjacent rights-of-way. It is currently the site of the Westminster Mall. The area is in the center of the City of Westminster and is located immediately across U.S. 36 from the Westminster City Hall. The Westminster Comprehensive Land Use Plan adopted by the City of Westminster in July, 2004, designates this area as "District Center" which anticipates extensive office, retail, residential, and mixed use developments.

The Westminster Comprehensive Land Use Plan has the following goals:

- Goal D2: Continue to enhance Westminster Center as a vibrant and unique regional shopping and entertainment experience.
- Goal F1: Continue to promote redevelopment of targeted areas as a pathway to economic revitalization and improved physical conditions.
- Goal D1: Preserve, maintain, and improve a variety of shopping facilities offering all necessary goods and services to community residents and businesses.
- Goal I2: Continue enhancements and improvements of transportation facilities within District Centers and Traditional Mixed-Use Neighborhood developments.

There are several major impediments to achieving these goals. First, there are legal restrictions in place that limit redevelopment to the current configuration of structures and parking. As a result, the current configuration of the Westminster Mall cannot be altered without the consent of all the major stores, even though some of these stores have

closed. These limitations prevent redevelopment to better reflect modern multi-use development patterns. Secondly, there is a multiplicity of ownerships and tenancies in the area that prevents a unified and comprehensive redevelopment of the area. Thirdly, the existing development patterns do not complement anticipated mass transit improvements along U.S. 36 or the proposed RTD rail station. Finally, there is inadequate public infrastructure, including parking facilities, roads, water utilities and sewage facilities, to support the type of urban development desired.

Implementation of this Plan would remove these obstacles to development by allowing the removal of adverse conditions of title and the removal of other legal impediments to redevelopment.

1.3 Definitions

Cooperation Agreement: Any agreement between WEDA and the City of Westminster or any other public body respecting action taken pursuant to any of the powers set forth in the Urban Renewal Law, or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by WEDA under this Plan.

Westminster Comprehensive Land Use Plan: The comprehensive land use plan adopted by the City of Westminster.

Plan: This Westminster Center Urban Reinvestment Plan as it may be amended from time to time.

Development Agreement: An agreement between WEDA and a developer or developers respecting the development of property within the Westminster Center Urban Reinvestment Plan Area.

Plan Area: The property described in Section 2.5 of this Plan which has been found to be blighted and for which the undertaking of urban renewal projects is declared to be necessary.

2. LEGISLATIVE FINDINGS

2.1 Qualifying Conditions

Based on the Westminster Mall Area Reinvestment Study prepared by Leland Consulting Group and Matrix Design Group, dated February, 2009, and evidence presented at the public hearing, the City Council finds that there exists blight, as defined by § 31-25-103(2), C.R.S., in the Plan Area.

The Westminster Mall Area Reinvestment Study found multiple conditions of blight which indicate that more than five factors of blight are present in the Plan Area, as required by § 31-25-103(2), C.R.S. The factors found to exist include:

- a) Faulty lot layout in relation to size, adequacy, accessibility and usefulness: Many of the lots lack appropriate access and are too small to be efficiently developed.
- b) Predominance of defective and inadequate street layout: Existing streets and roads are inadequate to support development patterns typical of modern urban centers.
- c) Deterioration of site conditions: There are widespread examples of parking lots, retaining walls, signage and trash or weeds that indicate a pattern of continuing deterioration and neglect.
- d) Conditions that endanger life and property by fire and other causes: The water pressure in existing water mains is minimally adequate for the existing sprinklers and is inadequate for major firefighting.
- e) Inadequate public improvements: Water, sewer, and transportation systems are inadequate for existing as well as projected uses in the Plan Area.
- f) Defective or unusual condition of title: A substantial proportion of the Plan Area is affected by restrictive conditions that limit alteration of the existing structures. In addition, the overlapping access easements restrict any potential redevelopment.
- g) Factors requiring high levels of municipal services or substantial underutilization or vacancy of sites or buildings: The Westminster Mall has consistently demanded a high level of municipal services and the Westminster Mall has a 49% vacancy rate that will be exacerbated by the announced closure of Macy's.

The City Council finds that the presence of these factors in the Plan Area substantially impairs or arrests the sound growth of the City of Westminster, retards the provision of housing accommodations, constitutes an economic and social liability and is a menace to the public health, safety, morals and welfare of the City of Westminster.

2.2 Development Projects

The City Council finds that the Plan Area is appropriate for one or more projects and other undertakings of WEDA as authorized by the Urban Renewal Law.

2.3 Planning Approval

A general plan for the City of Westminster, known as the Westminster Comprehensive Land Use Plan, has been adopted by the City Council. This Plan has been submitted to the Planning Commission for review and recommendations as to its conformity with the Westminster Comprehensive Land Use Plan. The Westminster Planning Commission

met on ~~[date of PC meeting for Plan adoption]~~ March 24, 2009 and submitted its written recommendations to the City Council. The Westminster Planning Commission met on ~~[date of PC meeting for Amended Plan adoption]~~ October 22, 2013 and submitted its written recommendations regarding the modification to the Plan to the City Council. ~~This Plan has also been submitted to the Board of County Commissioners of Jefferson County as required by the Urban Renewal Law.~~

2.4 County Impact Report And Consultation With School District

The Amended Plan and a report regarding the impact of the adoption of the Amended Plan on county resources and services have been submitted to the Board of County Commissioners of Jefferson County as required by C.R.S. § 31-25-107(3.5). A copy of the Amended Plan has been provided to the Jefferson School District R-1 and the Authority has consulted with the school district regarding the Amended Plan.

2.42.5 Public Hearing

The City Council of the City of Westminster held a public hearing to consider this Plan and the modification to the Plan after public notice thereof in compliance with the Urban Renewal Law in the Westminster Window newspaper, describing the time, date, and purpose of the public hearing, identifying the Plan Area and outlining the general scope of the projects being considered for implementation pursuant to this Plan. Notice of the public hearing has been mailed to all property owners, residents, and owners of business concerns in the proposed Plan Area at their last known address of record at least 30 days prior to the public hearing.

2.52.6 Boundaries of the Westminster Center Urban Reinvestment Plan Area

The boundaries of the Westminster Center Urban Reinvestment Plan Area are set forth in Appendix 1 attached hereto. The Plan Area is designated as an urban renewal area by this Plan. The Plan Area is drawn as narrowly as feasible to accomplish the planning and development objectives of the Plan for the Plan Area.

2.62.7 Other Findings

2.6.12.7.1 This Plan conforms to and is consistent with the Westminster Comprehensive Land Use Plan.

2.6.22.7.2 One or more of the projects may require the demolition and clearance, subject to other restrictions, of certain property within the Plan Area as provided in this Plan. Such actions may be necessary to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

2.6.32.7.3 Other portions of the Plan Area may be conserved or rehabilitated through appropriate public action, as authorized or contemplated by the

Urban Renewal Law, and through the cooperation and voluntary action of the owners and tenants of such property.

2.6.42.7.4 In order to eliminate or reduce the qualifying conditions currently existing within the Plan Area, it is the intent of the City Council in adopting this Plan that WEDA exercise all powers authorized to be exercised by WEDA under the Urban Renewal Law and which are necessary, convenient, or appropriate to accomplish the objectives of this Plan. It is the intent of this Plan that except as otherwise provided herein, WEDA shall exercise all such powers as may now be possessed or hereafter granted to WEDA for the elimination of qualifying conditions within the Plan Area. Acquisition of property or any interest in property by WEDA within the Plan Area may be undertaken by any means authorized by WEDA, including condemnation as provided in C.R.S. § 31-25-105.5.

2.6.52.7.5 A feasible method exists for the relocation of individuals, families, and business concerns that may be displaced by an urban renewal project through the adoption of a relocation policy by WEDA insuring that adequate substitute business locations can be made available and that adequate relocation assistance is available.

2.6.62.7.6 The powers conferred by the Urban Renewal Law are for public uses and purposes for which public money may be expended and the police powers exercised, and this Plan is in the public interest and necessity, such finding being a matter of legislative determination by the City Council.

2.6.72.7.7 The uses contemplated under this Plan are necessary and appropriate to facilitate the sound growth and development of the City of Westminster in accordance with sound planning standards and local community objectives, and any acquisitions within the Plan Area which may require the exercise of governmental action are necessary because of the presence of blight in the Plan Area.

2.7.8 The Plan Area does not contain property that was included in a previously submitted urban renewal plan that the City Council failed to approve in past twenty-four months.

2.6.82.7.9 The Plan Area does not contain any areas of agricultural land as defined by C.R.S. § 31-25-103(1).

3. DESCRIPTION OF PLAN OBJECTIVES

This Plan is an important tool to address the problems confronting the Plan Area. The Plan is intended to achieve the goals for the area previously outlined in the Westminster Comprehensive Land Use Plan through a project or projects that will create a new Westminster Center. The

vision for the future Westminster Center is a new transit-oriented mixed-use neighborhood including residential, retail, entertainment and employment uses, all adjacent to a new multi-modal transit station. This neighborhood will provide the City of Westminster with a unique opportunity to create a new downtown, a district center for the community. The new mixed-use neighborhood will serve the needs of current and future Westminster residents to live close to new workplaces and have the opportunity to use convenient transit as part of their everyday lives. It will be a place to live, work, play, visit, entertain and be entertained, and will serve as a source of great community pride for the existing city residents and the new residents that it will attract.

4. PLAN IMPLEMENTATION

In order to accomplish the objectives of this Plan and to fully implement this Plan, WEDA shall be authorized to undertake the following activities:

4.1 Development Activities

Development activities within the Plan Area may include such undertakings and activities as are in accordance with this Plan and the Urban Renewal Law, including without limitation: demolition and removal of buildings and improvements; installation, construction and reconstruction of public improvements; elimination of unhealthful, unsanitary or unsafe conditions; and other actions to remove or to prevent the spread of deterioration or to provide land for needed public facilities. WEDA is authorized to solicit interest from developers in development projects and to negotiate with landowners, developers, and investors regarding appropriate projects within the Plan Area.

4.2 Property Acquisition and Land Assemblage

It is the principal intent of this Plan that property for projects in the Plan Area be voluntarily acquired by private individuals and entities. While WEDA is authorized to acquire real property or any interest in real property by purchase, gift, donation, lease or other conveyance, this principal intent is the foundation upon which this Plan has been developed. If necessary, WEDA is authorized to acquire property or interests in property by condemnation as provided in Article 1 and Article 7 of Title 38 of the Colorado Revised Statutes. Any exercise of the power of condemnation shall be in accordance with requirements of C.R.S. § 31-25-105.5.

4.3 Relocation Assistance and Payments

In the event it is necessary to relocate or displace any businesses or other commercial establishments as a result of any property acquisition, WEDA shall adopt relocation policies for payment of relocation expenses. Such expenses may include moving expenses, actual direct losses of property for business concerns, and goodwill and lost profits that are reasonably related to relocation of the business, resulting from its displacement for which reimbursement or compensation is not otherwise made.

4.4 Demolition, Clearance and Site Preparation

With respect to property acquired by WEDA, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements from property pursuant to this Plan if in the judgment of WEDA, such buildings, structures and other improvements are not to be rehabilitated in accordance with this Plan.

4.5 Public Improvements and Facilities

WEDA may undertake certain actions which would make the Plan Area more attractive for private investment. These actions may include street and traffic improvements, streetscape improvements, landscaping, park and recreation facilities, utility improvements and public art projects.

4.6 Property Disposition

WEDA may sell, lease, or otherwise transfer real property or any interest in real property subject to such covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, in addition to zoning and building code regulations. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with this Plan.

4.7 Redevelopment Agreements

WEDA is authorized to enter into one or more Development Agreements with developer(s) and such other entities as are determined by WEDA to be necessary or desirable by WEDA to carry out the purposes of this Plan. Such Development Agreements may contain such terms and provisions as shall be deemed necessary or appropriate by WEDA for the purpose of undertaking the activities contemplated by this Plan or the Urban Renewal Law, and may further provide for such undertakings by WEDA, including financial assistance, as may be necessary for the achievement of the objectives of this Plan or as may otherwise be authorized by the Urban Renewal Law.

4.8 Interagency Cooperation

WEDA may enter into one or more Cooperation Agreements with the City of Westminster or other public bodies pursuant to the Urban Renewal Law. Cooperation Agreements may provide, without limitation, for financing, for construction of public improvements, for administration, for technical assistance and for other purposes.

5. PROJECT FINANCING

5.1 Tax Increment Financing

The Westminster Economic Development Authority is authorized to utilize tax increment financing as provided by C.R.S. § 31-25-107(9). The primary method of financing the

projects undertaken in furtherance of this Plan shall be the use of tax increment financing pursuant to Section 31-25-107(9), C.R.S., which is by this reference incorporated herein as if set forth in its entirety. If there is any conflict between the Urban Renewal Law and this Plan, the provisions of the Urban Renewal Law shall control. All property taxes collected within the Plan Area shall be divided as follows:

- a) Property taxes which are produced by the levy at the rate fixed each year by and for each public body upon the valuation for assessment of taxable property in the Plan Area certified by the Jefferson County Assessor in the last certified assessment prior to the effective date of this modification of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for such public body.
- b) Except as the Westminster Economic Development Authority may legally provide otherwise under the Urban Renewal Law, such property taxes in excess of the amounts described in paragraph a), above, shall be allocated to and, when collected, paid into a special fund to fund the Westminster Economic Development Authority's obligations with respect to any project within the Plan Area to the extent necessary for payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans or advances to, or indebtedness incurred by (whether funded, refunded, assumed, or otherwise) the Westminster Economic Development Authority for financing or refinancing, in whole or in part, the projects in the Plan Area.
- c) When, in any calendar year, all amounts due and owing on such bonds, loans, advances, and other indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, but in no event later than 25 years following this modification of this Plan for the construction of the projects' improvements, any excess property tax collections not allocated pursuant to this paragraph, shall be paid into the funds of said jurisdiction or public body. Unless and until the property tax collections in the Plan Area exceed the base year property tax collections in the Plan Area, as provided in paragraph a), above, all such property tax collections shall be paid into the funds of the appropriate public body. The Westminster Economic Development Authority reserves the right to enter into Cooperation Agreements with select taxing jurisdictions relative to allocation of incremental tax revenues to support the purposes of this Plan and projects undertaken pursuant to this Plan.
- d) The adoption of this Plan shall be deemed an adoption of a provision that taxes, if any, levied after the effective date of the approval of this Plan upon taxable property in the Plan Area shall be divided among the Westminster Economic Development Authority and various taxing entities for a period of 25 years thereafter or such lesser period as provided in Section 31-25-107(9), C.R.S.

5.2 Additional Taxing Entities

The Westminster City Council recognizes that Colorado law allows the creation of additional political subdivisions within a municipality to provide services within a defined area. These entities include downtown development authorities, metropolitan districts, general improvement districts and other special districts as well as business improvement districts. These districts have available certain taxing powers that can generate revenues to support redevelopment.

WEDA shall explore a variety of strategies and mechanisms to finance necessary public improvements. It is imperative that financing mechanisms be flexible and creative to provide necessary assistance to a broad range of redevelopment activities.

5.3 Participating Interest in Projects

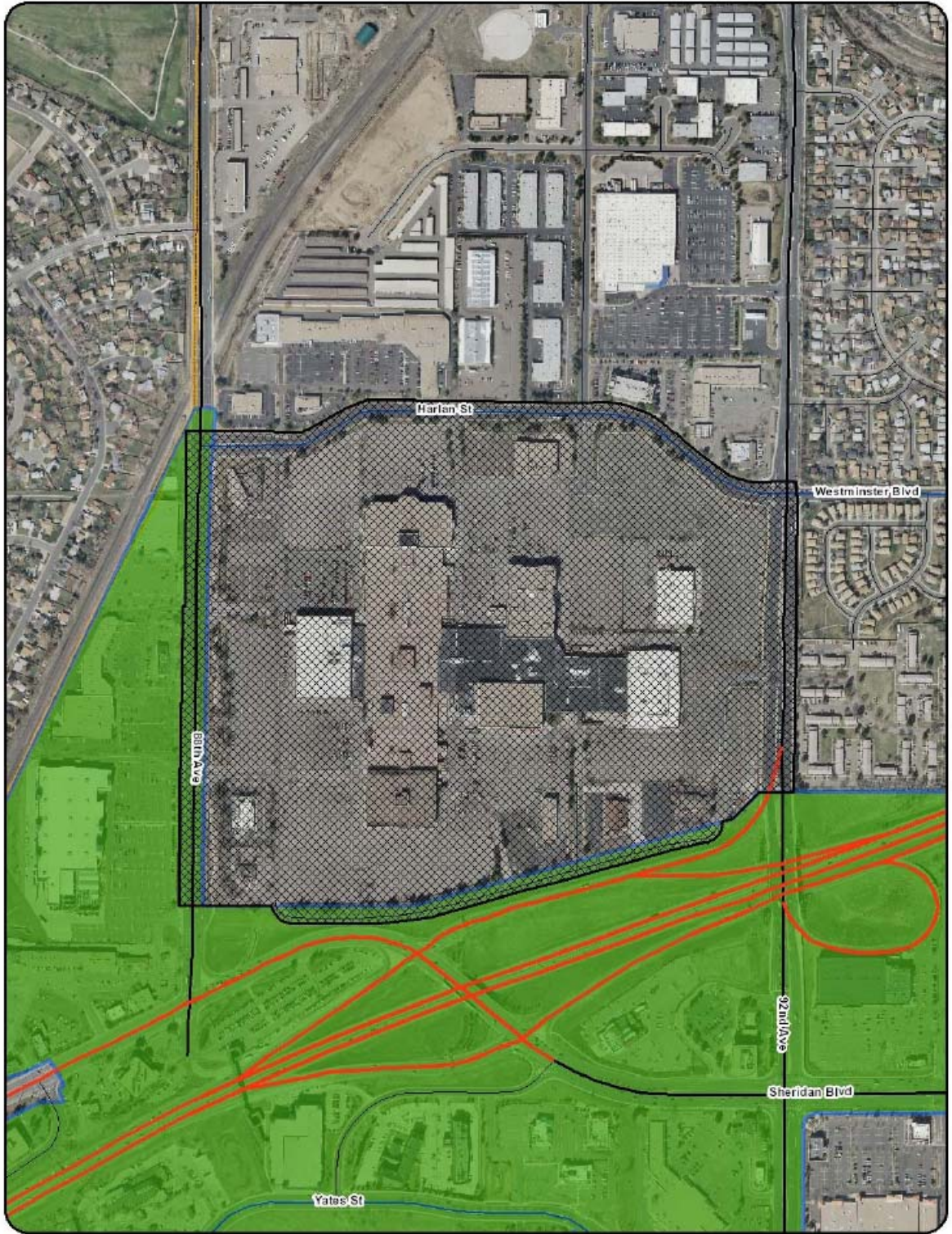
WEDA may require a participating interest in private development projects for which it provides financial assistance. Public assistance is frequently needed for redevelopment projects in order to fill the gap between traditional equity and debt financing and the additional costs of a redevelopment project. In the event the project generates revenues at or greater than market return, the public should share in the success of the project. The terms of the participating interest will be specified in the Redevelopment Agreement at a level and on terms appropriate for each project.

6. AMENDMENTS TO THIS PLAN

This Plan may be amended or modified pursuant to provision of the Urban Renewal Law as provided in § 31-25-107, C.R.S.

Appendix 1

Westminster Center Urban Reinvestment Plan Area



Appendix 2

Westminster Mall Area Reinvestment Study

Westminster Mall Area Reinvestment Study

February 2009



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Section 1: Study Overview

Purpose

The *Westminster Mall Area Reinvestment Study* (“Study”) is an examination and analysis of various conditions found within a defined geographic area to determine if the area qualifies as “blighted” within the meaning of the Colorado Urban Renewal Law.

The Study is a necessary step if urban renewal, as defined and authorized by Colorado statutes, is to be used as a tool by the Westminster Economic Development Authority (“WEDA”) to remedy and prevent conditions of blight. The findings and conclusions presented in this report are intended to assist the Westminster City Council in making a final determination as to whether the Study Area qualifies as blighted and, consequently, the feasibility and appropriateness of using urban renewal as a reinvestment tool.

To conduct the Study and prepare the Study report, the City of Westminster (“City”) under the direction of WEDA, retained the services of Denver-based consulting firms Leland Consulting Group (market, economic, and financial analysis) and Matrix Design Group (planning, environmental, engineering, and design services).

Methodology

The defined geographic area (“Study Area”) examined in this reinvestment study is within Westminster municipal boundaries as defined by the City in September of 2008. A map depicting the exact boundaries of the Study Area is presented in Section 4 of this report as **Exhibit 2: Study Area Boundary and Parcel Map**.

To conduct this Study, the project team conducted multiple field investigations in the Fall of 2008 and the Winter of 2008/2009 for the purpose of documenting factors of blight as identified in the Colorado Urban Renewal statutes. Pertinent Geographic Information Systems (GIS) data were obtained from Jefferson County and from the City of Westminster and subsequently analyzed by the team. Additional information was obtained through interviews with local officials and representatives from the Westminster Fire, Police, and Public Works and Utilities departments. Aerial photography of the site was also consulted in assessing certain blight factors.

In order to organize the blight data and prepare supporting graphic illustrations of the findings, the Survey Area's 36 legal parcels were used as the primary units of observation. These parcels were assigned a unique identification number for purposes of this Study, as reflected in **Exhibit 9: Parcel Ownership Map**, which can be found in **Section 5**, as well as the field survey ledger located in the **Appendix**.

Finally, the survey results and the information gathered from the City and Jefferson County were categorized and analyzed as to their applicability to the blight factors outlined in the Colorado Urban Renewal statutes, and were prepared and presented in this report for consideration by WEDA and the Westminster City Council.

Section 2: Colorado Urban Renewal Statutes and Blighted Areas

In the Colorado Urban Renewal Law, Colo. Rev. Stat. § 31-25-101 et seq. (the “Urban Renewal Law”), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....”

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of urban problems, including health and social deficiencies, and physical deterioration. See Colo. Rev. Stat. § 31-25-103(2). Before remedial action can be taken, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. Id. § 107(1).

The blight finding is a legislative determination by the municipality’s governing body that, as a result of the presence of factors enumerated in the definition of “blighted area,” the area is a detriment to the health and vitality of the community requiring the use of the municipality’s urban renewal powers to correct those conditions or prevent their spread. In some cases, the factors enumerated in the definition are symptoms of decay, and in some instances, these factors are the cause of the problems. The definition requires the governing body to examine the factors and determine whether these factors indicate a deterioration that threatens the community as a whole.

For purposes of the Study, the definition of a blighted area is articulated in the Urban Renewal Law as follows:

*“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least **four** of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:*

- a. *Slum, deteriorated, or deteriorating structures;*
- b. *Predominance of defective or inadequate street layout;*
- c. *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- d. *Unsanitary or unsafe conditions;*
- e. *Deterioration of site or other improvements;*
- f. *Unusual topography or inadequate public improvements or utilities;*
- g. *Defective or unusual conditions of title rendering the title non-marketable;*
- h. *The existence of conditions that endanger life or property by fire or other causes;*
- i. *Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;*
- j. *Environmental contamination of buildings or property; or*
- k.5. *The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements”*

In addition, paragraph (l.) states, *“if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any **one** of the factors specified in paragraphs (a) to (k.5) of this subsection....”*

The statute also states a separate requirement for the number of blight factors that must be present if private property is to be acquired by eminent domain. At § 31-25-105.5(5), paragraph (a.) states, *“‘Blighted area’ shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, ‘blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least **five** of the factors specified in section 31-25-103 (2)(a) to (2)(l)....”*

Thus, the state statutes require, depending on the circumstances, that a minimum of either **one**, **four**, or **five** blight factors be present for an area to be considered a “blighted area.”

Several principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. According to the courts, “the definition of ‘blighted area’

contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.”

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis.

Third, a city’s “determination as to whether an area is blighted... is a legislative question and the scope of review by the judiciary is restricted.” A court’s role in reviewing such a blight determination is simply to verify independently if the conclusion is based upon factual evidence and consistent with the statutory definition.

Based upon the conditions identified in the Study Area, this report makes a recommendation as to whether the Study Area qualifies as a blighted area. The actual determination itself remains the responsibility of the Westminster City Council.

Section 3: Conditions Indicative of the Presence of Blight

As discussed in **Section 2**, the Colorado Urban Renewal statutes provide a list of 11 factors that, through their presence, may allow an area to be declared as blighted. This section elaborates on those 11 factors by describing some of the conditions that might be found within a Study Area that would indicate the presence of those factors.

Slum, Deteriorated, or Deteriorating Structures:

During the field reconnaissance of the Study Area, the general condition and level of deterioration of a building is evaluated. This examination is limited to a visual inspection of the building's exterior condition and is not a detailed engineering or architectural analysis, nor does it include the building's interior. The intent is to document obvious indications of disrepair and deterioration to the exterior of a structure found within the Study Area. Some of the exterior elements observed for signs of deterioration include:

- Primary elements (exterior walls, visible foundation, roof)
- Secondary elements (fascia/soffits, gutters/downspouts, windows/doors, façade finishes, loading docks, etc.)
- Ancillary structures (detached garages, storage buildings, etc.)

Predominance of Defective or Inadequate Street Layout:

The presence of this factor is determined through a combination of both field observation as well as an analysis of the existing transportation network and vehicular and pedestrian circulation patterns in the Study Area by persons with expertise in transportation planning and/or traffic engineering. These conditions include:

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites
- Poor internal vehicular/pedestrian circulation
- Excessive curb cuts/driveways in commercial areas

These conditions can affect the adequacy or performance of the transportation system within the Study Area, creating a street layout that is defective or inadequate.

Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:

This factor requires an analysis of the parcels within the Study Area as to their potential and usefulness as developable sites. Conditions indicative of the presence of this factor include:

- Lots that are long, narrow, or irregularly shaped
- Lots that are inadequate in size
- Lots with configurations that result in stagnant, misused, or unused land

This analysis considers the shape, orientation, and size of undeveloped parcels within the Study Area and if these attributes would negatively impact the potential for development of the parcel. This evaluation is performed both through observation in the field and through an analysis of parcel boundary maps of the Study Area.

Unsanitary or Unsafe Conditions:

Conditions observed within the Study Area that qualify under this blight factor include:

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Above average incidences of public safety responses
- Inadequate sanitation or water systems
- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open trash dumpsters
- Severely cracked, sloped, or uneven surfaces for pedestrians
- Illegal dumping
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas

These represent situations in which the safety of individuals, especially pedestrians and children, may be compromised due to environmental and physical conditions considered to be unsanitary or unsafe.

Deterioration of Site or Other Improvements:

The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of specific

improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site's usefulness and desirability and negatively affect nearby properties.

- Neglected properties or evidence of general site maintenance problems
- Deteriorated signage or lighting
- Deteriorated fences, walls, or gates
- Deterioration of on-site parking surfaces, curb & gutter, or sidewalks
- Poorly maintained landscaping or overgrown vegetation
- Poor parking lot/driveway layout
- Unpaved parking lot on commercial properties

Unusual Topography or Inadequate Public Improvements or Utilities:

The focus of this factor is on the presence of unusual topographical conditions that could make development prohibitive, such as steep slopes or poor load-bearing soils, as well as deficiencies in the public infrastructure system within the Study Area that could include:

- Steep slopes/rock outcroppings/poor load-bearing soils
- Deteriorated public infrastructure (street/alley pavement, curb, gutter, sidewalks, street lighting, storm drainage systems)
- Lack of public infrastructure (same as above)
- Presence of overhead utilities or billboards
- Inadequate fire protection facilities/hydrants
- Inadequate sanitation or water systems

Defective or Unusual Conditions of Title Rendering the Title Non-Marketable:

Certain properties can be difficult to market or redevelop if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples include:

- Properties with covenants or other limiting clauses that significantly impair their ability to redevelop
- Properties with disputed or defective title
- Multiplicity of ownership making assemblages of land difficult or impossible

Existence of Conditions that Endanger Life or Property by Fire and Other Causes:

A finding of blight within this factor can result from the presence of the following conditions, which include both the deterioration of physical improvements that can lead to dangerous situations as well as the inability for emergency personnel or equipment to provide services to a site:

- Buildings or sites inaccessible to fire and emergency vehicles
- Blocked/poorly maintained fire and emergency access routes/frontages
- Insufficient fire and emergency vehicle turning radii
- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations

Buildings that are Unsafe or Unhealthy for Persons to Live or Work In:

Some of the conditions that can contribute to this blight factor include:

- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
- Buildings with deteriorated elements that create unsafe conditions
- Buildings with inadequate or improperly installed utility components

Environmental Contamination of Buildings or Property:

This factor represents the presence of contamination in the soils, structures, water sources, or other locations within the Study Area.

- Presence of hazardous substances, liquids, or gasses found at a site

Existence of Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The physical conditions that would contribute to this blight factor include:

- Sites with a high incidence of fire, police, or emergency responses
- Sites adjacent to streets/alleys with a high incidence of traffic accidents
- Sites with a high incidence of code enforcement responses
- An undeveloped parcel in a generally urbanized area
- A parcel with a disproportionately small percentage of its total land area developed
- Vacant structures or vacant units in multi-unit structures

Section 4: Study Area Location, Definition, and Description

The Westminster Mall Area Reinvestment Study Area is located in the City of Westminster, Colorado within the general vicinity of the Westminster Mall, located in the northeast quadrant of the intersection of Harlan Street and West 88th Avenue. The present Study Area is adjacent to the City Center East Urban Renewal Area to the south and east. **Exhibit 1: Study Area Context**, shows the location of the Study Area within the context of the City of Westminster and surrounding municipalities.

The Study Area is approximately 126.5 acres in size. Generally, it is bounded by West 92nd Avenue to the north, West 88th Avenue to the south, a Harlan Street to the west, and Benton Street to the east. The full rights-of-way of the bounding streets are included in the Study Area, except on the eastern side, where the Study Area meets but does not include Benton Street. **Exhibit 2: Study Area Boundary and Parcel Map** visually depicts the layout and configuration of the Study Area and the boundaries of the individual real property parcels within.

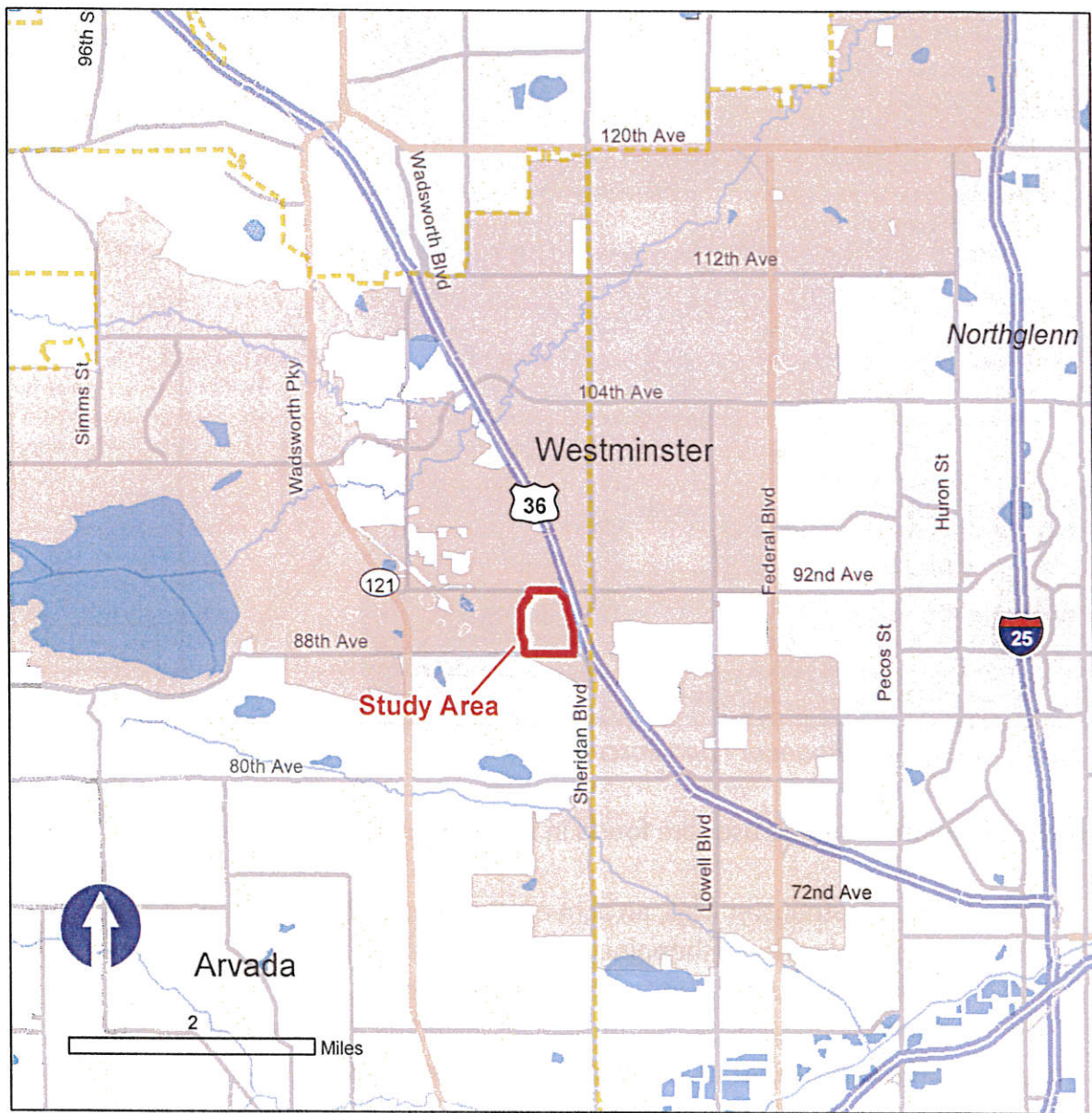


Exhibit 1: Study Area Context

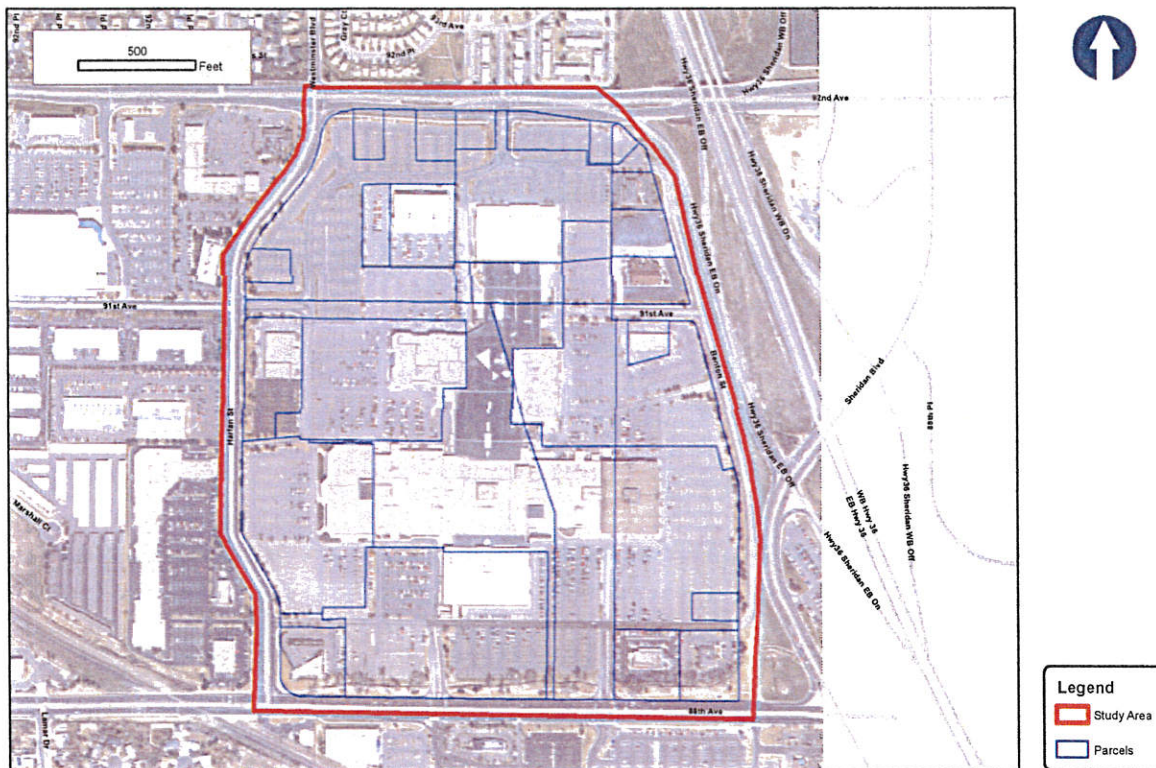


Exhibit 2: Study Area Boundary and Parcel Map

A range of commercial land uses are found in the Study Area:

- The Westminster Mall, an active but nearly half vacant traditional enclosed regional shopping mall with department store anchors, smaller interior in-line retailers and a shared food court
- Free-standing restaurant outparcels including an Olive Garden, a vacant Steak and Ale and a vacant Trail Dust Steakhouse
- A Sears automotive service center
- A drive-through retail bank
- A small professional/medical office building
- A free-standing Brunswick Zone bowling and entertainment center
- A vacant free-standing multi-screen movie theater

Section 5: Study Findings

The overall findings of the Westminster Mall Area Reinvestment Study are presented in this section. These findings are based on the analysis of data collected and field studies conducted in the Fall of 2008 and the Winter of 2008/2009.

Slum, Deteriorated or Deteriorating Structures:

As described in **Section 3**, *Slum, Deteriorated or Deteriorating Structures* is a factor that focuses on the physical condition of structures within the Study Area. The assessment of this factor was primarily performed during the field survey, and identified five parcels that were judged to exhibit these conditions to some degree.

Despite these five instances of deteriorated building elements found within the Study Area, the project team felt that these conditions were neither severe enough nor widespread enough to warrant citing the *Slum, Deteriorated or Deteriorating Structures* blight factor as a contributing factor. Consequently, this factor is *not* included in the final tally of blight factors identified in the Study Area.

Predominance of Defective or Inadequate Street Layout:

As a large, physically continuous enclosed structure, the Westminster Mall itself presents an awkward and sometimes confusing barrier to normal vehicular through-traffic. This problem is exacerbated for parcels on the east side of the Mall, where there is no possibility of east-west movement without first circumventing the mall. The combination of U.S. 36 highway lanes, jogs in Sheridan Boulevard, access roads, and on/off ramps east of the mall make for a distracting and unclear approach to the mall area for highway travelers. Furthermore, 88th Avenue, which facilitates east/west access along the southern border of the mall, dead ends shortly after its intersection with Sheridan Boulevard. This forces eastbound drivers to make a left onto Sheridan in order to continue across US 36, complicating access and circulation in this portion of the site.

Road access throughout the study area is provided by the four public rights of way surrounding the Study Area; (West 92nd Avenue, Benton Street, Harlan Street, and West 88th Avenue); and by the Mall's interior road network. Motorists must use the minimal internal street network or drive through parking lots to make any north-south or east-west connections in between the surrounding public roads. Benton Street, on the eastern side of the Study Area, is essentially a free-standing public road, connected

only to a dead end stub of West 91st Avenue and to private mall roads. In short, the Study Area relies on an interior network of private vehicular paths, with little signage or signalization, to provide circulation within a wide framework of public roads that is poorly connected to any broader public street grid. The result is a disorienting and uninviting situation for motorists and an unfriendly, unsafe environment for pedestrians.

The following graphic, **Exhibit 3: Predominance of Defective or Inadequate Street Layout Parcel Map** is a visual representation of this road layout as well as the parcels that are most affected by it. Parcels that are cited for *Defective or Inadequate Street Layout* are generally those that border the public rights-of-way described above, contain the internal roads providing access around the site, or are most affected by the access issued described, such as the parcels in the eastern portion of the Study Area. (Red shaded parcels indicate a positive finding of blight in this and all future maps.)

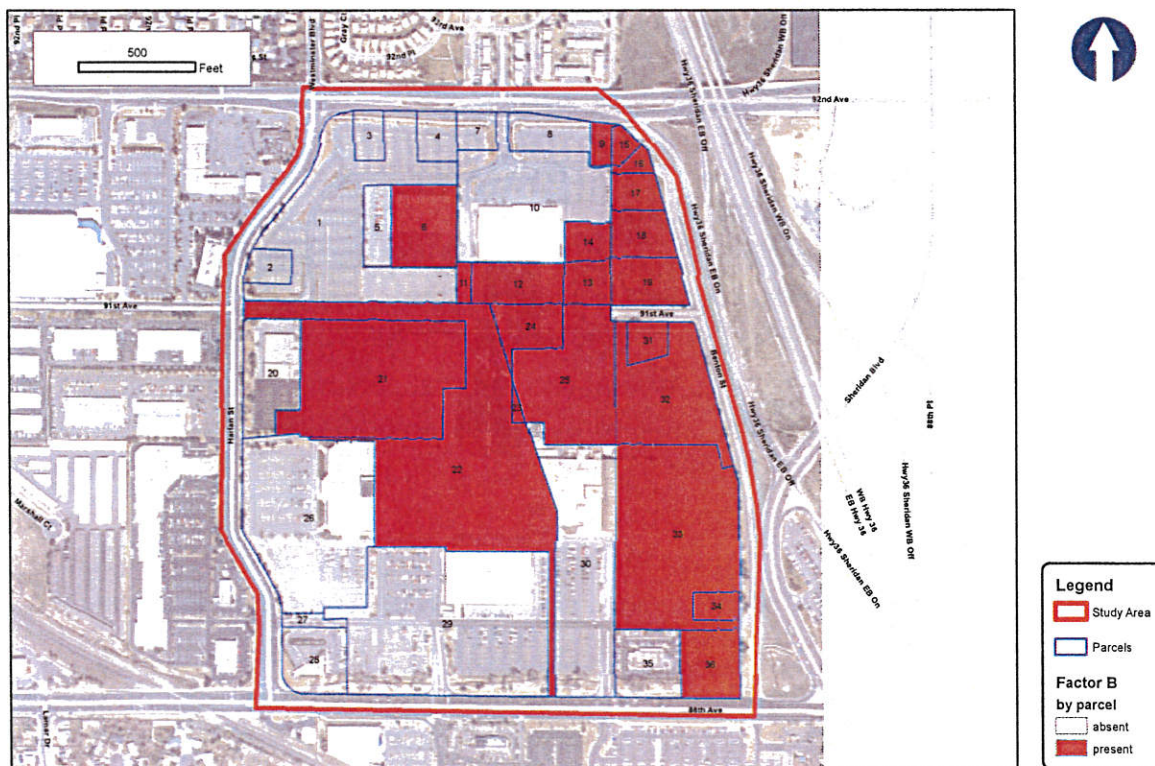


Exhibit 3: Predominance of Defective or Inadequate Street Layout Parcel Map

In total, 21 parcels within the Study Area are documented as exhibiting this blight factor. The circulation issues described for both automobile and pedestrian traffic are both sufficient and widespread enough to justify a finding of *Predominance of Defective or Inadequate Street Layout* within the Study Area.

Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:

The layout of parcels within the Study Area is impacted by the same physical features listed in the discussion under *Predominance of Defective or Inadequate Street Layout*. In fact, all parcels found to have defective street layout due to inadequate vehicular access also have a faulty lot layout, since adequate access is a necessary characteristic of adequate lot layout. Parcel shape and size are also adversely affected by the sometimes unusual ad-hoc parcelization of the mall area, resulting in lots too small or too oddly aligned to be considered for redevelopment without assemblage.

The following map shows the parcels cited for *Faulty Lot Layout* due to access, road layout, odd physical shape, or insufficient physical size.

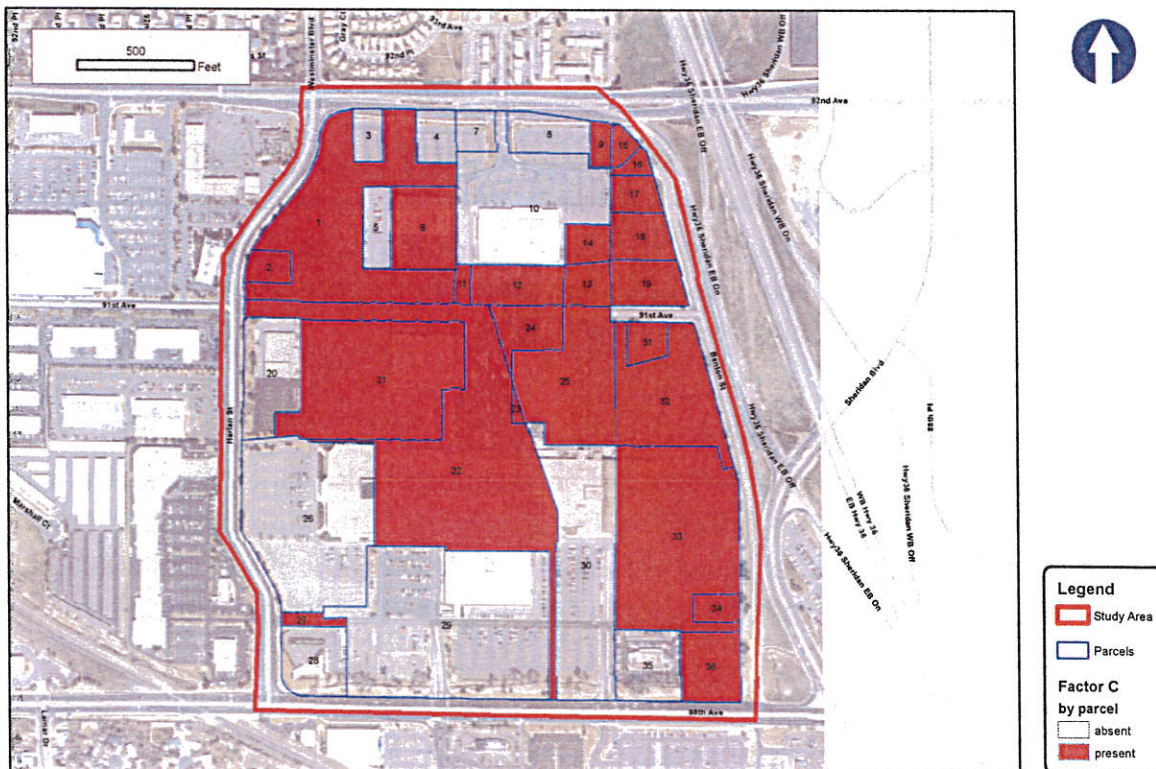


Exhibit 4: Faulty Lot Layout Parcel Map

The proliferation of parcels that are considered to have a faulty layout (23 parcels total) is extensive enough to conclude that the Study Area as a whole exhibits this blight factor.

Unsanitary or Unsafe Conditions:

The presence of the *Unsanitary or Unsafe Conditions* factor is usually associated with instances of deteriorating, neglected properties or in cases where safety precautions are not taken. In the Study Area, the following conditions were found to be generally unsafe and unsanitary:

- Five instances of poorly lit areas creating unfavorable conditions for pedestrians
- Two instances of unscreened trash and/or mechanical equipment creating unsanitary and potentially unsafe conditions
- One parcel with cracked or uneven sidewalks resulting in pedestrian hazards
- At least one case of poor drainage, which creates unsanitary pools of standing water

In all, six separate parcels were considered to show signs of the *Unsanitary or Unsafe Conditions* factor. However, despite these findings, the Study Area as a whole has been deemed not to exhibit this blight factor because, as with the *Deteriorated Structures* factor, such findings were *not* considered to be severe or widespread enough to warrant an overall finding of blight under this factor.

Deterioration of Site or Other Improvements:

The most common and prolific occurrence of neglect under this blight factor in the Study Area is parking surface deterioration. This problem is fairly widespread, covering 12 separate parcels. Other notable issues found that fall within this blight factor include three parcels exhibiting general site neglect, and two parcels with signage problems.

The photographs below show examples of instances of site deterioration and neglect.



Uneven and Deteriorating Parking Surfaces



A more detailed inventory of types and instances of *Deterioration of Site or Other Improvements* can be found in the Field Survey ledger in the **Appendix**. The following map is a geographical depiction of parcels that were deemed to exhibit this blight factor within the Study Area.

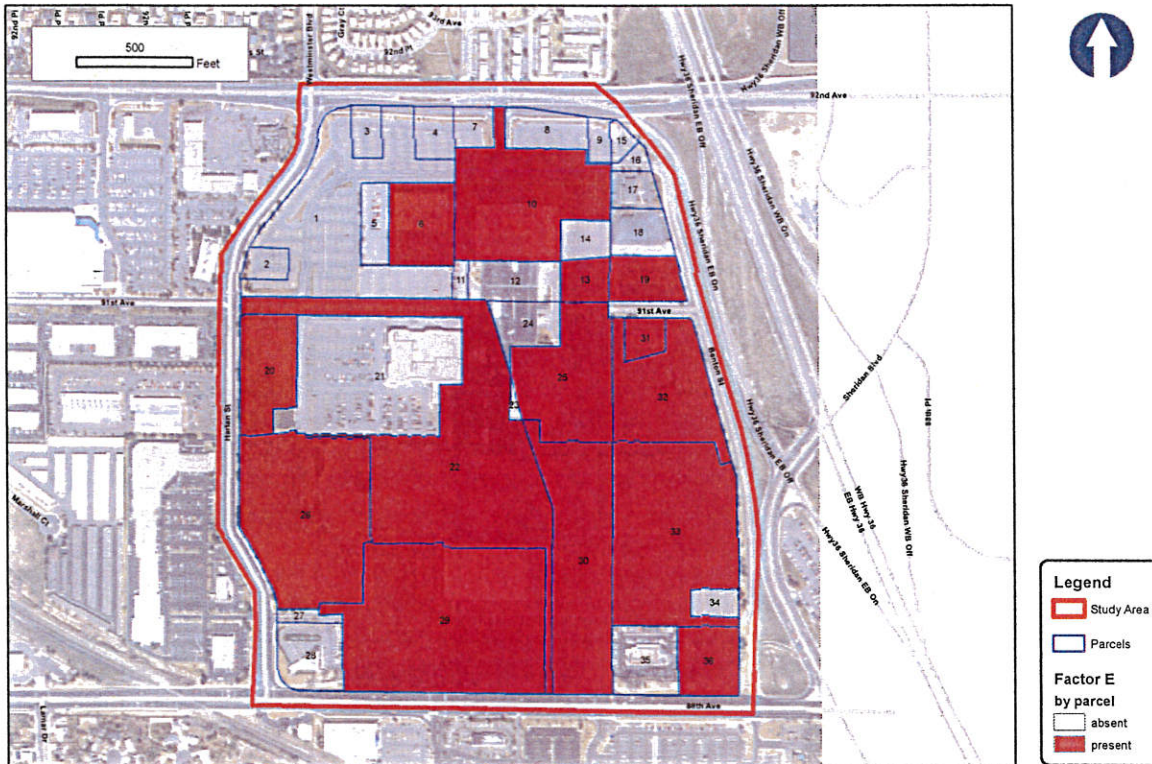


Exhibit 5: Deterioration of Site or Other Improvements Parcel Map

In total, 14 parcels showed some form of deteriorating site improvements. Conditions pertaining to this factor are prevalent enough in the Study Area for a finding of *Deterioration of Site or Other Improvements* to be made.

Unusual Topography or Inadequate Public Improvements

In the Study Area, problems with vehicular roads are generally confined to private car paths within the mall property. Electric utility lines are generally up to date and located underground. Sidewalks and street lighting are in place (at least along the perimeter of the mall), as are curbs and gutters. While water and sewer lines are in place for all properties, water supplies are considered inadequate throughout the Study Area in terms of water pressure for major firefighting and sprinkler operations. This negatively impacts fire safety for all parcels and presents a constraint to any future development or expansion within the Study Area, as new public water infrastructure would be required to bring line pressures up to required levels for firefighting.

The following map shows the parcels that fall under this blight category. *Note: due to the water pressure issue, every parcel is shown as having this factor.*

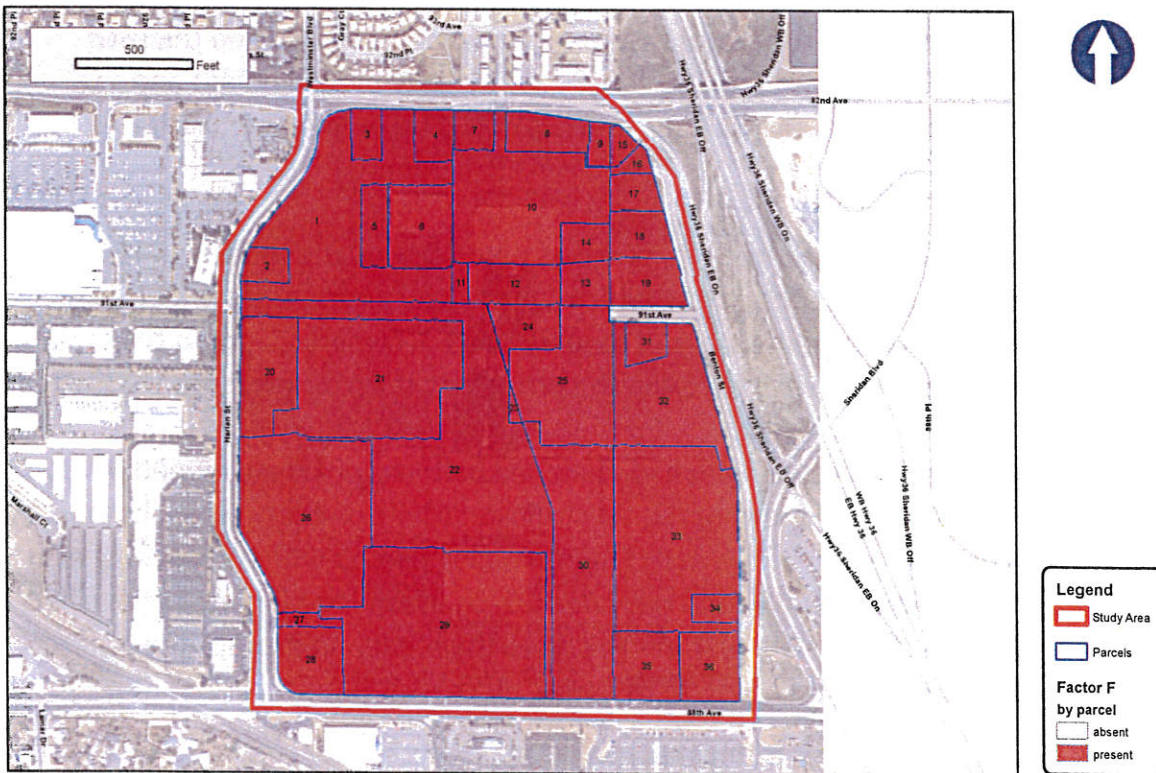


Exhibit 6: Unusual Topography or Inadequate Public Improvements/Utilities Parcel Map

Because all 36 parcels are considered to have inadequate public improvements, the Study Area as a whole has been documented with this factor.

Defective or Unusual Conditions of Title Rendering the Title Non-marketable:

The Westminster Mall is encumbered by the Reciprocal Construction, Operation, and Easement Agreement, dated February 7, 1986, and recorded in the records of the Clerk and Recorder of Jefferson County, at Reception No. 86016389. Parties to the Agreement include the Westminster Mall Company; J.C. Penney Properties, Inc.; Carter Hawley Hales Stores, Inc.; the May Department Stores Company; and Mervyn's, Inc. Even though some of the parties have changed, the Agreement is still in full force and effect. It requires that all parties consent to any alteration or modification of the Westminster Mall. The restrictions in the Agreement make it difficult, if not impossible, for the Westminster Mall property to be improved or redeveloped. It therefore constitutes an unusual condition of title rendering title unmarketable.

The multiplicity of ownerships present in the Study Area also creates a significant barrier to redevelopment as it complicates the assemblage of properties into a parcel suitable for redevelopment. Many of the parcels in the Westminster Mall area are subject to joint and reciprocal easement agreements which limit the uses and redevelopment of adjacent properties. The multiplicity of ownerships and the associated reciprocal easements thus constitute a defective or unusual condition of title.

Exhibit 7 is a map of the Study Area which shows parcel boundaries and includes a unique number assigned to each parcel, which can be used with the accompanying table to identify the owner of the lot as of January 2008. A cursory glance at the table shows the multitude of owners controlling the properties that comprise the Study Area.

The map has various parcels that with a red hatched pattern, which are owned by either the Mersco Realty Company or the Westminster Mall Company, which both represent the current owners of the mall. The remaining parcels without hatching are owned by different entities and would likely need to be assembled for any large-scale redevelopment project in the Study Area. This gives the reader an overall impression of the fragmented ownership that exists in the area.

Because of these issues, a finding of *Defective or Unusual Conditions of Title Rendering the Title Non-Marketable* has been found within the Study Area.

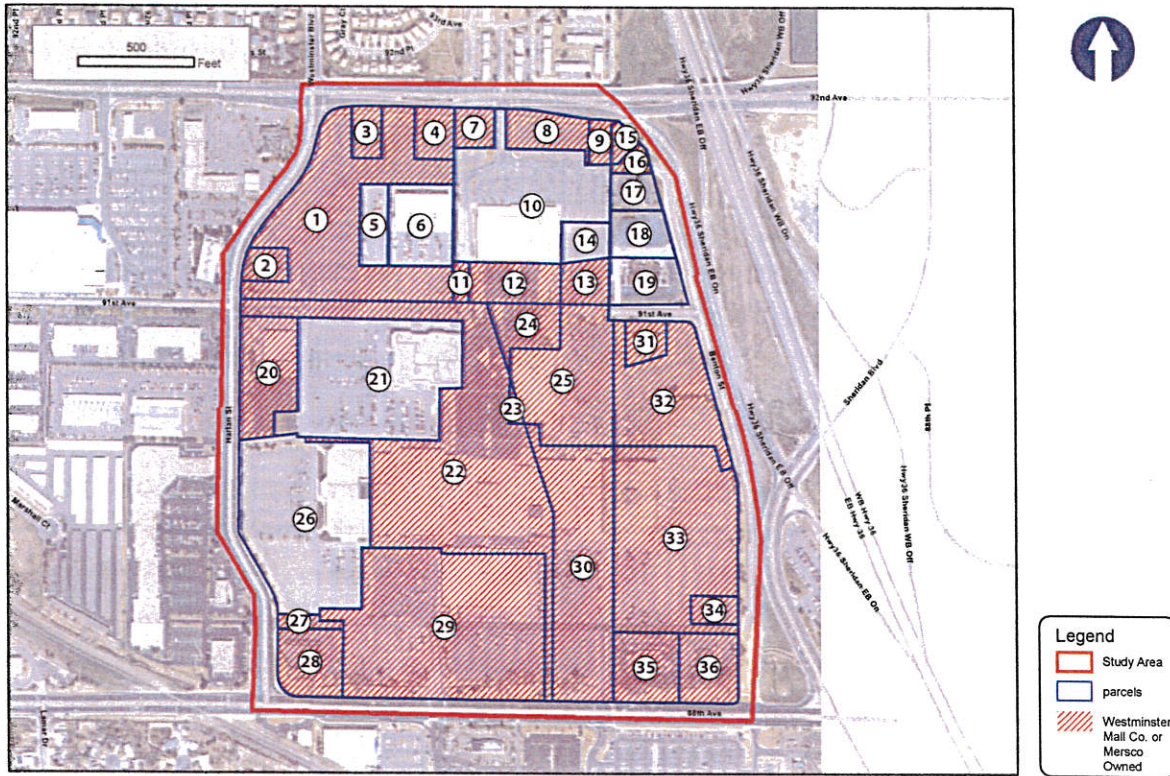


Exhibit 7: Parcel Ownership Map

Map ID	Owner	Map ID	Owner
1	MERSCO REALTY CO	19	LAKE ARBOR VENTURES LLC
2	MERSCO REALTY CO	20	WESTMINSTER MALL COMPANY
3	MERSCO REALTY CO	21	SEARS DEVELOPMENT CO
4	MERSCO REALTY CO	22	WESTMINSTER MALL COMPANY
5	SPORTS GARDEN INC	23	WESTMINSTER MALL COMPANY
6	SPORTS GARDEN INC	24	MERSCO REALTY CO
7	MERSCO REALTY CO	25	MERSCO REALTY CO INC
8	MERSCO REALTY CO	26	MAY CENTERS ASSOCIATES CORPORATION
9	MERSCO REALTY CO	27	WESTMINSTER MALL COMPANY
10	MDS REALTY II LLC	28	WESTMINSTER MALL COMPANY
11	MERSCO REALTY CO	29	WESTMINSTER MALL COMPANY
12	MERSCO REALTY CO	30	MERSCO REALTY CO
13	MERSCO REALTY CO	31	MERSCO REALTY CO INC
14	MORGAN FRANK S	32	MERSCO REALTY CO
15	MERSCO REALTY CO	33	MERSCO REALTY CO INC
16	MERSCO REALTY CO	34	MERSCO REALTY CO
17	MCMURTREY AND BENCH GROUP LLC	35	MERSCO REALTY CO INC
18	LAKE ARBOR VENTURES LLC	36	MERSCO REALTY CO INC

Exhibit 8: Parcel Ownership Table

Existence of Conditions that Endanger Life or Property by Fire and Other Causes:

Discussions with Fire Department officials indicate that the Study Area includes a mix of sprinklered and non-sprinklered buildings. A broader fire safety issue exists, however, given the lack of sufficient firefighting water pressure discussed previously. According to the Fire Department, incoming water pressure, as tested on October 21, 2008, was measured at 42 pounds per square inch (static pressure). Normal static pressures in most areas of the city range from the 70s to the 100s. The existing pressure is minimally adequate to supply the fire sprinkler systems and inadequate for major firefighting. Any additions, expansions or modifications to the mall or any major surrounding properties would be difficult due to low water pressure.

The mall's main fire sprinkler riser does not have back flow protection, as required by City of Westminster codes. Frequent false fire alarms occur at the mall due to the age of the system. Since January 2006, the Fire Department has responded to 493 alarms of all types, including false fire alarms, actual fires, hazardous material spills, emergency medical incidents and other calls for service. Although calls for service have declined along with business in the mall, 2008 still had 130 fire department alarms through late October of 2008.

Following is **Exhibit 9**, which represents parcel-by-parcel findings related to this blight factor.

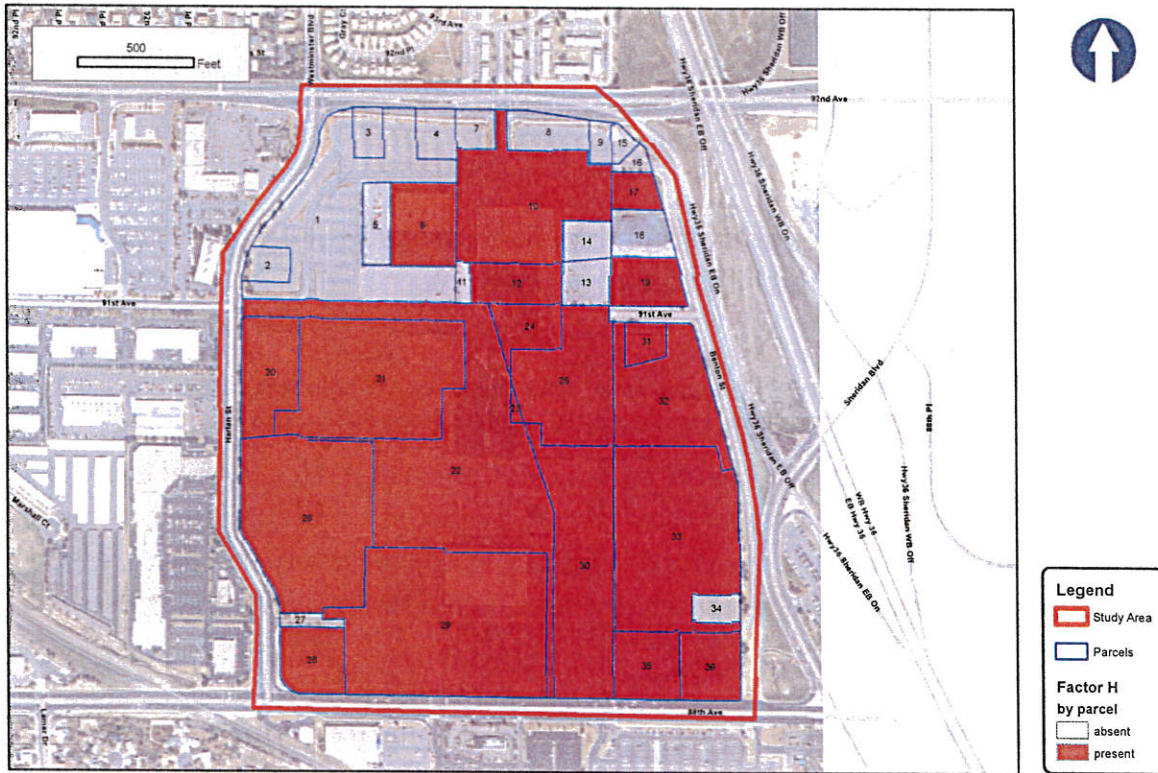


Exhibit 9: Endangerment from Fire or Other Causes Parcel Map

A total of 20 parcels have been cited for *Existence of Conditions that Endanger Life or Property by Fire and Other Causes*. As a result, the Study Area as a whole is considered to show this factor.

Buildings that are Unsafe or Unhealthy for Persons to Live or Work In:

Buildings that are Unsafe or Unhealthy for Persons to Live or Work In results in similar findings to those found under the previous category, *Existence of Factors that Endanger Life or Property by Fire or Other Causes*, and relates specifically to factors of design and construction of buildings that impact their safety. Because the fire safety issues discussed in the previous section do not rise to the level of rendering the buildings unsafe for day-to-day operation, no parcels are said to have this factor present.

This blight factor was therefore *not* found to be present in the Study Area.

Environmental Contamination of Buildings or Property:

There are no specific statutory requirements for this factor in the urban renewal legislation. However, the factor is generally considered present where there is documented evidence of the existence of hazardous contaminants in the soils, water or structures of an area.

There are no known instances of environmental contamination in the Study Area. Consequently, *no* finding of this blight factor has been made.

Existence of Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The Westminster Mall, with 493 alarms for fire services since 2006, certainly appears to require a “high level of municipal services”. Areas characterized by this factor, including vacant lots, parcels with vacant structures, or parcels with improvements that are disproportionately low in value relative to the land itself are also considered to have a “blighting” impact.

While the Study Area does not contain parcels of vacant land (other than surface parking lots), it includes several buildings which are partially vacant (at least 20 percent) or completely vacant. Westminster Mall itself is largely vacant: excluding independently owned anchors, 183,728 square feet of the mall’s 372,514 total rentable square feet are vacant, giving the mall a 49% vacancy rate. Similarly, two of the three restaurant pad locations surrounding the mall are vacant.

Additionally, on January 9, 2009, the *Rocky Mountain News* reported the announcement by Macy’s of their intent to close their Westminster Mall store in 2009. When the closure of this anchor store occurs as planned, it would represent an additional significant example of *Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements*.

The following photos exemplify vacant retail spaces that were found throughout the Study Area.



Retail Spaces Inside the Mall have a High Vacancy Rate



Large Exterior Retail Spaces Sit Vacant

Exhibit 10 shows the parcels that have this factor, due to either vacancies or high levels of municipal services.

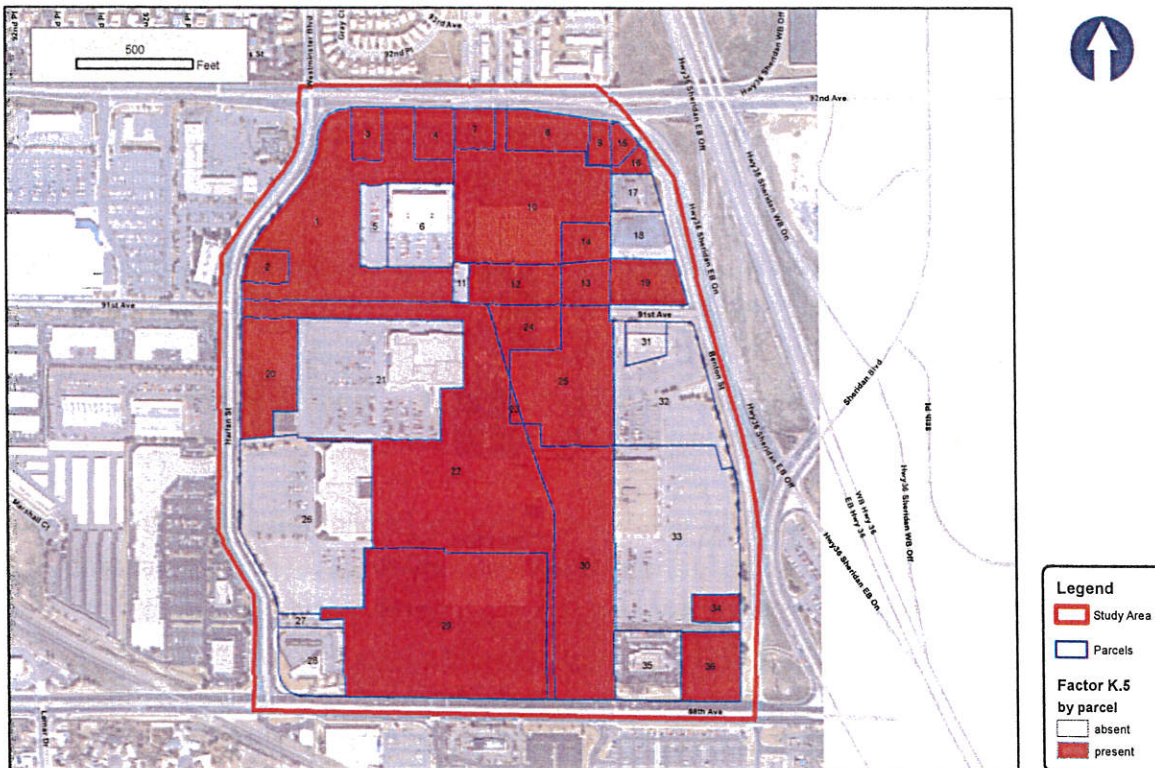


Exhibit 10: High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy Parcel Map

In total, 23 separate parcels show high levels of vacancy. Of those, eight parcels also require high levels of municipal services, giving the Study Area as a whole a positive finding of this blight factor.

Section 6: Study Summary and Recommendation

Within the entire Study Area, seven of the eleven blight factors were identified. The blight factors identified are:

- Predominance of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Adequacy, or Usefulness
- Deterioration of Site or Other Improvements
- Unusual Topography or Inadequate Public Improvements or Utilities
- Defective or Unusual Conditions of Title
- Endangerment by Fire or Other Causes
- High Levels of Municipal Services or Underutilization or Vacancy of Sites, Buildings, or Other Improvements

As discussed in **Section 2**, in order for an area to be declared blighted, a certain number of the eleven blight factors must be found within the Study Area. **Four** of the eleven factors is the required minimum, unless none of the property owners or tenants object to being included within an urban renewal area; then, the required minimum is only **one** of the eleven factors. In the event, however, that eminent domain is to be used to acquire property within the urban renewal area, the required minimum is **five** of the eleven factors. Since seven blight factors were identified within the Study Area, a sufficient number of blight factors exist under any of the above scenarios.

Conclusion

It is the recommendation of this blight study report to the Westminster City Council and the Westminster Economic Development Authority that the Study Area, in its present condition, contains a sufficient number of blight factors as required by the Colorado urban renewal laws for the Study Area to be declared a “blighted area.” Whether or not the documented blight “*substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare*” is a determination that must be made by the Westminster City Council.



Agenda Memo

City Council Meeting
October 28, 2013



SUBJECT: Public Hearing and Councillor’s Bill No. 41 re Adoption of the 2013 Comprehensive Land Use Plan Update

PREPARED BY: Mac Cummins, AICP, Planning Manager

Recommended City Council Action

1. Conduct a public hearing on the proposed Comprehensive Land Use Plan as submitted to the Planning Commission.
2. Pass Councillor’s Bill No. 41 on first reading adopting the 2013 Comprehensive Land Use Plan (CLUP).

Summary Statement

- The City’s current Comprehensive Plan (Plan) was last reviewed and comprehensively update in 2004 (with a minor update in 2007).
- A proposed updated Plan has been developed by City staff following extensive analysis and community outreach, which included notifications and meetings with affected property owners as well as a community-wide open house on August 8, 2013. (The results of these meetings was shared with the Planning Commission at a Study Session in August and are attached to this agenda memo as Attachments B and C.)
- The proposed Plan is intended to preserve the viability of the Plan as a guide for the future development of the City and the wise use of limited water supplies and municipal services; establish a suitable mixture of land uses for the City’s remaining undeveloped property; protect the public health, safety and welfare; and guide and accomplish the coordinated, adjusted, and harmonious development of the City, as stated in the Westminster Municipal Code (W.M.C.) Section 11-4-16.
- The Plan proposes seven new land use designations designed to accommodate mixed use development and refine categories that accommodate office, industrial and commercial uses.
- The existing District Center, Business Park and Office/Residential designations are replaced with more specific land use categories that better convey the City’s vision for key development areas.
- Five Focus Areas are identified as part of the Concept Plan, which indicate areas of greatest development opportunity, for which specific plans will be developed and incorporated by reference into the Comprehensive Plan.
- Redevelopment opportunity sites are also identified in the Plan, along Federal Boulevard and in historic South Westminster.
- Based on a qualitative analysis of the Concept Plan, key policy considerations that have been incorporated in the proposed Plan include:
 - Ensuring that development in high profile locations in the City maximizes opportunity for economic growth, community identity and quality of life;
 - Planning for sufficient parks and amenities to serve higher-intensity development and a growing, more diverse population;
 - Ensuring the City’s circulation network accommodates all modes of travel, transit and increased walkability, particularly in higher intensity areas;

- Recognizing and addressing the needs and demands created by the increasing urbanization of the City and the Denver Metropolitan area in general; and
- Ensuring that land use, development intensity and water supply—as well as other infrastructure and services—are monitored, evaluated and designed to balance supply and demand.
- The Plan also proposes several new chapters, each one designed to incorporate other City service needs and how they relate to the future growth of the City. This is the first time the City has taken this approach to Comprehensive Land Planning. It is a much more progressive approach in that it allows the water and sewer planning to interact with the land planning, which also interacts with transportation needs, as well as public safety needs. Another description is that the Plan is changing from just a “land planning” document into a “community plan.”
- The purpose of this legislative public hearing is to receive public input on a proposed ordinance to update and amend the City’s Comprehensive Land Use Plan. The proposed Plan establishes broad public and private development policies for the City, including but not limited to future land use, parks and open space, community design, economic development, and infrastructure and resource management.

Expenditure Required: \$0

Source of Funds: N/A

Planning Commission Recommendation

As the Planning Commission and the City Council public hearings are scheduled within one week of each other, results of the Planning Commission hearing will be provided to the Council at the Council meeting on October 28, 2013.

Policy Issue

Should the City Council adopt the proposed Plan? The Plan Update identifies new land use policies; eliminates several old land use designations and adds several new land use designation categories to better articulate the City's vision for key development areas; and assigns new or alternative land use designations to over 1,000 parcels in the City. Many of these changes reflect a lateral transition from one designation to another of similar use, such as Business Park to Office/Research & Development (R&D) Low Intensity. These changes reflect the vision set forth by the City Council and are reaffirmed by the Guiding Principles established for the Comprehensive Plan.

Alternatives

1. The City Council could maintain the same existing Comprehensive Land Use Plan (CLUP) land use designations and assignments that currently exist. Staff does not recommend this because these designations have for the most part been in place since 1997 when new designations like District Center, Business Park and Traditional Mixed Use Neighborhood Development (TMUND) were introduced. These designations, in particular District Center and Business Park, provided a great deal of flexibility for the City with respect to land use and development intensity. At the time these land uses were drafted, there was significant vacant land in the City—even in 2004, when the CLUP was last updated, there was approximately 3,000 acres of vacant land. However, the extent of vacant land in the City is significantly less in 2013—with approximately 1,500 acres remaining—approximately 30 percent of which is currently platted. As a result, the remaining available land in the City is limited. As the City evaluates its potential to capture additional growth in employment, retail sales and population, more clearly articulating land uses in remaining key development areas should be a high priority. Additionally, accommodating regional development trends toward mixed-use, walkable, more urban development will affect the type of uses, demographic and employment base that the City will be able to attract in the future. Ensuring that Westminster offers a high quality living environment to attract employers, new residents and a diverse economic and retail base is essential in continuing to thrive as a top tier community along US 36 and in the Front Range.
2. Pursuant to the City Code, the City Council could consider separate sections of the Plan at different hearings over a period of time. This is not recommended. Staff believes that such a piecemeal process would be detrimental to both the development community and the public at large. Staff recommends the adoption of the Plan as a whole rather than in a piecemeal fashion.

Background Information

The Planning Division developed an initial concept plan as part of the CLUP Update process. This plan was shared with stakeholders, posted on the City's web site for public comment, and shared with Planning Commission and City Council. Based on significant feedback from both the Planning Commission, City Council, and the stakeholders, Staff made refinements to the document and the proposed Comprehensive Plan the City Council is considering incorporates those comments and input. The proposed Plan is based on the Guiding Principles established in concert with City Council and thus reflects the City's vision for future development and growth within the City. The Plan also represents direction on key policy issues highlighted by the Citywide Market Assessment conducted and presented

to City Council in May. Key concepts expressed by the plan include strengthening the City's core with new urban, mixed use activity centers and infill development; reinforcing and enhancing the City's physical and economic presence along key employment corridors; and preserving and improving existing residential areas and recreational amenities throughout the City.

CLUP Key Changes

The Comprehensive Plan introduces several new plan elements, including new land use designations, identification of focus areas for future planning efforts, and discussion of future site-specific redevelopment opportunities. These elements are summarized below.

Land Use Designations

Staff recommends the approval of new land use designations that help refine land use types – particularly types and intensity of employment, commercial and residential uses in high profile areas along I-25 and US 36 in particular – and accommodate mixed-use developments to incentivize redevelopment of older corridor shopping centers and foster walkable, neighborhood-oriented districts around transit and key activity centers. Additionally, this will allow the City to better integrate the master plans for water and sewer needs, park needs, transportation needs, public safety needs, into one master plan document for the future growth and vision of the City.

Several key changes are proposed to existing land use designations for the CLUP update. These changes reflect the City's desire to accommodate mixed-use development typologies and to better articulate a vision for key future development areas. As a result, the updated Plan proposes adding seven new and/or modified designations and eliminating three, including District Center, Business Park and Office/Residential. The proposed new land uses include:

- ***R-36 Residential***, to accommodate higher-intensity residential development projects located near transit and major activity centers;
- ***Mixed Use***, to meet the needs of the development community by allowing stand-alone or community-oriented mixed-use development outside of traditional mixed use neighborhoods like Bradburn, and at the same time encouraging redevelopment of older shopping centers and under-utilized sites by permitting a wider range of uses, including residential development;
- ***Mixed Use Center***, to accommodate a higher intensity mix of uses primarily around major transit nodes like Westminster Station and the Westminster Center, Church Ranch and Wagon Road park-and-rides. This designation encourages a mix of commercial (retail and office) and high density residential development, and primarily identifies major activity centers in the City that will develop with the greatest intensity and more urban environments;
- ***Service Commercial***, to preserve specific areas in the City for auto-oriented uses and services;
- ***Office/R&D High Intensity***, to primarily designate key locations along US 36 and I-25 as major employment opportunities for high quality office, headquarters and office campus development, where the highest employment intensities will be located;
- ***Office/R&D Low Intensity***, to accommodate and refine employment areas like Westmoor and Park Center to ensure a consistent character, compatibility of uses and higher employment intensities; and
- ***Flex/Light Industrial***, to recognize the compatibility and flexibility of space needed for businesses that require a mix of office, storefront, production and light industrial/manufacturing space. Key areas designated as such include the north side of Park Centre business park, Walnut Creek Business Park and portions of Church Ranch Business Park.

The proposal to remove the following land use designations from the CLUP is in direct response to the need to provide more refined visions for land use in key development opportunity areas—particularly where much of District Center is applied. These latter areas comprise the greatest amount of vacant contiguous land in the City.

- **District Center**, which comprises a significant amount of vacant land at key locations in the City, will be replaced by more specific land use designations that may comprise any combination of commercial, employment, mixed-use or residential designations;
- **Business Park**, will be replaced by multiple employment oriented designations that differentiate between office, office/research and development, and flex/industrial uses; and
- **Office/Residential**, will be replaced with more specific residential, mixed use or commercial designations, as appropriate by location.

The complete descriptions of the proposed Plan land use designations are included in the land use chapter of the document.

Potentially Significant Land Use Changes for Specific Sites

Several sites are assigned land uses that differ significantly from their existing land use designation. These sites include:

1. In the North I-25 area, vacant sites are proposed to change to Office/R&D High Intensity from District Center in order to articulate the City's desire to create a strong employment activity center in the area. This includes the Orchard Lakes property just south of St. Anthony's Medical Center, which currently contemplates residential mixed use.
2. The St. Anthony North campus off of 84th Avenue is proposed to change to Mixed Use from Public/Quasi Public, with the intention of encouraging higher intensity redevelopment of the site of primarily office and commercial use.
3. Multiple properties in the Harris District along 73rd Avenue south to 72nd Avenue and between the rail tracks and Lowell Boulevard are proposed to change to TMUND from retail commercial and various residential categories, with the intent to permit and foster walkable, neighborhood-oriented mixed-use development.
4. The Brookhill shopping center is proposed to change to Mixed Use Center from District Center, to promote a community-oriented mixed-use center with residential and commercial uses. The current mid-size retail anchor development suffers from high vacancy, buildings are aging and redevelopment of the WURP site just to the east will likely further impact retail uses at the site.
5. The Westminster Promenade is proposed to change to Mixed Use Center from District Center to accommodate a high intensity mix of uses on both sides of Westminster Boulevard. (Mixed use development has been contemplated as an opportunity to intensify and invigorate uses on the west around the theater and to further energize the Promenade on the east around the Westin Hotel and Ice Centre.)
6. The southeast corner of 108th Avenue and Wadsworth Parkway is proposed to change to Retail Commercial from Business Park. Retail uses have been proposed for this site and would serve the surrounding employment uses in the Westmoor and Walnut Creek business parks.
7. The southwest corner of 108th Avenue and Wadsworth Parkway is proposed to change to R-8 from Retail Commercial, to be more compatible with adjacent development.
8. The 102-acre Hawn property at Westminster Boulevard is proposed to change in designation to Mixed Use Center from District Center. It is the City's desire to encourage higher density employment uses in this general area of the City. Though the mixed use center category allows for other uses, including higher density residential, its primary focus is on capturing the higher density employment uses. Policy language from the Church Ranch focus area supports this emphasis.

Focus Areas

Five Focus Areas are identified in the proposed Plan. They represent areas of greatest concentration of growth opportunity in the City through development of vacant land, infill and redevelopment opportunities and include:

- Downtown Focus Area
- Westminster Station Focus Area

- North I-25 Focus Area
- Church Ranch Focus Area
- Brookhill Focus Area

The Focus Area designation of these sites indicates an expectation of a more detailed policy and urban design concept for each site, to be developed as individual specific plans. Currently, two such plans are underway—the Westminster Station Area Specific Plan and Westminster Center Specific Plan. Once a plan is adopted, the Specific Plan will be incorporated by reference in the Comprehensive Plan and will serve as the primary land use regulation for the Focus Area.

Redevelopment Opportunities

Additional opportunity for redevelopment and infill development exists throughout the City, including:

- *Lowe's of Westminster at 88th Avenue and Sheridan Boulevard*, where a higher intensity mix of transit supportive uses are envisioned to complement the Westminster Center redevelopment;
- *St. Anthony North Hospital at 84th Avenue*, which could redevelop to a more intense office and commercial mixed use district in proximity to the Pillar of Fire and Federal Boulevard activity; and
- *Harris Park District in South Westminster*, where a mix of residential and commercial uses is envisioned to foster a walkable, neighborhood environment.

These sites as well as other significant redevelopment opportunities in the City are discussed in greater detail as part of the draft proposed Comprehensive Plan. Policy direction has been developed for each site, as appropriate, in order to articulate the City's vision for future development. Over time, these policies may change as development markets change at the City would like to consider development at various locations into the future.

Potential Development

The Concept Plan is the first very preliminary draft for land use designations from which the CLUP is developed. The Concept Plan includes a projection of potential future development by 2035. This projection is based on an assumption that a significant proportion of vacant and under-utilized land in the City will build out over the next 20 years—including the majority of the Westminster Center and Westminster Station areas. The calculation includes all development currently underway.

The proposed Concept Plan could achieve a net gain of approximately 8.4 million square feet of non-residential building space in the City and approximately 8,100 new residential units over the next 20 years. This projected development would result in an additional 20,900 jobs and 19,800 new residents. To place these numbers in perspective, the Citywide Economic Market Assessment completed earlier this year projected a demand of 8.9 million square feet of non-residential development (including retail, office and industrial) and 9,460 new residential units over the next 20 years.

Key Considerations

The Concept Plan has been reviewed and evaluated by the Comprehensive Plan Working Group, which represents all departments within the City. Key considerations that arose from this review process include:

- Capitalizing on opportunities to enhance the City's physical and economic presence through new development, streetscape and gateway elements, particularly in Focus Areas where visibility and access from major corridors like US 36 and I-25 are the greatest and will have the most impact on the City's identity in the region;
- The need to adequately serve a growing population with park and recreation amenities in an increasingly more urban environment and limited land availability to expand the existing network. Smaller, more impactful parks and public spaces will need to be integrated into the existing system of larger, neighborhood and community parks, trails and open space areas;
- Enhancing connectivity within the street, bicycle and pedestrian networks, with special emphasis on redevelopment areas where walkability and access to transit, amenities and neighborhood or community services will be a priority;

- Ensuring that the resulting demand for water from new development, infill and higher intensity uses does not outstrip supply; the Plan as proposed represents a balance between future projected demand and supply at citywide build out. Specific policies to consider how individual projects and/or future land uses will be evaluated, and an understanding of what types of land uses affect this balance the most (i.e. high density residential versus less intense demands of lower density residential or many commercial uses); and
- Providing adequate life safety, utilities and infrastructure service to a growing population, particularly as areas intensify with greater, more diverse populations and uses with a variety of service demands and needs.

Comments

The initial draft Concept Plan was presented to City Council on July 22, 2013, and presented to the community at an open house on August 8, 2013. An online open house through WestyConnect ran from August 8 to August 15, 2013. The Planning Commission also provided input on the draft Concept Plan on August 13, 2013. Staff reviewed all comments received during this process, and made changes to the document to reflect the input received from the public. This document was also placed online for public input and comment and is attached to this agenda memo. To date, very little written communication or public responses has been provided to City staff. Staff has had some communications with a few individuals in South Westminster about the introduction of TMUND into the Harris Park area, which was done to set up possible artist community goals of the City Council. It will also allow mixed use development in an area that the City has previously indicated would be a good location for such mixing of uses. There have been concerns raised about maximum densities, etc., that TMUND “might” accommodate. Staff has explained to these individuals that the development review process is remaining unchanged and future development proposals will be evaluated for consistency with the remainder of the City’s Municipal Code and development requirements.

The public outreach conducted for the 2013 Comprehensive Land Use Plan has exceeded that of previous Comprehensive Land Use Plan updates. This process included over forty individual stakeholder interviews and almost 1,000 letters of notice regarding potential land use designation changes.

A summary of the outreach Staff conducted is provided here:

October 2012

- City Council Study Session on CLUP Update and Process on 10/15/12.
- Planning Commission Session on CLUP Update and Process on 10/23/12.
- City Edition article on the CLUP Update and process, accompanied by an announcement in The Weekly.

November 2012

- 40 stakeholder interviews that included property owners, business owners and representatives, agencies and services, and neighboring jurisdiction representatives.
- Also in November, a project website (planwestminster.us) was set up on the City's website, with advertising of the update, website and process in The Weekly, City Edition and social media.

December 2012

- A summary of input from the Stakeholder Interviews was published to the website.

January/February 2013

- City Edition Article on the CLUP Update (outreach summary and process).
- City Council Study Session in the Guiding Principles on 2/4/13.

April 2013

- Planning Commission Study Session on Citywide Economic Market Assessment on 4/23/13.

May 2013

- Planning Commission Study Session on Citywide Economic Market Assessment on 5/6/13.
- Citywide Economic Market Assessment published to the project website, accompanied by publication in The Weekly, and the email list was also notified.

June/July 2013

- City Edition Article on the Citywide Economic Market Assessment.
- Post City Council meeting on the Concept Plan Framework on 7/22/13.
- The Concept Plan was published in advance of the open house to the project website and noticed on Weekly Edition. Email list was also notified.

August 2013

- Citywide Open House for the Concept Plan Framework (approximately 35 attendees) on 8/8/13.
- Citywide Online Open House for the Concept Plan Framework on WestyConnect (approximately 135 people viewed online) 8/8 to 8/15/13.
- Planning Commission Study Session for the Concept Plan Framework on 8/13/13.
- Property Owner Notification of Proposed Land Use Change on 8/5/13. Almost 1,000 letters sent to Property Owners proposed to undergo a land use designation change (property owner information from assessor records from each county).
- Weeks of August 12, 2013 and August 19, 2013, individual meetings with property owners proposed to have a significant change in designation (from District Center to Office/R&D Low Intensity, for example).
- Property Owner Meeting on 8/15/13. Over 60 people attended.
- Individual phone conversations and emails regarding Property Owner Outreach (over 100) from August 12, 2013 to date.

A recap of the public outreach comments is provided as Attachments B and C to this agenda memo.

Strategic Goals

The update to the CLUP supports all of the City's strategic goals. A major focus of the resulting Comprehensive Plan will be on supporting and building the City's "Strong, Balanced Local Economy" through opportunities for new employment, redevelopment of key Focus Areas and attracting a wide range of residents, workers and visitors to the City. The Comprehensive Plan will also ensure that growth within the City is in concert with an adequate water supply and high quality infrastructure—both of which contribute to a "Financially Sustainable City Government Providing Exceptional Services." The Comprehensive Plan's focus on providing key public services like fire and police, as well as ensuring a high quality community design and image contribute to providing a "Safe and Healthy Community." Likewise, this focus on community design and image, along with identifying opportunities for new mixed-use neighborhood and urban centers will support "Vibrant Neighborhoods in One Livable Community." Finally, the Comprehensive Plan's focus on parks and open space, as well as sustainability and the environment will ensure that Westminster continues to be a "Beautiful and Environmentally Sensitive City." The public outreach process and Guiding Principle development are key components of the CLUP Update.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Attachment A: Draft Comprehensive Land Use Plan
- Attachment B: Initial Outreach Summary
- Attachment C: Concept Plan Outreach Ordinance

WESTMINSTER



Draft Comprehensive Plan
October 16, 2013



Acknowledgements

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1.0

Introduction & Vision



The Comprehensive Plan is the official policy document of the Westminster City Council and Planning Commission. The Comprehensive Plan provides a consistent statement of the city's plans and policies for future development, and is meant to be a dynamic document that can evolve and respond to changing conditions. All parts of the Plan work together towards the realization of the city's vision for the future.



Photo Credit: Fred Girk

1.1 PURPOSE OF THE COMPREHENSIVE PLAN

The vision described in the Westminster 2035 Comprehensive Plan lays the foundation for livability, accessibility, community identity and growth over the next two decades. The Comprehensive Plan (referred to as the Plan through the remainder of this document) establishes a cohesive approach to reach this vision, involving all aspects of physical planning in the city. The long-range policies of the Plan provide a basis for evaluating specific development opportunities and public projects, with coordination among all city departments. Plan policies also provide the basis for establishing and setting priorities for more detailed plans and implementation programs including the Westminster Municipal Code, specific and area plans, and the Capital Improvement Program.

Purpose of the Plan Update

The last update to the city's Comprehensive Land Use Plan (CLUP) occurred in 2004. Since this update, the city, economy and development trends have evolved significantly. Several key factors have contributed to the need for a comprehensive update to the Plan. These include:

- The city is nearing its physical build-out and little vacant land remains for development. As a result, the majority of new growth in the city will likely be accommodated in redevelopment and infill areas.
- Much of the future development in the city will rely on existing infrastructure and resources, planning for which will need to be closely tied to land uses and development intensity in order to provide adequate services and maintain the city's high quality of life.



- Many areas in the city that were formerly designated as District Centers in the 2004 CLUP require more detailed direction for land use and development intensity to ensure that new development occurs in desired areas and in concert with the city's vision, growth management efforts and infrastructure capacity.
- Finally, the need to accommodate mixed-use and transit-supportive development, ensure development continuity in commercial and employment centers, and preserve land for services and light industry requires a more refined palette of land use classifications.

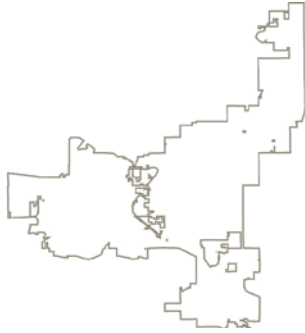
These factors require alignment of all physical planning efforts in the city in order to ensure a high quality of life, as well as fiscal and economic sustainability for the city. As a result, the original scope of the CLUP document has been expanded to provide an equal focus on all planning within the city, including land use, economic development, transportation, community design, parks, recreation, libraries and open space, and public utilities and services. The name of the CLUP has also changed to the Comprehensive Plan since the focus of this document has expanded beyond land use matters.

Plan Process

Input from city officials as well as community stakeholders, city and regional agencies, and the overall Westminster community was a key element of the planning process. The Plan update process was initiated in October of 2012, with introduction of a more inclusive planning approach presented to City Council and Planning Commission. Stakeholder and agency interviews followed, which included Westminster property and business owners, representatives from neighboring jurisdictions, school districts and many others, with the intent of understanding of key issues, opportunities and challenges that would influence policy direction of the Plan. Upon completion of a citywide concept plan, a community-wide workshop was held in July 2013 at City Park Recreation Center and online via WestyConnect, the city's interactive communication portal for all aspects of city life and planning.

In addition to stakeholder and community outreach, direct involvement with city officials was an essential element of the planning process. At each major milestone of plan development, City Council and Planning Commission provided input and direction. All documents, presentations and analysis produced during the planning process, including presentations to the Council, were posted on the city's website: www.cityofwestminster.us under the "Documents and Presentations" section.





City Boundary

1.2 REGIONAL LOCATION AND CONTEXT

Regional Location and Planning Boundaries

The City of Westminster is centrally located between the cities of Boulder and Denver, in the northwest quadrant of the Denver Metropolitan (Denver Metro) area. The city is bordered by the City and County of Broomfield to the north and west, unincorporated Jefferson County to the west, the cities of Thornton, Northglenn and Federal Heights to the east, unincorporated Adams County to the southeast and the City of Arvada to the southwest. The western portion of the city directly abuts the Rocky Flats National Wildlife Refuge in Jefferson County. Two major highways traverse the city—US Highway 36 (US 36), connecting the city northwest to Boulder and the mountains, and Interstate 25 (I-25), running between Denver and Fort Collins. The city’s regional location is shown in Figure 1-1.

The city’s land area is expansive, encompassing 33.8 square miles. The planning boundary of this Comprehensive Plan coincides with the outer extent of the existing city limits, with the exception of a few areas at the southwest and southeast portions of the city in unincorporated Jefferson and Adams counties, respectively (see Chapter 2: Land Use for additional discussion of unincorporated areas).

Physical Context

City Evolution

Incorporated in 1911, Westminster began as a small community centered on the commercial district in the vicinity of 73rd Avenue and Bradburn Boulevard. The city remained relatively small until the post World War II era. Since 1950, the population has grown from 1,686 to approximately 108,000 persons at the by 2010 (U.S. Census). During that same period the city’s land area increased from 4.5 square miles to almost 34 square miles, resulting from the annexation of large tracts of vacant lands to the north and west. This expansion was facilitated in part by the purchase of water resource rights that provided the city with greater capacity for development. Today, Westminster is an expansive city that is located within two counties, Adams and Jefferson, as well as three separate school districts.

Physical Influences

Natural features of the Front Range landscape have influenced land use patterns and growth of the city. The city’s gently rolling hills are interspersed with several creek corridors including Little Dry Creek, Walnut Creek and Big Dry Creek and its tributaries. Associated floodplains and wetlands areas provide important wildlife habitat. The majority of this sensitive habitat area



73rd Avenue is the historic core of Westminster. Improvements over the years have been focused on streetscape and facade improvements to ensure the area serves as a community destination for years to come.



is a part of the city’s open space network, which comprises over 3,000 acres of land. Additional sensitive habitat area is located within the city’s 2,919 acres of park land and 644 acres of public golf courses.

Additional physical features that have impacted the pattern and extent of development in the city include the city’s topography and major transportation infrastructure. Although the topography of the city is generally level, there are areas with steep slopes that exceed 15 percent grade. These areas include land north of 120th Avenue and south of 84th Avenue near Lowell and Federal boulevards. Although development is limited by the slopes, it is enhanced by the views to the mountains and downtown Denver, respectively. Development is also influenced by the presence of the Rocky Mountain Metropolitan Airport. Noise-related impacts and critical zones can impact development adjacent to the airport. The associated Airport Influence Area and critical zones are indicated on Figure 1-2.

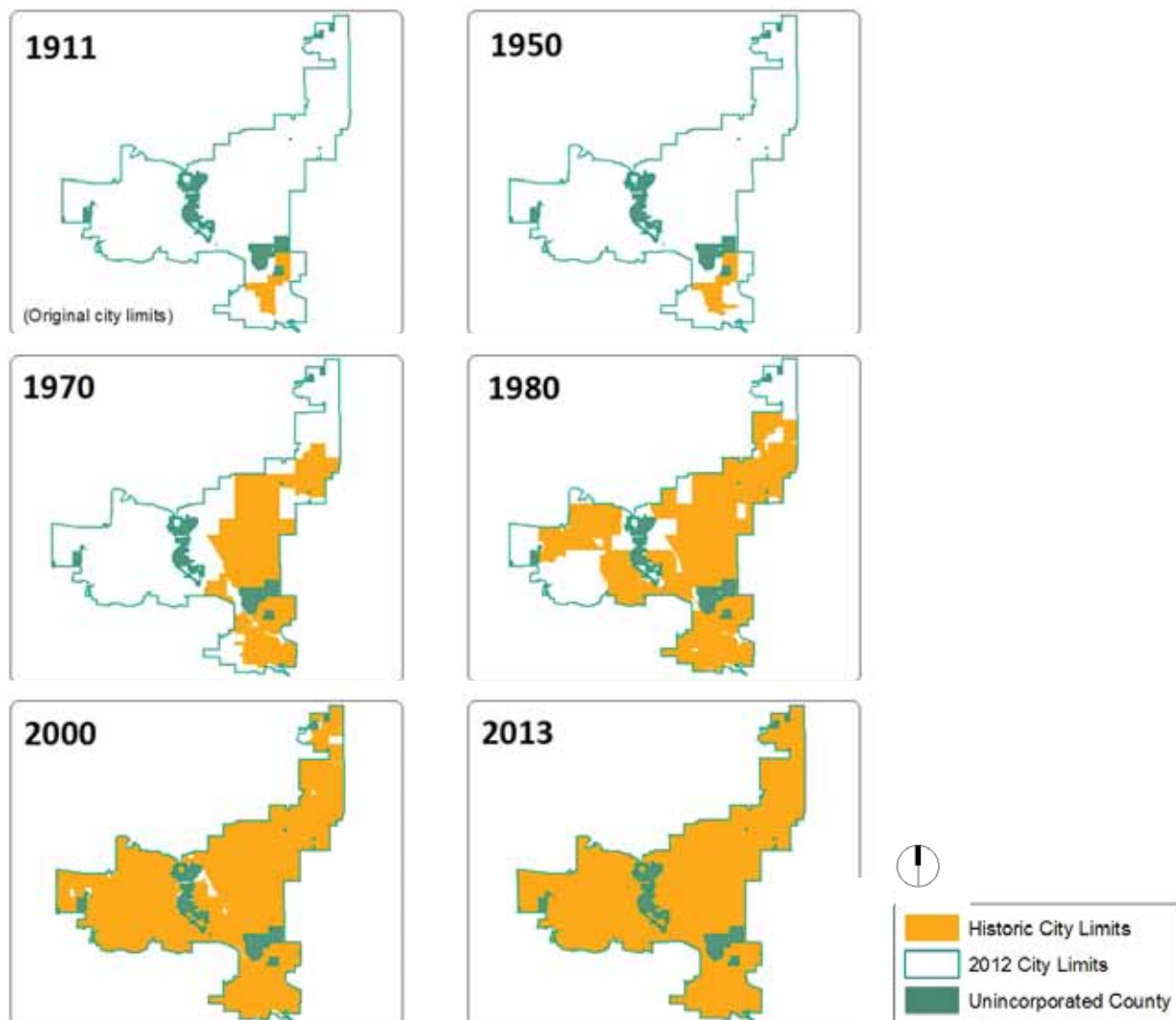
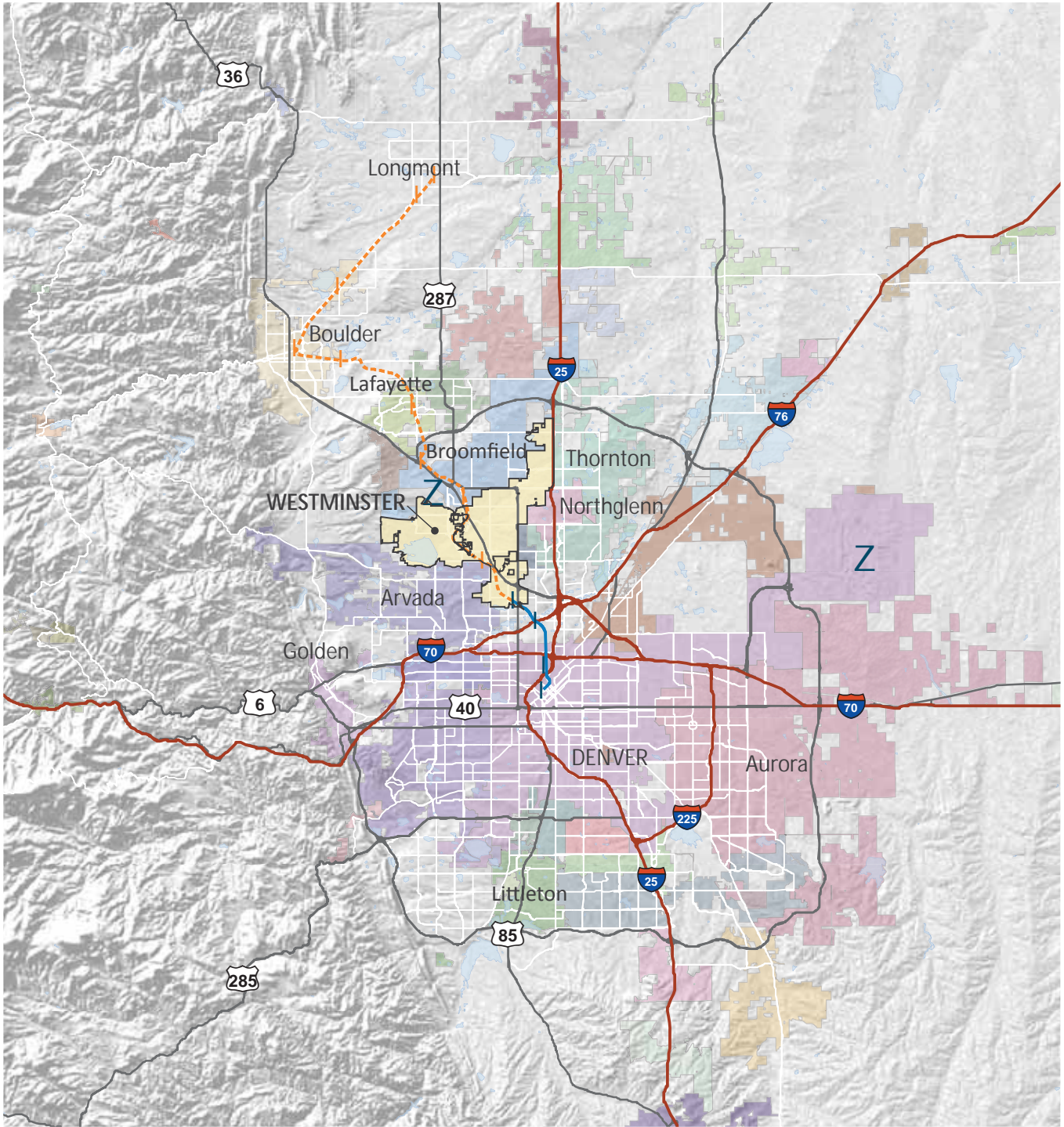


Figure 1-1: Regional Context



Legend

- Planned FasTracks Commuter Rail Line
- Future FasTracks Commuter Rail Line
- Water
- City Limits

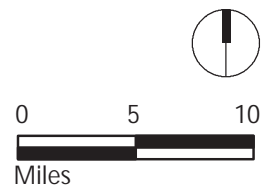
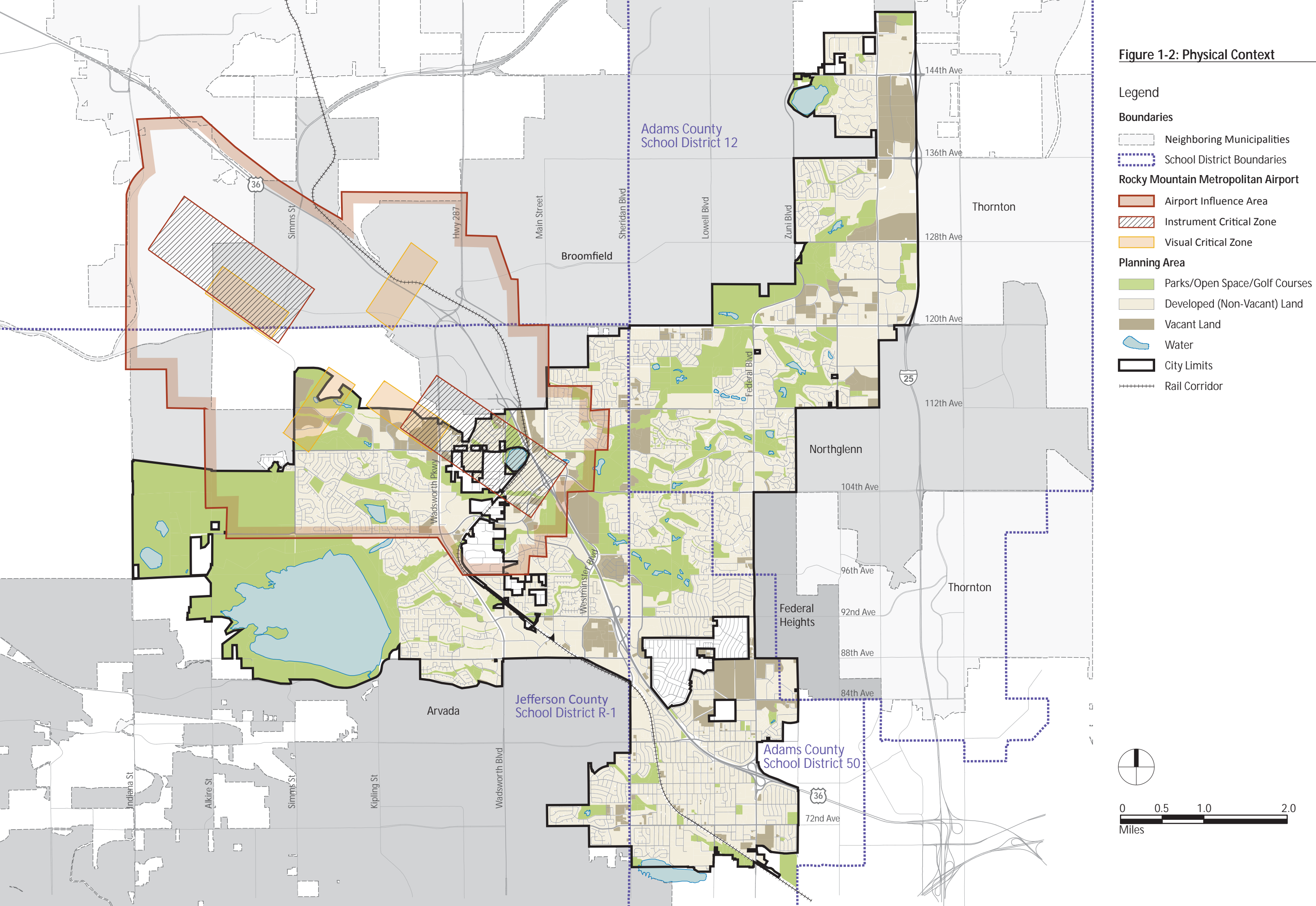


Figure 1-2: Physical Context



Legend

Boundaries

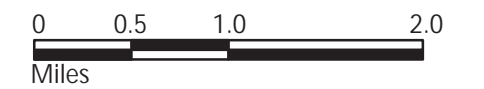
- Neighboring Municipalities
- School District Boundaries

Rocky Mountain Metropolitan Airport

- Airport Influence Area
- Instrument Critical Zone
- Visual Critical Zone

Planning Area

- Parks/Open Space/Golf Courses
- Developed (Non-Vacant) Land
- Vacant Land
- Water
- City Limits
- Rail Corridor





Planning Influences

DRCOG Metro Vision 2035 and Urban Centers

Last updated in 2005, with an update underway as of 2013, the Denver Regional Council of Governments (DRCOG) Metro Vision 2035 Plan provides direction for land use and transportation planning throughout the Denver metropolitan region. The City of Westminster is a participating jurisdiction in the Metro Vision 2035 Plan in that it is one of 27 cities and five counties that signed the Mile High Compact, a voluntary agreement among metro area cities and counties to manage growth and ensure consistency with regional planning efforts by DRCOG.

The Metro Vision 2035 Plan establishes an Urban Growth Boundary for the City of Westminster that is anticipated to be developed by 2035. This area includes the city's five Urban Centers—North I-25, South Westminster, West 120th Avenue, downtown Westminster and Westminster Promenade (Figure 1-3). An Urban Center is defined by DRCOG as a multimodal, dense and mixed-use development node. Urban Centers identified in the Metro Vision 2035 Plan include areas with vacant and/or developed land that could be developed or intensified to meet the goals of the plan to locate 50 percent of all new housing units and 75 percent of all new jobs in Urban Centers between 2005 and 2035.

Adams County Comprehensive Plan

The eastern half of Westminster (east of Sheridan Boulevard) is located at the very western-most edge of the approximately 72-mile-wide Adams County. The County completed an update to its Comprehensive Plan in 2013. The plan encourages new urban residential growth into unincorporated infill areas or within municipal and county growth areas to reduce impacts to the County and maximize access to services and existing infrastructure. The plan also focuses its efforts on attracting new industrial and employment uses in both incorporated and unincorporated areas, and emphasizes annexation of enclaves into municipalities. The County is also interested in pursuing joint planning for the Federal Boulevard corridor in combination with the cities of Denver, Westminster and Federal Heights.

Jefferson County Comprehensive Plan

The western portion of Westminster, west of Sheridan Boulevard, is located within Jefferson County. Jefferson County comprises the western edge of the Denver metropolitan region, with Westminster located at its northeastern edge. The County recently completed an update to its Comprehensive Master Plan in late 2012. The Master Plan is comprised of multiple area plans and comprehensive development plans that guide land use and physical planning throughout the county. Westminster is located within the North Plains Area Plan, which provides direction for unincorporated land surrounded by the city, much of which is located in enclaves along the Wadsworth Boulevard corridor. The North Plains Area Plan designates the majority of enclave area south of Church Ranch Boulevard as low density single family (one-acre-plus lot) development. The northern enclaves west of the BNSF rail corridor are primarily low-intensity development that accommodates Airport Critical Zone limitations on population density for the Rocky Mountain Metropolitan Airport Critical Zone. These uses include one-acre-lot plus single family residential uses, open space and recreation, and commercial, industrial and agricultural uses. The enclave to the east of the rail corridor is designated as mixed-use commercial, which could accommodate retail, office and mixed-use retail/residential uses. For further information see Appendix A: North Plains Area Plan.



The Westminster Station, at approximately 70th Avenue and Irving Street, will open in 2016. The station and adjoining plazas parks and development will create a new transit-oriented destination and district in the city.

US 36 Corridor

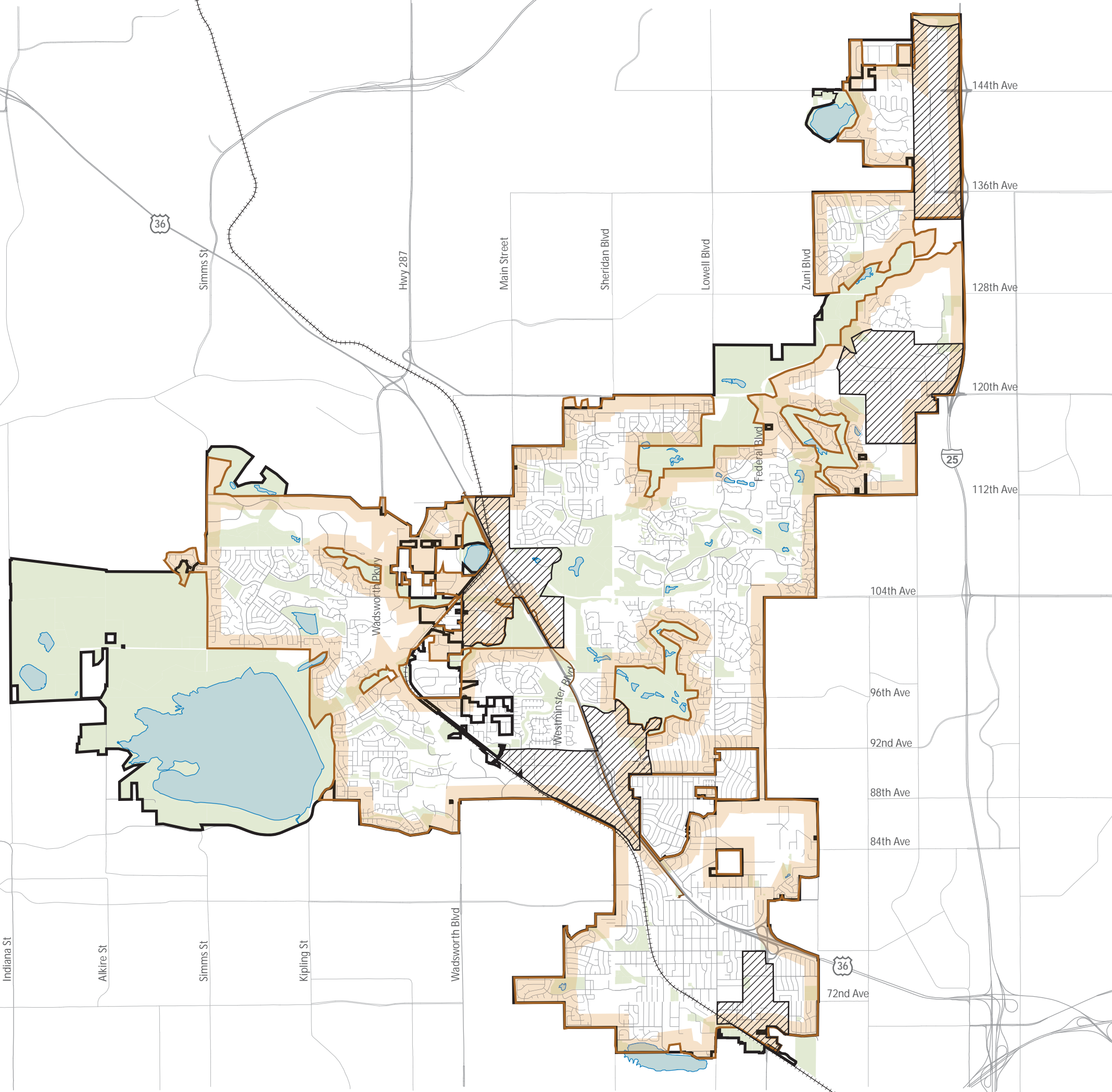
As a component of the voter-approved 2004 FasTracks program, the Northwest Corridor improvements along U.S. 36 include a commuter rail line from Denver's Union Station to Boulder and Longmont; enhanced bus service (Bus Rapid Transit or BRT), which will include local and regional bus service improvements to stations, routes and vehicles; bus ramp by-pass lanes at every interchange west of Federal Boulevard; and a managed toll/high occupancy vehicle/bus lane west of Pecos Street to Table Mesa in Boulder. This will connect with the existing I-25 High Occupancy Vehicle/High Occupancy Toll lanes east of Pecos Street. These improvements will provide improved multimodal transportation options between Boulder and Denver, and will benefit existing development and enhance future development opportunities in Westminster particularly, around the Westminster Center and Church Ranch park-and-rides.

The City of Westminster strongly supports commuter rail transit through the city in the relative near term (phased approach) and eventual completion of the line to at least Boulder as funding/financing becomes available. Three stations along the FasTracks Northwest Corridor commuter rail line are located in the city at Westminster Station near 70th Avenue and Irving Street, downtown Westminster at 88th Avenue and Harlan Street, and

Figure 1-3: Growth Management

Legend

-  DRCOG 2011 Urban Growth Boundary
-  DRCOG Urban Centers
-  Parks/Open Space/Golf Courses
-  Water
-  City Limits
-  Rail Corridor





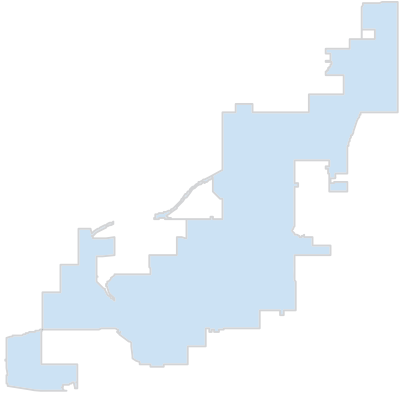
Church Ranch just north of the Shops at Walnut Creek. Westminster Station is funded as part of RTD's Eagle P3 project and will be an end-of-line station until funding/financing becomes available for the remainder of the Northwest rail corridor. Commuter rail service to this station is anticipated to begin in 2016. The City of Westminster will continue to aggressively pursue efforts to extend the commuter rail line through downtown Westminster and Church Ranch.

The improvements to the U.S. 36 Corridor (commuter rail and BRT) will be refined and prioritized upon completion of the Northwest Area Mobility Study (NAMS). The study's goal is to develop consensus between RTD, CDOT, corridor stakeholders and local jurisdictions on short and long-term transit improvements in the corridor. Specific timing for completion of these improvements will be based on priorities identified by NAMS, which will be finalized in early 2014.

Rocky Mountain Metropolitan Airport and Master Plan

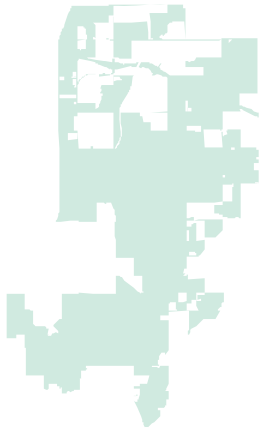
The Rocky Mountain Metropolitan Airport is located in Jefferson County just northwest of Westminster's city limits, between Simms Street and Wadsworth Parkway. Jefferson County owns and operates the airport, and recently completed an update to the airport's master plan in 2011. The master plan is an advisory document for local municipal jurisdictions within the Airport Influence Area. The master plan provides projections for airport operations and development on airport-owned land as well as land use guidance for lands within its Airport Influence Area, and most importantly, within its Instrument Critical Zone. The City of Westminster will continue to work with Jefferson County as land use decisions are made for property within the Instrument Critical Zone (see Figure 1-2).

The airport's master plan projects an annual 1.8 percent increase of airport operations through 2030. The increased activity will be coupled with slightly larger aircraft utilizing the airport. With this increased activity, the master plan proposes approximately 180-220 acres of development of airport-related commercial and industrial uses to the southwest of the existing runways. The master plan also identifies the need for an expanded terminal, airport operation facilities and improved circulation with a redirection of Simms Street and an extension of Jefferson Parkway along the northwest portion of the airport.



City and County of Broomfield

Westminster shares its northern and partial western boundary with the City and County of Broomfield. Broomfield's Comprehensive Plan was last updated in 2005, with adopted amendments in 2011. The plan emphasizes revitalization of the area's older commercial and industrial uses along Main Street (which turns into Westminster Boulevard in Westminster to the south). Along US 36, the Arista and Interlocken developments have attracted a significant amount of office space and higher density housing. The city is planning for additional expansion on the opposite eastern end of the city with the master planned North Park development along I-25, north of Highway 7.



City of Thornton

The City of Thornton shares the I-25 corridor boundary at the northeast end of Westminster. The cities participate in a retail sales tax revenue sharing agreement along I-25 between 128th and 150th avenues to the south and north and Huron and Washington streets to the west and east. The agreement supports growth of commercial and employment uses in both cities. The City of Thornton's Comprehensive Plan, last updated in 2012, designates the I-25 corridor area as Regional Commercial and Employment Center—the latter focused at the I-25 and E-470 interchange. Additional planning efforts in the city focus on multiple proposed stations along the planned RTD North Metro Corridor commuter rail line.



City of Northglenn

The City of Northglenn abuts a portion of the eastern boundary of Westminster between 104th and 120th avenues. Northglenn adopted an updated Comprehensive Plan in 2010. The plan designates the Huron Street and 120th Avenue corridors with primarily single family residential and some commercial use. The city is interested in the potential for looking at a joint planning effort with the City of Westminster and RTD for the Wagon Road Park-and-Ride at 120th Avenue and I-25.



City of Federal Heights

The City of Federal Heights borders Westminster to the east along Federal Boulevard between 84th and 104th avenues. Land along Federal Boulevard is primarily zoned commercial, and includes many older strip commercial centers. To the east, the border between the two cities along Zuni Street includes Water World and industrial zones. The City of Federal Heights has shown interest in developing a corridor plan in concert with the City of Westminster and Adams County to improve development opportunities and enhance the streetscape along Federal Boulevard.



City of Arvada

The City of Arvada adjoins Westminster along the south and west boundary of the city. The shared boundary roughly runs east-west along 88th Avenue/86th Parkway and then north-south along Sheridan Boulevard. Wadsworth Boulevard/Wadsworth Parkway is a key corridor that runs north-south between both cities. The City of Arvada's Comprehensive Plan (as of 2008) calls for primarily commercial development at key nodes along Wadsworth Boulevard and Sheridan Boulevard, with residential for the remainder of the border. The Clear Creek/I-76 Community Plan Area, calls for single family development along the boundary. In addition to the Clear Creek Plan, Arvada has identified four Transit-Oriented Development Influence Areas along the planned Gold Line commuter rail extension through the southern portion of the city. An update to the Arvada Comprehensive Plan is expected to be complete in 2014.





Views of City Hall: Left, from Yates Street; Right, Looking east to west over the city.

1.3 VISION AND GUIDING PRINCIPLES

The City of Westminster City Council has established a clear vision for the future. This vision and its principles, summarized below and described in full in the city’s Strategic Plan, provide a foundation for this Comprehensive Plan.



Vision Statement

“Westminster is an enduring community—a unique sense of place and identity. We have a choice of desirable neighborhoods that are beautiful and sustainable by design.

Westminster residents enjoy convenient choices for an active, healthy lifestyle, are safe and secure and have ease of mobility within our city and convenient connection to the metro area.

Westminster is a respectful, diverse community in which residents are engaged.

Westminster city government provides exceptional city services, and has a strong tax base through a sustainable local economy.”

Guiding Principles

The following Guiding Principles build on the city’s vision and serve as the platform for the goals and policies of this Plan. They express a community vision for Westminster’s continued growth and further evolution into an active, diverse and livable city.



Distinctive City with a Strong Identity

Westminster is a distinctive community along the Front Range with its extensive open space network, well-designed infrastructure and high quality built environment. The Plan will continue to emphasize the city's community identity and presence both citywide and regionally. Efforts toward revitalization and city building will be focused in the downtown Westminster and South Westminster as well as key corridors like Federal Boulevard and retail centers with high vacancies. Redevelopment of the downtown Westminster site will establish the city's identity at both the citywide and regional scale, by creating a prominent physical presence along the US 36 corridor with high intensity mixed-use development. In South Westminster, the continuation of streetscape improvements and historic preservation efforts, as well as the infusion of activity and new development planned around Westminster Station, will enhance the area's image and establish its core as a key destination in the city. Other areas in the city, including regional retail and employment centers along the US 36 and I-25 corridors, Wadsworth Parkway and Sheridan and Federal boulevards will be the focus of strategic improvements, intensification and new development. The Plan also emphasizes the city's natural amenities and views to the mountains and Downtown Denver as distinctive visual and physical qualities of the city. Finally, the city will continue to develop Westminster's identity through cultural events and amenities, preservation of the city's unique history and buildings, and new opportunities for public art.



Vibrant Community with a Diverse, Healthy Economy

With its central location between Denver and Boulder, the City of Westminster is strategically positioned to capitalize on economic growth opportunities in the Denver Metro area. The city's diverse housing supply, open space and recreational amenities, and access to transit make Westminster a desirable place in which to live, work and visit. Furthermore, the city's proximity to Denver and Boulder provides an ideal location for employers wishing to attract and retain a high quality labor force. Building on the city's assets, the Plan will focus on growth and diversification of the city's employment and retail base to create a vibrant, active city environment. Employment development efforts will focus on establishing and reinforcing business and industry clusters in the city, with an emphasis on attracting technology, medical and biotech, and product development jobs. Likewise, the Plan will reinforce the city's retail base through planning for strategic growth, improvements and mixed-use opportunities to ensure a balanced approach to retail retention and growth in the city. Redevelopment of downtown Westminster will play a central role in expanding both the employment and retail base for the city.



Westminster has a rich tapestry of open and green spaces, expansive views and high quality architecture that sets it apart from surrounding communities.



The city has over 3,000 acres of open space, in addition to over 2,900 acres of parks and over 600 acres of public and private golf courses.

Comprehensive, Integrated Parks and Open Space System

Unique among other communities along the Front Range, Westminster's network of open space, trails and high quality parks defines the physical character and image of the city. This extensive network of trails, open space corridors, and conservation areas weaves through the fabric of the city, connecting with parks, neighborhoods, schools, community facilities, employment centers and activity districts. Residents, workers and visitors have access to a range of recreation opportunities and benefit from the protection of sensitive environmental habitats, water bodies and view corridors. The network also connects residents to regional trails, neighboring jurisdictions and transit stations. The Comprehensive Plan will continue the city's efforts to preserve and enhance the open space and parks system.



Westminster has a variety of neighborhoods that provide unique environments and a range of housing types, ages and affordability.

Well-Designed, Attractive Neighborhoods

Westminster is defined by its distinctive and varied neighborhoods and integrated open space network. The city's choice and quality of neighborhoods provides a range of settings and environments—from single family residences in pastoral settings to mixed-use live/work and multi-family dwellings in urban, walkable settings. The Plan will continue to foster a range of high quality living options within the city, with emphasis on providing an appropriate mix of land uses that support the city's active lifestyle. Parks, neighborhood shopping and services, schools and other community facilities will serve the needs of residents, reinforcing neighborhood character and cultural identity. Connections to employment centers, transit, commercial centers and the city's open space and trails system will be emphasized. Where mixed-use neighborhoods are planned, a mix of uses, range of densities and residential types, and interconnected street network will further foster an active, walkable environment throughout the city.

Balanced Housing Mix

Providing a balanced mix of housing opportunities in the city will continue to be a focus of planning efforts in the city. Ensuring that a wide range of incomes, age groups and lifestyle choices are accommodated will reinforce the city's identity as a diverse, attractive place in which to live and work. The Plan will focus on maintaining the city's diverse housing supply and locating complementary land uses and infrastructure to serve the needs of all community members. In addition, the city will pursue a variety of strategies to maintain the affordable housing stock that currently exists in the city.



Mixed Use and Transit-Oriented Development

The city is quickly approaching its physical build out of existing vacant land. As the city continues to evolve and grow, new development will be strategically focused as infill or redevelopment. The Plan will provide a framework for accommodating this new growth, and fostering development trends toward a vertical mix of uses, walkable setting and higher intensities of development. New mixed-use development will be focused in neighborhoods that have access to major transportation and transit corridors. New infrastructure and development in these mixed-use and transit-oriented areas will foster an active public realm with an interconnected street grid with blocks sized for walkability, building design that shapes and activates the pedestrian realm, and parks and public spaces that reinforce and foster community identity. Supporting policies and implementation efforts will ensure these mixed-use areas are both vibrant and viable.



Balanced Transportation System

The City of Westminster has worked to establish a balanced transportation system that allows for safe and efficient travel throughout the city for drivers, pedestrians, bicyclists and transit riders. The Westminster Comprehensive Roadway Plan and Bicycle Master Plan provide a framework for travel through the city with a network of streets, sidewalks, bicycle lanes and trails. The Plan will integrate these planning efforts with land use and transit planning to ensure that all modes of transportation are accessible in the city. The existing well-functioning street network will be maintained and improved with streetscape, sidewalk and intersection improvements. New street connections and alignments will ensure the city's employment and activity centers are easy to access both locally and regionally. Likewise, expansion of the on-street bicycle network will provide improved commuter access to employment and other key destinations in the city. Expansion of transit service in the city will also be a focus of the Plan, with new and improved bus rapid transit and park-and-ride facilities along US 36 and I-25, as well as RTD FasTracks commuter rail through the heart of the city. Bicycle and pedestrian connections to transit stations, as well as high intensity mixed-use development adjacent to stations, will support and encourage transit ridership within the city.



Westminster is building on opportunities to capitalize on transit in the community. Areas like the Westminster Station transit-oriented development area will see growth of higher-intensity mixed use development. Elsewhere in the city, efforts to improve the city's transportation network, with street improvements, new bike lanes and trails will continue to be a focus.



The city works diligently toward providing high quality water to all areas of the city and preserving natural resources and wildlife habitat in the city.



Westminster maintains high quality police and fire services to residents, businesses and visitors. The city also emphasizes community health with a variety of recreation centers available to residents as well as over 100 miles of trails and an extensive park and open space network.

Environmental Stewardship and Water Resource Management

The city's growth management program and conservation of resources including water, energy, habitat and natural areas provide the framework for a sustainable environment that will continue to impact all aspects of physical planning in the city. The Plan emphasizes conservation and management of the city's water supply, with policies and land use planning that will ensure water availability at citywide buildout. The extent and efficiency of water use for each development will become a key consideration in the location, type and intensity of land uses and development within the city. The Plan also supports expansion of the city's reclaimed water system and maintaining high quality surface and drinking water. Infrastructure and improvements will continue to be planned in concert with or in advance of new development to ensure the city's high service standards are maintained. Finally, the city will encourage the efficient use of land and resources through encouragement of higher intensity mixed-use development near transit, "green" building, context-sensitive site design and energy-efficient building systems and infrastructure. These sustainable planning, building and site measures will all contribute to improved water and air quality in the city and regionally.

Safe and Healthy Community

Westminster enjoys a high quality of life that is supported by a sense of safety and confidence throughout the community. The ability to enjoy the city's natural amenities, residential neighborhoods, employment and activity centers, and transit connections in a safe, secure environment is a key priority for the city. The City of Westminster police and fire departments will continue to maintain high standards for service response and emergency preparedness, and will maintain and improve functionality of mutual aid relationships with surrounding jurisdictions. The Plan will also ensure that mobility options are safe and well-designed, from providing missing sidewalks and bicycle lanes to designing safe, highly visible transit stops. The design of public spaces will also promote safety by ensuring visibility and ease of access. Finally, the Plan will promote access to a healthy lifestyle, through promoting connectivity to and use of the city's open space, trail and park network and a wide range of recreation facilities for all ages, and ensuring residents and workers have access to health and human services.



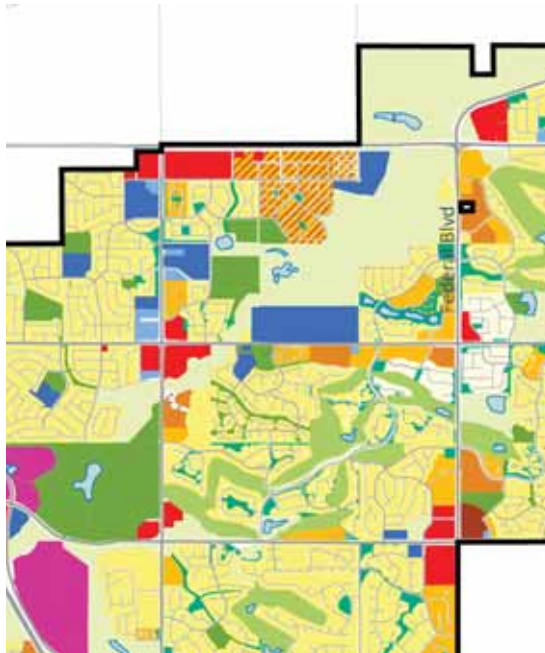
1.4 PLAN ORGANIZATION

The Comprehensive Plan is organized into the following chapters:

- *Introduction:* This includes the purpose and overall planning context for the plan as well as the guiding principles that provide the framework for the goals and policies in the following chapters.
- *Land Use:* This chapter provides the physical framework for development in the city through designation and definition of land use standards and policies for development and land use.
- *Focus Areas:* This chapter describes the city's vision for key areas in the city, and includes specific goals and policies that will guide future planning and development in these areas.
- *Economic Vitality:* This chapter establishes policies to promote economic expansion and growth in the city while retaining a stable fiscal base.
- *Transportation and Circulation:* This chapter includes direction for all modes of travel in the city, ensuring that vehicle, bicycle, pedestrian and transit movement is balanced.
- *City Identity Design:* This chapter provides guidance on all aspects of the built form in the city, from development to streetscapes, public art and historic preservation.
- *Parks, Recreation, Libraries and Open Space:* This chapter outlines the framework for provision, maintenance and creation of parks, recreational facilities and open space in the city.
- *Public Facilities and Utilities:* This chapter outlines policies that will ensure that growth is in step with provision and availability of city utilities, infrastructure systems and public services.
- *Plan Compliance:* This chapter delineates the applicability and implementation of the Comprehensive Plan.

2.0

Land Use



The distribution, type and intensity of land uses compose the physical tapestry of the city. The overall mix and quality of land uses and development also impact a city's economic and fiscal base. This chapter outlines the city's approach to establishing a balanced, sustainable mix of land uses. This framework will regulate land use decision-making as the city continues to evolve. This chapter includes the land use diagram and classification system as well as goals and policies, all of which require mandatory compliance by new development. Policies pertaining to the five focus areas within the city are in Chapter 3: Focus Areas.



Ensuring the city has a wide range of complementary and supportive uses will provide the community's residents and businesses with a sustainable, high quality living environment.

Overview

This update to the Comprehensive Plan represents a significant shift in planning paradigm from lateral growth with maximized flexibility to strategic growth on remaining vacant land and redevelopment areas. This development pattern will result in a more efficient use of land, supporting more regionally sustainable land use patterns. The Plan provides the framework for mixed-use development within the city that is conveniently accessed by all modes of transportation. Emphasis is placed on providing transit-supportive commercial, office and residential uses close to rail and major bus transit stations. Higher overall development intensity in these areas will be encouraged as well in order to maximize synergy of uses, access to key services and day and evening populations.

The Plan also recognizes the need to identify land for employment growth in the city, particularly along US 36 and I-25, taking advantage of visibility and convenient access from these corridors. This focus on employment will ensure that the city's economic environment continues to be balanced and that businesses in the community continue to meet resident and business demand for services. The Plan designates land area for a range of employment uses, including essential service commercial and light industrial uses.

The Plan's land use framework is supported by modification of the city's land use "toolkit", or land use designations. Seven new land use designations are added or modified (and three existing designations are retired from the 2004 CLUP including District Center, Business Park and Office/Residential). The new land use designations provide opportunity for higher density residential development and mixed use development (both standalone and transit-oriented), create greater specificity and direction for employment uses, and help preserve opportunity for service commercial and light industrial uses.

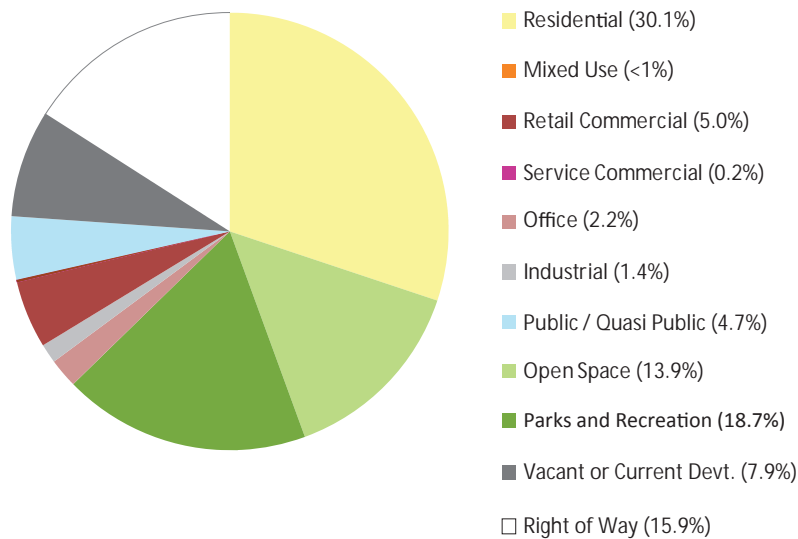


2.1 EXISTING LAND USE CONTEXT

Westminster is a distinctive community along the Front Range, where open space, parks and recreational amenities are a prominent feature of the city’s physical landscape. The city’s land use pattern is generally influenced by major regional transportation corridors. For the most part, retail, hotel and employment uses are clustered along I-25 and US 36 around major interchanges. Outside of these corridors, uses are primarily residential, with parks and open spaces integrated throughout. Smaller-scale commercial uses are located along arterial streets in the city, like Wadsworth Parkway, 120th Avenue, Sheridan Boulevard, Federal Boulevard and 72nd Avenue. South of 80th Avenue, in the oldest portion of the city, the use pattern is more diverse, particularly south of 72nd Avenue where commercial and light industrial uses are focused. As a whole, however, the city maintains a diverse array of uses, as shown in Figure 2-1. Chart 2-1 provides a breakdown of use by land area.



Chart 2-1: 2013 Existing Distribution of Land Area in the City



Existing development in the city includes almost 19,000,000 square feet of non-residential building space and almost 45,000 dwelling units. Balancing this development is approximately 6,500 acres of parks, open space and golf courses.

Existing Pattern

Of the total land area in the city, open space, parks, golf courses and conservation areas comprise over 31 percent—more than any other land use in the city. Private parks and open space comprise another 1.4 percent. These areas are interspersed throughout the city, creating multiple continuous natural and creek corridors that traverse the entire city. As illustrated in Chart 2-1, a similar proportion of land is residential, accounting for another 30 percent of land area. Commercial retail and service uses occupy 5.2 percent of the land area, with the remaining land area comprised of 4.7 percent of



Trimble brings both new employment and additional energy into the Westmoor Corporate Park.



Arbour Square adds an active residential population to the Orchard Town Center.



Hyland Village is a new TMUND community with development currently underway.



Country Club Village is an example of recent development that includes both retail and office uses.

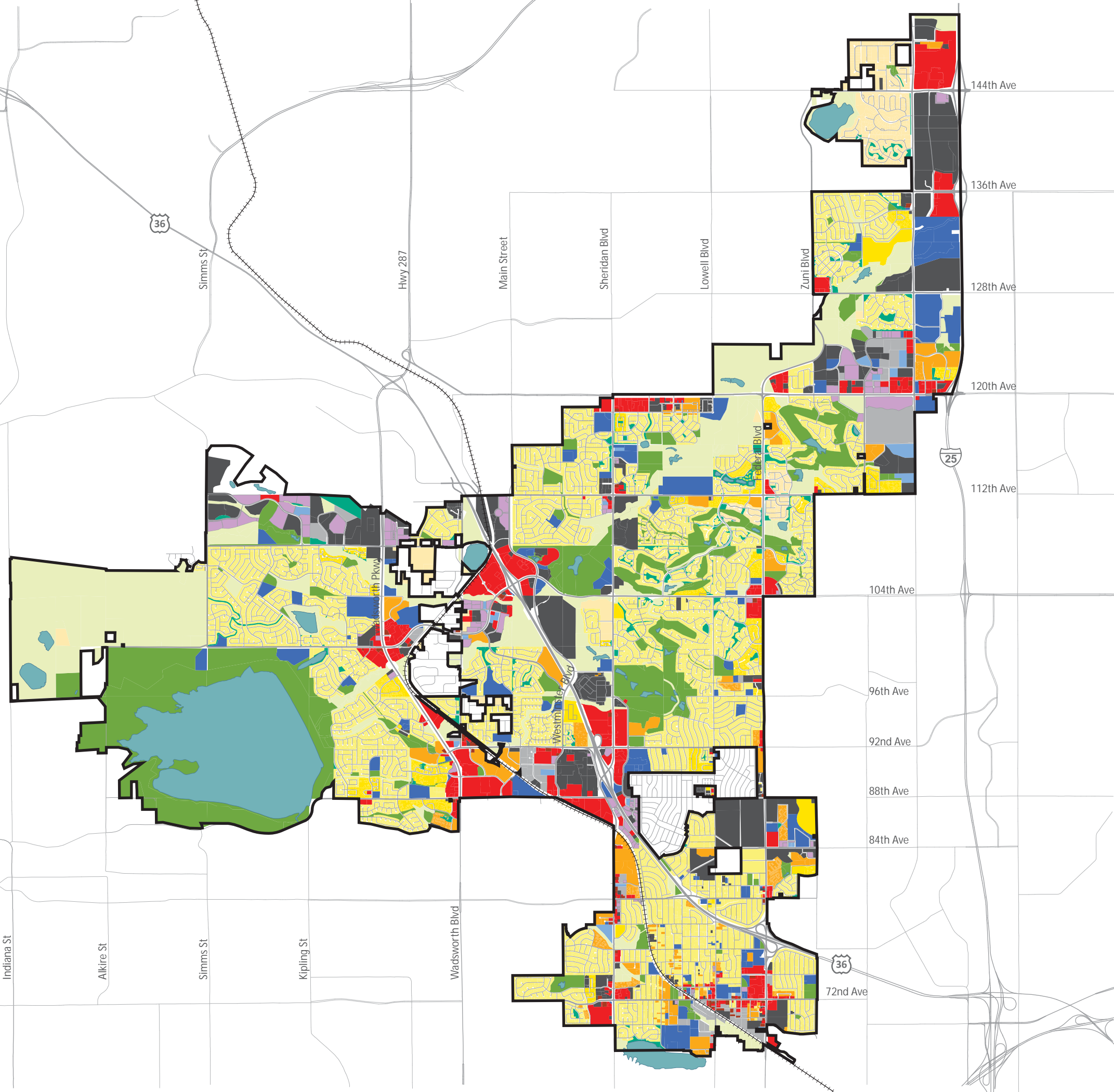
public/quasi-public uses, 2.2 percent office, and 1.4 percent industrial. In total, almost 16,500 acres of land are in use within the city (including parks, open space and golf course lands), with another 1,700 acres of vacant platted or unplatted land and 3,450 acres occupied by rights-of-way. The majority of vacant land is located along major corridors like US 36, Wadsworth Parkway and I-25.

Current Development

Development that is currently (as of August 2013) under construction, approved or under review comprises approximately 520 acres in the city with 2,477 planned new dwelling units and 1.0 million square feet of non-residential space. The most significant projects underway include a mixed-use redevelopment of the Westminster Promenade West site, reuse of the 1,000,000-square-foot former Avaya industrial space at 120th Avenue and Huron Street and a new 72-acre Hyland Village traditional mixed-use neighborhood at 96th Avenue and Sheridan Boulevard. Other significant projects include several multifamily apartment projects ranging from 12 to over 400 dwelling units per project.

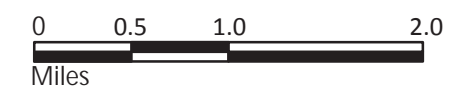
Likewise, recently completed development in the city includes several large projects, ranging from employment uses to multifamily residential developments. The recently-completed Trimble office building at the Westmoor Corporate Park adds almost 400 new employees to the city. The McWhinney Arbour Square project at 148th Avenue and Orchard Parkway was also recently completed, which added 384 new high quality townhome and multifamily units into the Orchard Town Center area. Current development projects in the city are summarized in Appendix B.

Figure 2-1: Existing Land Use 2013



Legend

- Very Low Density Residential (R-1, R-2.5)
- Low Density Residential (R-3.5)
- Medium Density Residential (R-5, R-8)
- High Density Residential (R-18)
- Retail Commercial
- Office
- Light Industrial
- Park and Golf Courses
- Private Park/Private Open Space
- City Owned Open Space
- Public/Quasi Public
- Vacant
- City Limits
- Rail Corridor





2.2 LAND USE FRAMEWORK

The land use framework embodies the community's vision of how the city should evolve over the next 20 years. The intent of the framework is to establish the direction and tools with which to realize this vision. Key elements of the framework include a land use plan that identifies areas for intensified growth as well as areas of preservation, new land use designations that foster mixed-use development, and area-specific policies that clearly identify the city's vision for new development and redevelopment over time.

Land Use Diagram

The Comprehensive Plan Land Use Diagram (Figure 2-2) designates the required location, type and distribution of land uses throughout the city. Land use classifications—shown as colors and graphic patterns on the diagram—allow for a range of activities within each classification. The diagram is a graphic representation of policies contained in the Comprehensive Plan and is to be used and interpreted in conjunction with the following land use designation descriptions and goals and policies.

Chart 2-2 describes the change in land use composition of the city based on the proposed land uses in the Land Use Diagram. Open space, parks and golf courses will remain a significant component of the city, at just over 31 percent of the total land area. Residential uses will continue to dominate the built realm, also occupying just over 31 percent of the city's land area, with mixed-use and retail uses occupying another 8.7 percent of the land area. Both office and industrial land uses will occupy a greater percentage of overall land area as well, with office more than doubling to 5.0 percent and industrial uses increasing to 2.1 percent.

Chart 2-2: 2035 Projected Distribution of Land Area in the City

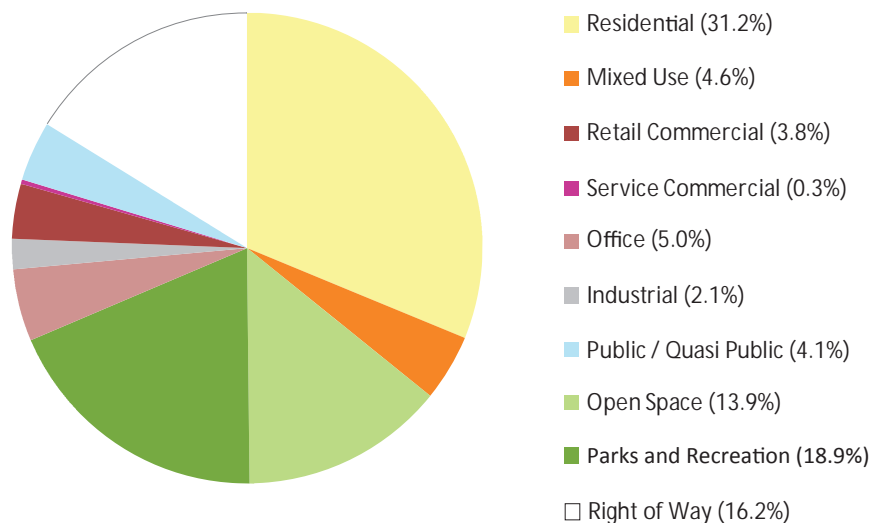
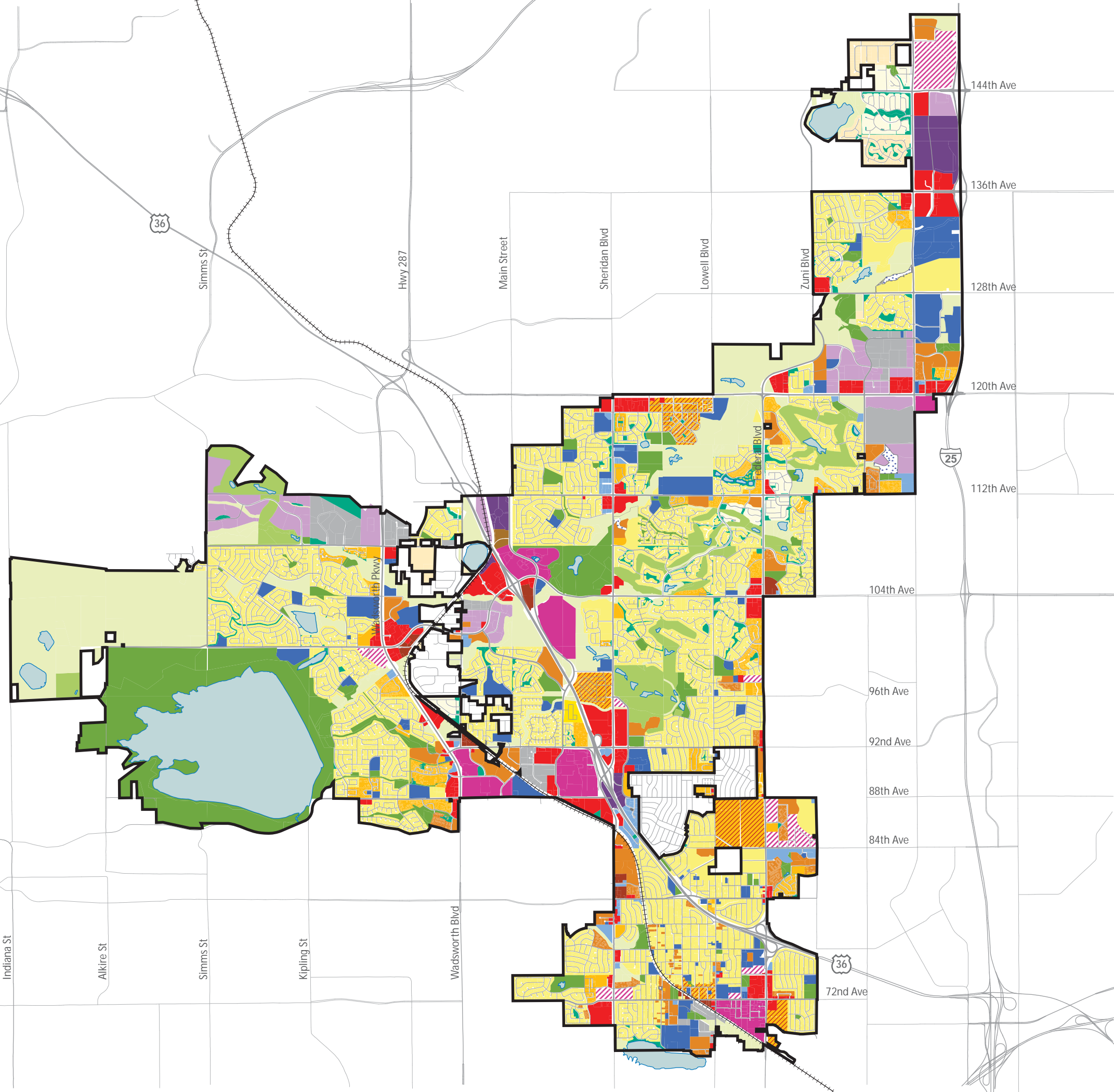
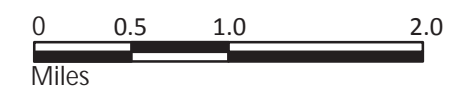


Figure 2-2: Land Use Diagram



Legend

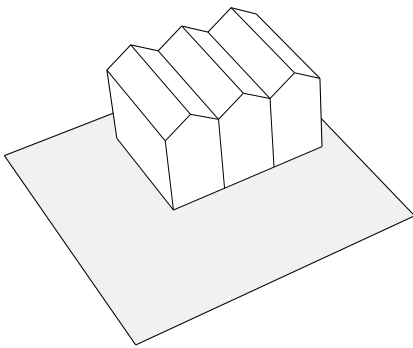
- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- Traditional Mixed Use Neighborhood Devt.
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Service Commercial
- Office
- Office/R&D Low Intensity
- Office/R&D High Intensity
- Flex/Light Industrial
- Public/Quasi-Public
- Public Parks
- City Owned Open Space
- Golf Courses
- Private Parks/Open Space
- Major Creek Corridor on Non-Public Land
- City Limits
- Water



Density and Intensity

The Comprehensive Plan establishes density and intensity standards for each type of land use. Residential densities are expressed as dwelling units per gross acre, including land for public streets, storm drainage and other rights of way or dedications. This does not include land located within a designated 100-year flood plain. It should be noted that maximum density may not be achievable on all sites due to specific site constraints such as topography, drainage patterns, floodplains, wetlands, required rights-of-way, the city's adopted Design Guidelines, public land dedication, or other public improvements. Thus, the maximum density listed for each category is not "guaranteed." The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the city's residential design guidelines for each residential type.

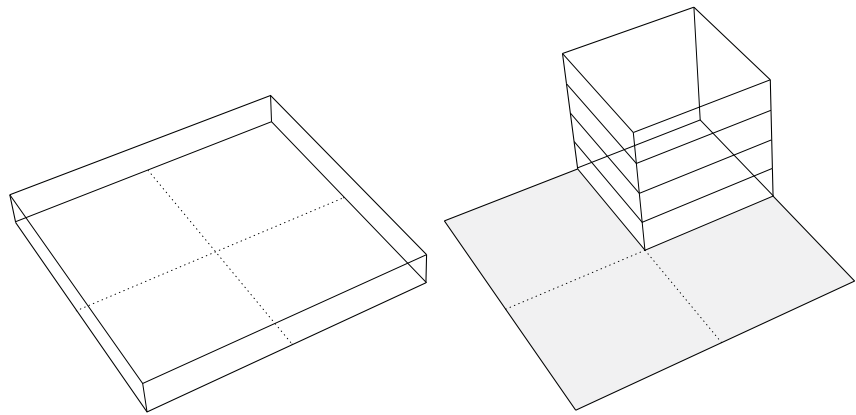
A maximum permitted floor area ratio (FAR) is specified for mixed use and non-residential uses. FAR expresses the ratio of total building square footage to land square footage. For example, an FAR of 2.0 means that for every square foot of land, a developer may build two square feet of building space. Where an FAR is specified for mixed use classifications, the FAR applies to both residential and non-residential building space, excluding structured or surface parking.



Density

Number of dwelling units per one acre.

Densities are calculated over the gross total area of a site, before dedications for streets, open space, drainage or other dedications are made.



Floor Area Ratio (FAR)

Total building area over total site area.

FAR is calculated by dividing the total building area by the total site area. Building area does not include structured parking area. The images both show an FAR of 1.0.



Land Use Classification

Land use designations are the tools used to define the city's vision and intent for development throughout the city. They provide overarching direction for land use on a specific site. For the majority of the city's land area, more specific uses are delineated on a property's approved Planned Unit Development (PUD), which must be consistent with the property's Comprehensive Plan land use designation. For properties that are straight zoned (such as Commercial C-1, Business B-1, etc.), the Municipal Code provides greater detail on specific uses permitted within each zoning district. In order to develop, all properties, whether zoned by PUD or individual zoning district, must be developed in accordance with the Comprehensive Plan.

In addition to the uses described in each designation below, public/quasi public uses—including government offices, police and fire stations, public schools and places of assembly—are permitted in all land use classifications except for park and open space designations, subject to conditional use approval.



New high density residential and mixed use categories create opportunity for transit-supportive development and vibrant, mixed-use districts.



New office development categories create opportunity for higher intensities of employment development in key areas in the city.



Service, flex and light industrial uses are designated throughout the city in areas of greatest compatibility and synergy.

R-1 Residential

Under 1.0 Dwelling Unit per Acre



This designation is intended to provide for single family detached residences developed at densities lower than typically found in urban areas. R-1 Residential is generally appropriate in areas distant from activity centers where development characteristics are more rural.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Single Family Detached Residences
Secondary Uses	Non-commercial Recreational uses
Development Characteristics	
Density	Maximum 1.0 du/acre
Minimum Lot Size	17,500 square feet
Site Composition	30% of overall site must be preserved as common open space



R-2.5 Residential

Up to 2.5 Dwelling Units per Acre



This designation is intended to provide for single family detached residences located away from activity centers where land use and development characteristics are suburban or in areas that serve as a transition between rural and urban areas.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Single Family Detached Residences
Secondary Uses	Non-commercial Recreational uses
Development Characteristics	
Density	Maximum 2.5 du/acre
Minimum Lot Size	10,000 square feet

R-3.5 Residential

Up to 3.5 Dwelling Units per Acre



This designation is intended to provide for single family detached residences and duplexes. This category is generally appropriate in locations outside urban activity centers in areas where development characteristics are suburban.

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Single Family Detached Residences Duplexes may be allowed depending on location and design
Secondary Uses	Non-commercial Recreational uses
Development Characteristics	
Density	Maximum 3.5 du/acre
Minimum Lot Size	7,000 square feet (for single family dwellings)



R-5 Residential

Up to 5.0 Dwelling Units per Acre



This designation is intended to provide for single family residences (detached and attached), duplexes, patio homes, townhomes and condominiums. This category is generally appropriate outside of urban activity centers in areas of moderate density.

Development Standards

Requirement

Land Use

Primary Uses

Single Family Detached Residences
 Single Family Attached Residences
 Duplexes
 Patio Homes
 Townhomes
 Condominiums

Secondary Uses

Non-commercial Recreational uses
 Senior Housing Facilities (1)

Development Characteristics

Density

Maximum 5.0 du/acre

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.

R-8 Residential

Up to 8.0 Dwelling Units per Acre



This designation accommodates a mix of housing types from single family residences (attached and detached) and duplexes to townhomes, condominiums and walk-up apartments. This designation is appropriate in close proximity to activity centers and to areas that can be served by transit.

Development Standards

Requirement

Land Use

Primary Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums, and similar
Secondary Uses	Non-commercial Recreational uses Senior Housing Facilities (1)

Development Characteristics

Density	Maximum 8.0 du/acre
Maximum Height	Two stories

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.



R-18 Residential

Up to 18.0 Dwelling Units per Acre



This designation accommodates a mix of higher density housing types including townhomes, apartments and condominiums. R-18 Residential shall be located along arterial streets, near transit centers or available transit, and within or near activity centers with a mix of supportive uses.

Development Standards

Requirement

Land Use

Primary Uses

Apartments
 Condominiums
 Townhomes, and similar
 Single Family Residences

Secondary Uses

Non-commercial Recreational uses
 Senior Housing Facilities (1)

Development Characteristics

Density

Maximum 18.0 du/acre

Site Composition

Shall include private recreational facilities

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.

R-36 Residential

18.0 to 36.0 Dwelling Units per Acre



This designation accommodates a range of higher density housing types from townhomes to apartments, condominiums and similar higher density typologies. R-36 Residential shall be located along arterial streets near transit and activity centers, where supportive neighborhood-serving uses and transit are within a 5- to 10-minute, or half-mile, walk.

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Apartments Condominiums Townhomes, and similar
Secondary Uses	Non-commercial Recreational uses Senior Housing Facilities (1)
Development Characteristics	
Density	Minimum 18.0 du/acre Maximum 36.0 du/acre
Site Composition	Shall include private recreational facilities and common space
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	



Traditional Mixed Use Neighborhood Development

Up to 18.0 Dwelling Units per Acre and 1.0 Commercial FAR



This designation is intended for inclusive neighborhoods with a mix of residential and supportive non-residential uses in a walkable, pedestrian-oriented, urban village development pattern. Housing types could range from medium and small-lot single family homes to multifamily apartments and lofts. Mixed or non-residential uses could include offices, personal/business services, retail and live/work development. An interconnected grid of streets, pedestrian connections and parks is emphasized. The maximum density and intensity for this designation may be applied to the entire TMUND master planned development as opposed to specific sites.

The standards table below is a summary of permitted uses and development and design standards. All new development shall be consistent with the TMUND Design Guidelines, which provide greater detail for site, building and landscape design. (Bradburn Village is an example of a successful TMUND project.)

Development Standards	
	Requirement
Land Use	
Primary Uses	Apartments, Condominiums and Lofts Townhomes Single Family Residences Offices, Personal Business Services, Retail Commercial, Live/Work
Secondary Uses	Senior Housing Facilities (1) Child Care
Development Characteristics	
Density	Maximum 18.0 du/acre (2)
Floor Area Ratio	Maximum 1.0 for Commercial uses

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.

(2) Greater densities may be allowed if approved by the Planning Commission and City Council.

Mixed Use

8.0 to 36.0 Dwelling Units per Acre and Maximum Combined FAR of 1.5



This designation is intended to foster development with a mix of residential and commercial uses. Stand-alone commercial use or a combination of residential and commercial use is permitted. Where residential development is proposed, a vertical mix of uses (such as residential or office use above ground floor retail) is required with a minimum 0.10 FAR of commercial use (retail, offices or personal/business services). Parking should be located behind buildings, below grade or in structures to ensure active uses face onto public streets. Auto-oriented uses and drive-throughs are not permitted as part of residential mixed-use projects.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Apartments, Condominiums and Lofts Townhomes Offices, Personal Business Services, Retail Commercial (1), Live/Work
Prohibited Uses	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Development Characteristics	
Density	Minimum 8.0 du/acre Maximum 36.0 du/acre
Floor Area Ratio	Minimum 0.25 for Standalone Commercial Minimum 0.10 Commercial when Residential is provided Maximum 1.5 Combined Residential and Commercial

(1) Refer to the Retail Commercial land use designation for primary and secondary permitted retail uses.



Mixed Use Center

Minimum FAR of 0.75



This designation establishes key activity centers in the city, typically to be located with access to transit. Uses may include a mix of residential, retail, office and hotel uses. Along pedestrian-oriented street frontages, ground floor uses should be active, such as retail stores, restaurants and cafes. A vertical mix of uses is encouraged with retail at the ground level and office, hotel and/or residential on upper floors. Parking is strongly encouraged to be structured or below grade, with minimal surface parking—which should be located away from public view. Auto-oriented uses and drive-throughs are not permitted.

Development Standards

Requirement

Land Use

Primary Uses	Apartments, Condominiums and Lofts Townhomes Offices, Personal Business Services, Retail Commercial, Live/Work
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Prohibited Uses	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
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Development Characteristics

Density	Minimum 18.0 du/acre, when provided
Floor Area Ratio	Minimum 0.75 Combined Residential and Commercial (1)(2) Maximum 2.0 Combined Residential and Commercial (1)(2)(3)

(1) Residential use is not required. However, residential building area is calculated as part of the overall Floor Area Ratio (FAR).

(2) Calculation of FAR for master planned developments will be exclusive of rights-of-way.

(3) Greater Maximum FAR may be permitted if otherwise determined by PUD, official development plan or other regulatory plan.

Retail Commercial

Maximum FAR of 0.35



This designation serves a variety of neighborhood and regional needs and can be comprised of retail stores, eating establishments, banks, supermarkets and business and professional offices. Auto service stations, convenience stores, drive-through facilities and other similar uses may be limited and may not be allowed in areas that directly abut residential districts, public or quasi-public or institutional uses or public space. When permitted, such facilities shall use enhanced architectural design to be compatible with surrounding uses. Design of all retail commercial development must be consistent with the Retail Commercial Design Guidelines.

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Retail stores, eating establishments, banks, supermarkets, and business and professional offices
Limited or Prohibited Uses (1)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Site Characteristics	Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.
<i>(1) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the City.</i>	



Service Commercial
Maximum FAR of 0.35



This designation accommodates auto-oriented and general commercial uses including auto sales and service, nurseries and wholesale establishments. Retail commercial uses may also be located within this designation. Development is generally limited to arterial streets away from major intersections.

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Auto-related sales and services, convenience stores, wholesale, nurseries Retail stores, eating establishments, banks, supermarkets, and business and professional offices
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Site Characteristics	Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.

Office

Maximum FAR of 0.35



This designation accommodates offices for medical, legal, banking, insurance and similar professional office uses. This designation is intended to be compatible with abutting residential and other sensitive uses. A limited amount of retail uses integrated into the office building is permitted (see below for requirements).

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Professional and commercial offices (medical, business, real estate, law and consulting offices)
Secondary Uses	Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)
Development Characteristics	
Floor Area Ratio	Maximum 0.35
	Maximum 0.15 for Support Commercial (2)
	Maximum 1.5 Combined Residential and Commercial
<i>(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.</i>	
<i>(2) Commercial building area shall not exceed 50 percent of the ground floor of any one building.</i>	



Office/R&D Low Intensity
Maximum FAR of 1.0



This designation is intended for campus-like development with offices, research and development facilities, medical facilities and supportive uses. Manufacturing and mass production space is limited to less than 30 percent of gross floor area on a lot. Accessory or small-scale supporting retail or personal/business services integrated into office buildings are also permitted up to 10 percent of gross floor area. Strategically located hotel uses that support employment uses may be permitted by PUD.

Development Standards	
	<i>Requirement</i>
Land Use	
Primary Uses	Professional offices, research and development labs, medical facilities
Secondary Uses	Hotel Manufacturing, warehouse, production space (1) Support Commercial including eating establishments, pharmacies, personal business services, office supply (2)
Development Characteristics	
Floor Area Ratio	Maximum 1.0 Maximum 0.10 for Support Commercial
<p><i>(1) Manufacturing and production space may not exceed 30% of gross floor area.</i> <i>(2) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.</i></p>	

Office/R&D High Intensity

Minimum FAR of 0.30 and Maximum FAR of 2.0



This designation identifies areas where higher-intensity employment uses are appropriate. These areas are located along major transportation corridors with high visibility and accessibility. Employment uses are emphasized, including high-rise or campus-like office developments and supportive research and development uses. Manufacturing and mass production space is limited to less than 10% of gross floor area. Accessory or small-scale supporting retail or personal/business service uses integrated into office buildings are also permitted up to 10% of gross floor area. Strategically located hotel uses are permitted by PUD. The desired type of development is multistory buildings served by a mix of structured and surface parking. Taller buildings should be located closer to major arterials to reinforce visibility and presence.

Development Standards

Requirement

Land Use

Primary Uses	Professional offices, research and development labs, medical facilities
Secondary Uses	Hotel Manufacturing, warehouse, production space (1) Support Commercial including eating establishments, pharmacies, personal business services, office supply (2)

Development Characteristics

Floor Area Ratio	Minimum 0.3 Maximum 2.0 Maximum 0.10 for Support Commercial
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(1) Manufacturing and production space may not exceed 10% of gross floor area.

(2) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.



Flex/Light Industrial

Maximum FAR of 0.5



This designation is intended to provide and protect land for flexible employment uses, including manufacturing and assembly, research and product development, warehousing and distribution facilities, and supportive office space. Flexible spaces may include storefront space for sales and customer service. Auto-related service and self storage uses are also permitted. Uses that create objectionable levels of noise, vibration, odor, glare or hazards are not permitted. Outdoor storage must be screened from public right-of-way and non-industrial uses.

In general, light industrial uses should be located away from residential areas and adequately buffered from other land uses. The city may impose a stricter standard for more intense industrial uses.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Flex office space including professional office, research and development labs Warehousing, fabrication facilities, repair shops, wholesale distributors and light manufacturing
Secondary Uses	Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)
Development Characteristics	
Floor Area Ratio	Maximum 0.5 Maximum 0.10 for Support Commercial

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.

City Owned Open Space



This designation identifies city-owned and managed areas preserved for passive recreational use and protection of natural habitat. Passive public use includes hiking, biking, nature study, and photography. Open spaces may include scenic vistas, floodplains, trail corridors, farmlands and highly visible natural areas. These lands are preserved and managed in a natural condition.

Public Parks



This designation applies to all city or other publicly-owned parks or greenbelts, including neighborhood parks, community parks, regional parks, greenbelts and trails. These lands serve both active and passive recreation needs of the community with play areas, fields, trails and natural features and amenities.

Private Parks/Private Open Space



This designation applies to private parks, greenbelts and open space. These private lands provide passive and active recreational opportunities and are usually owned by a homeowners association, business owners association or metropolitan special district.



Golf Courses



This designation applies to both public and private golf courses, including three public courses and two private courses. Public golf courses provide additional open space, natural habitat and trail connections that connect to the greater parks and open space network in the city.

Public/Quasi Public



This designation is intended for uses related to general community services, such as public safety facilities, schools and institutions of higher learning, places of worship, community centers, hospitals, municipal facilities and cemeteries. Future public and quasi-public uses such as private schools and recreation facilities, although not shown specifically on the Land Use Diagram, are generally allowed in residential areas subject to City review and approval. Places of assembly are also allowed in non-residential use categories subject to City review.

Development Potential

Projected development potential of the Comprehensive Plan assumes that the majority of vacant lands and sites with opportunity for redevelopment, infill or intensification, will develop over the 22-year Plan horizon at 2035. However, the Plan is not intended to specify or anticipate when this development potential will actually be realized; nor does the designation of a site for a certain use necessarily mean that the site will be built/redeveloped with that use in the next 22 years.

The projected development potential outlined in Table 2-1 is based on assumptions of average intensities for the different land use classifications. However, it must be noted that the citywide development potential is not a fixed or final number. As time passes, new opportunities for redevelopment and infill will arise, beyond sites currently identified in this update effort. Planning for transportation and public infrastructure, particularly water resources and utilities, will continue to be reevaluated as future development potential is identified in subsequent Comprehensive Plan updates.

Table 2-1 shows:

- A. **Existing Development.** This reflects existing development as of August 2013.
- B. **Current Development.** This includes projects that are currently under construction, approved or proposed as of August 2013. This development includes 2,477 housing units and 1.0 million square feet of non-residential building space.
- C. **Gross New Development by 2035.** This value represents application of average assumed intensities to vacant lands and underutilized sites that will likely be developed over the next 20 years, or the 2035 plan horizon. Approximately 5,616 housing units and 8.9 million square feet of non-residential building space will likely be added.
- D. **Existing Development Lost.** This value reflects existing development that is likely to be lost due to redevelopment of underutilized sites.
- E. **Net New Development by 2035.** This reflects the total of the Existing, Current and Gross New development in the city less Existing Development Lost.
- F. **City at 2035.** Totaling Net New Development and Existing Development results in the Comprehensive Plan development potential at 2035. This will result in an increase of approximately 8,100 housing units and 8.8 million square feet of non-residential space.

**Table 2-1: Projected 2035 Development**

	<i>A. Existing Development 2013</i>	<i>B. Current Development</i>	<i>C. Gross New Development by 2035</i>	<i>D. Existing Development Lost</i>	<i>E. Net New Development by 2035</i>	<i>F. City at 2035</i>
Residential Uses						
Very Low Density (R-1 and R-2.5)	838	147	13		160	998
Low Density (R-3.5 and R-5)	25,665	272	254		526	26,191
Medium Density (R-8)	5,117	99	187		286	5,403
<i>Subtotal Single Family (Detached & Attached)</i>	<i>31,620</i>	<i>518</i>	<i>454</i>		<i>972</i>	<i>32,592</i>
High Density (R-18)	11,710	1,030	176		1,206	12,916
Very High Density (R-36)		465	460		925	925
Residential Units from Mixed Use	1,649	256	4,466		4,722	6,371
<i>Subtotal Multifamily</i>	<i>13,359</i>	<i>1,751</i>	<i>5,102</i>		<i>6,853</i>	<i>20,212</i>
Total Residential Units	44,979	2,269	5,556		7,825	52,804
Population*	109,169					129,423
Non-Residential Uses						
Retail Commercial**	10,443,089	235,029	2,539,300	-963,897	1,810,432	12,253,521
<i>Hotel (square feet)</i>	<i>1,361,660</i>	<i>159,500</i>	<i>403,677</i>		<i>563,177</i>	<i>1,924,837</i>
<i>Hotel (rooms)</i>	<i>1,905</i>	<i>212</i>	<i>577</i>		<i>789</i>	<i>2,694</i>
Service Commercial	177,285	3,500	57,122	-27,961	32,662	209,947
Office/R&D	4,950,686	426,103	4,468,191	-56,038	4,838,256	9,788,942
Flex/Light Industrial	3,283,510	0	1,339,478	-125,296	1,214,182	4,497,692
Total Building Square Feet	18,854,570	664,632	8,404,091	-1,173,192	7,895,532	26,750,102
Employment	39,300					57,300

*Based on a 2035 household size of 2.58, as projected by DRCOG 2035 Metro Vision Plan. Also assumes a 5% residential vacancy rate.

**Includes office uses within retail commercial centers.



The city will continue to build high quality housing and residential neighborhoods to further attract employers and workers to the city.



Employment growth is a focus of the Comprehensive Plan in order to providing a range of employment options for the city's residents as well as to foster business growth and synergy within the city.

Total population by the 2035 Plan horizon is expected to grow by approximately 20 percent to 130,100—an increase of approximately 21,000 new residents, based on a projected 2035 population to household ratio of 2.58 by DRCOG. Employment in the city will also grow substantially, with the potential for 59,250 jobs in the city by 2035—the majority of which would be in retail and office/R&D industries. This would increase the existing job base in the city by approximately 50 percent.

Jobs to Housing Balance

The relationship between jobs and housing is a reflection of whether a city has a deficit or surplus of jobs relative to employed residents. A balance between the two would be a 1:1 ratio, and would indicate that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. The Comprehensive Plan looks to improve the balance between jobs and housing (reflected by the number of employed residents) in the city. As of 2013, the city's ratio is an estimated 0.59 jobs to employed residents (reflecting approximately 39,300 jobs and 66,700 employed residents in the city).¹ In comparison, both Adams and Jefferson counties had ratios of 0.70, with Denver almost double with 1.35 jobs to employed residents (Table 2-2).²

To achieve an improved balance, the Plan focuses on attracting higher intensity employment development into the city, in both mixed-use areas and along the city's major employment corridors like US 36 and I-25. The city's wide range of housing types will continue to attract employers and workers to the city. With nearly 18,000 new jobs expected over the next 20 years alone, the City can expect a jobs/housing ratio of approximately 0.63—an improvement that reflects a conservative projection of job gain into the future.

Table 2-2: Jobs to Housing Comparison

<i>Place of Comparison</i>	<i>Jobs</i>	<i>Employed Residents</i>	<i>Jobs to Employed Residents</i>
City of Westminster	39,300	66,700	0.59
City of Arvada	27,500	59,600	0.46
City of Broomfield	30,000	31,900	0.94
City of Thornton	25,900	66,400	0.39
Denver (City and County)	443,000	328,900	1.35
Adams County	162,300	234,400	0.69
Jefferson County	215,200	305,300	0.70

Sources: American Community Survey 2012 data for employed residents; cities of Westminster, Arvada, Thornton and Broomfield, DRCOG and Colorado Department of Labor for jobs estimates. Estimates rounded to the nearest 100th.

¹ American Community Survey, 2012 Data.

² Colorado Department of Labor, 2012 Annual Labor Market Estimates and Employment by Industry.



2.3 REDEVELOPMENT

Redevelopment Areas

The city currently has seven active officially designated Urban Renewal Areas. These Urban Renewal Areas are administered by the Westminster Economic Development Authority (WEDA), for which City Council members serve as the Board Members. The Urban Renewal Area designation allows WEDA to finance capital improvements and land assembly to incentivize redevelopment and improve physical conditions in key areas of the city. WEDA generally gains its revenues from increases in property taxes within these areas. Within the redevelopment project areas, WEDA has the power to make capital improvements to the “public realm”; those areas and elements that serve a public purpose, including parks, plazas, utilities and roads, landscaping and parking.

The redevelopment areas are shown in Figure 2-3 and include:

- South Westminster, the second phase of which will expire in 2017.
- Westminster Center (encompassing the proposed downtown Westminster area) adopted in 2009 and will be active for 25 years from the date tax increment collection is established.
- Westminster Center East, adopted in 2002 and active through 2027.
- Mandalay, adopted in 2003 and active through 2027.
- North Huron, adopted in 2004 and active through 2028.
- Holly Park, adopted in 2004 and active through 2028.
- South Sheridan, adopted in 2004 and active through 2028.

Additional Redevelopment Opportunities

In addition to the city’s Focus Areas identified in the Comprehensive Plan, there are several key redevelopment and infill opportunities in the city. These sites have existing development that may or may not redevelop over the future. Key sites that may have potential for redevelopment include:

- *Westminster Village/LaBelle’s Plaza*, located at 88th Avenue and Sheridan Boulevard, consisting of existing older retail strip centers and large format retail stores. Over time, as the downtown Westminster area develops into an active, mixed-use downtown destination, there may be opportunity to take advantage of the synergy created by the new downtown, existing park-and-ride and future commuter rail station at the western end of the site. The area is also directly adjacent to the planned



LaBelle’s Plaza, extending south from 88th Avenue on the west side of Sheridan Boulevard, is an older commercial strip center that is nearing the end of its building lifecycle.



St. Anthony's North Hospital located on 84th Avenue east of Federal Boulevard.

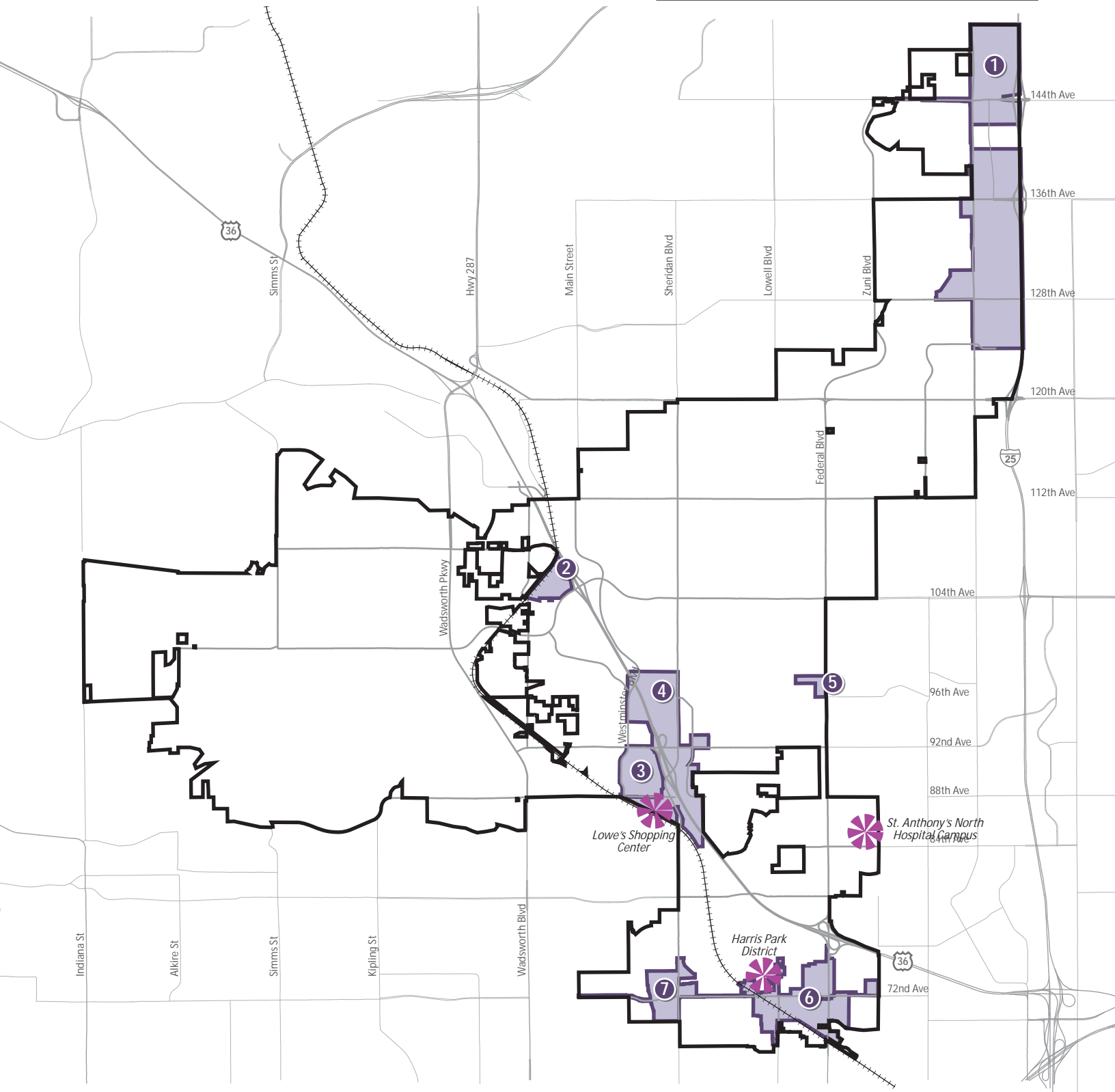


Portions of the Harris Park District reflect the city's history while other areas have opportunity for unique and complementary infill.

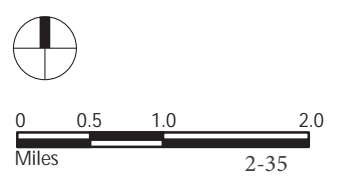
RTD FasTracks commuter rail station south of 88th Avenue and east of Harlan Street. It is envisioned that redevelopment would attract a higher-intensity mix of transit supportive uses including office, commercial and residential uses.

- *St. Anthony North Hospital at 84th Avenue*, which will be replaced in primary function by the St. Anthony North Medical Campus to the north at 144th Avenue and I-25. Portions or all of this site may have opportunity to intensify—with either additional medical office-related uses, commercial development and/or mixed-use development with housing. The area's proximity to the Pillar of Fire and Federal Boulevard activity may create added synergy and opportunity for redevelopment as these latter areas develop.
- *Harris Park District in South Westminster*, where a mix of residential and commercial uses is envisioned to foster a walkable, neighborhood environment. It is expected that in this area, focused redevelopment and infill projects will occur on individual sites in a context-sensitive manner that is consistent with surrounding existing development. The scale of new development in this area will generally be one to three story buildings, where taller buildings are located along Lowell Boulevard. It is expected that this area will evolve gradually, as property owners decide to redevelop their property.

Figure 2-3: Urban Renewal Areas & Redevelopment Opportunities



- ① North Huron Urban Renewal Area
- ② Mandalay Urban Renewal Area
- ③ Westminster Center Renewal Area
- ④ Westminster Center East Urban Renewal Area
- ⑤ Holly Park Urban Renewal Area
- ⑥ South Westminster Phase I & II Urban Renewal Areas
- ⑦ South Sheridan Urban Renewal Area
- ★ Potential Redevelopment Opportunity





Much of the land use in county enclaves within the city is residential, including rural and low density single family residences.

2.4 UNINCORPORATED AREAS

The city's 34-square-mile Sphere of Influence encompasses the city as well as several large unincorporated areas in Jefferson and Adams counties. Unincorporated areas include county enclaves surrounded by the city and land area on the periphery of the city limits. Although the Plan only regulates land uses for incorporated areas within the city, unincorporated areas can influence the development patterns and physical continuity of the city. Accordingly, the city may consider the annexation of some of these areas on a case-by-case basis. Key issues that will be considered are the availability of public services, compatibility of land uses, development character and financial impact to the city.

The city's policy towards annexation is to annex significant portions of land at one time. Land use designation for these areas will either occur at time of annexation or as part of a specific subarea plan for proposed annexation areas. Figure 2-4 shows suggested land uses for unincorporated lands if they were to annex into the city.

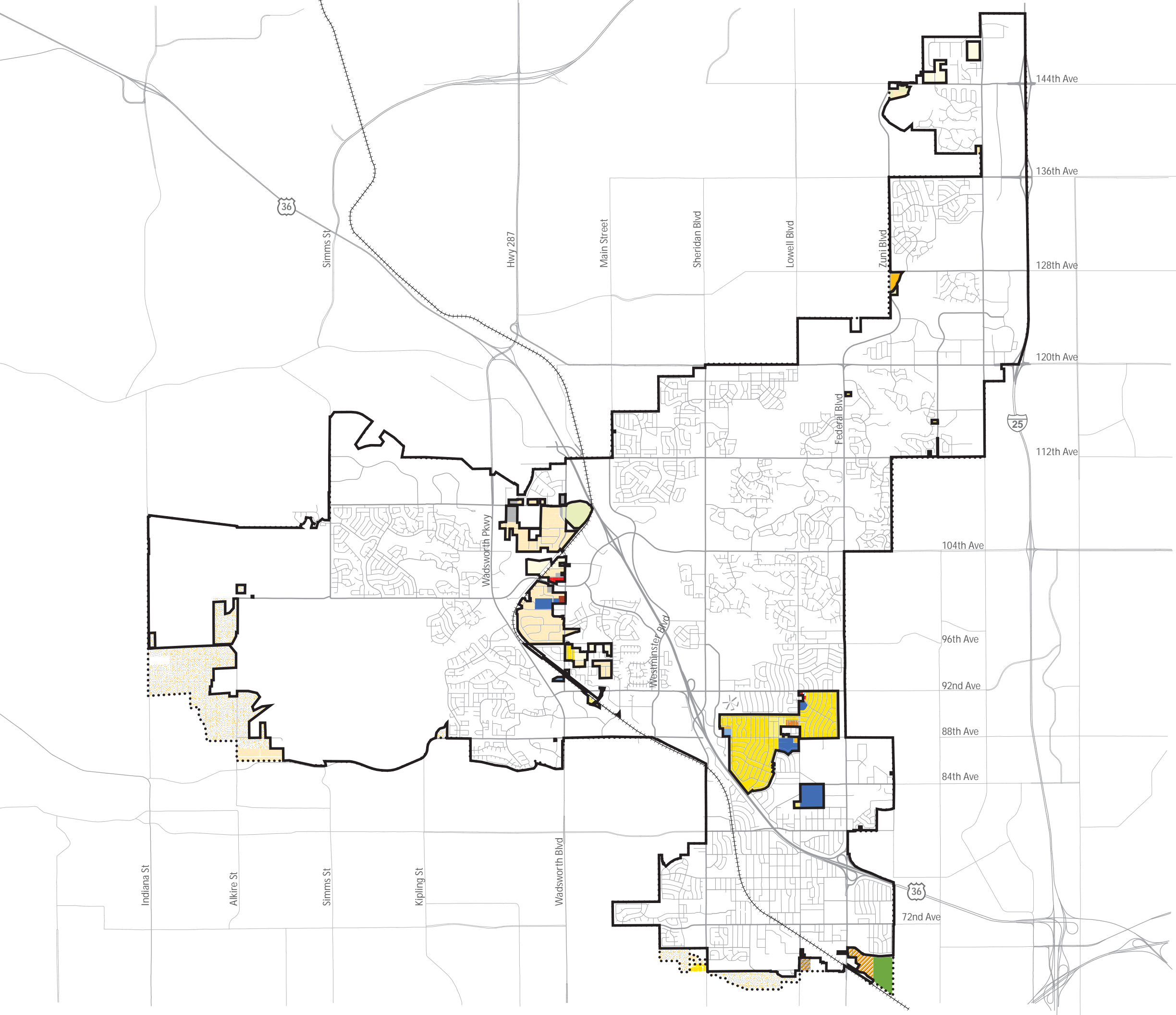
County Enclaves

The total county enclave land area within the city comprises 1,118 acres, with 588 acres in Jefferson County and the remainder in Adams County. In Jefferson County, enclaves are generally located north of 92nd Avenue, south of 112th Avenue, west of US 36 and along Wadsworth Boulevard. These areas include a mix of vacant land, rural residential, agricultural and light industrial uses.

























In Adams County, unincorporated land includes the Shaw Heights neighborhood and a small portion of the Pillar of Fire property. Shaw Heights is a large 436-acre enclave located between 88th Avenue and 92nd Avenue, east of US 36 to Federal Boulevard. The area is fully developed and is predominantly residential. Any possible future annexation of this developed area will take into account a cost-benefit analysis of the area, and the views of existing residents and business owners in the area. The Pillar of Fire enclave is located between Lowell Boulevard and Irving Street and between 84th and 82nd avenues. This approximately 44-acre area is located to the southwest of the approximately 150-acre Pillar of Fire property that is within the city limits.

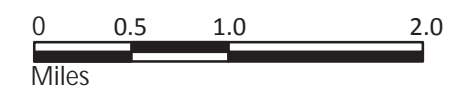
In addition to these larger enclave areas, there are several smaller enclaves in the city that if annexed, could be of benefit to the surrounding development. Many of these smaller enclaves are vacant land, including several areas near Huron Street and 144th Avenue.

Figure 2-4: Sphere of Influence, Enclaves & Adjacent Unincorporated Areas



Legend

-  Sphere of Influence
-  Area to Remain Low Density/Agriculture
- Proposed Land Uses Upon Annexation**
-  Residential R-1
-  Residential R-2.5
-  Residential R-3.5
-  Residential R-5
-  Residential R-8
-  Residential R-18
-  Residential R-36
-  Traditional Mixed Use Neighborhood Devt.
-  Mixed Use
-  Mixed Use Center
-  Retail Commercial
-  Office
-  Office/R&D Low Intensity
-  Office/R&D High Intensity
-  Flex/Light Industrial
-  Public/Quasi-Public
-  Public Parks
-  City Owned Open Space
-  Golf Courses
-  Private Parks/Open Space
-  Major Creek Corridor on Non-Public Land
-  City Limits





Outside City Limits

Land outside of the outer limits of the city is located primarily to the south in Adams County and to the west in Jefferson County. Abutting land area within Jefferson County is envisioned as remaining agricultural and/or sparsely developed to protect water quality of resources like Standley Lake and Hidden Lake. To the southeast, in Adams County, land abutting the city is primarily developed, with the exception of a portion of the Northgate site directly east of the Westminster Station Area, which is envisioned as a traditional mixed use neighborhood east of Federal Boulevard. This site will likely be annexed as part of the overall Northgate development.



Areas adjacent to major water resources like Standley Lake and Hidden Lake will ideally remain very low density to minimize development impacts on regional and city resources.

2.5 GOALS AND POLICIES

The following goals provide direction for all aspects of land use planning. The policies are organized into categories, with general policies to be considered in all land use decisions listed first.



The Comprehensive Plan builds on the city's existing cadre of high quality built and natural environments with land uses located to best foster economic growth, high quality of life and fiscal sustainability for the city.

GOALS

- LU-G-1** Pursue a compact development pattern that allows for the preservation of natural areas and creek corridors.
- LU-G-2** Achieve a balance of uses in the city, including employment, residential, cultural, destination and local retail, as well as a full range of amenities and services necessary to support a vibrant community.
- LU-G-3** Provide appropriately located areas for a broad range of employment generating uses to strengthen the city's economic base and provide employment opportunities for residents.
- LU-G-4** Continue to improve and enhance the city's role as a regional center for shopping and entertainment.
- LU-G-5** Foster a retail commercial mix that meets the varied needs of Westminster's residents and business community, from everyday services to unique shopping, dining and hospitality.
- LU-G-6** Ensure higher density residential development is located in activity centers and environments that promote walkability and provide access to key services and transit.
- LU-G-7** Provide opportunities for a range of housing types and affordability to accommodate all incomes, lifestyles and age groups within the city.
- LU-G-8** Establish and support vibrant new mixed-use centers with a range of uses, multi-story buildings, walkable street grids with an engaging public realm.
- LU-G-9** Continue to promote redevelopment of targeted areas as a pathway to economic revitalization and improved physical conditions throughout the city.



POLICIES

Citywide policies focus on strategic growth that will ensure the city continues to develop within its fiscal, economic and infrastructure means. They also place emphasis on regional coordination to ensure Westminster continues to play a significant role as an employment and activity center in the Denver Metropolitan area.

- LU-P-1** Ensure land uses are consistent with the Comprehensive Plan Land Use Diagram in Figure 2-2 and land use classifications in Section 2.3.
- LU-P-2** Update the Municipal Code to support mixed-use development, land use densities and development standards to ensure its compliance with the Comprehensive Plan.
- LU-P-3** Ensure that new development is consistent with minimum and maximum intensities and densities for development. Residential densities are calculated using the gross acreage of the site, excluding land area within 100-year flood plains.
- LU-P-4** Ensure that adequate infrastructure and public services are available for new development. Evaluate the impact of new development to the city's future water supply, considering land use, intensity and proposed conservation measures.
- LU-P-5** Create a new downtown focused on the former Westminster Mall site.
- Establish a street grid and block structure that accommodates all travel modes with a priority for pedestrian circulation;
 - Create an attractive, connected public realm with a range of parks, open space and recreational opportunities;
 - Foster a mix of commercial, office and residential uses, encouraging a vertical mix of uses in buildings; and
 - Establish a distinct area within the downtown that is the center of activity, culture and identity for the city.
- LU-P-6** Encourage the establishment and intensification of activity centers that provide a mix of uses, transit and attractive, walkable environments.
- LU-P-7** Continue to diversify commercial uses in the city to insulate the city's fiscal base from downturns in individual markets.



New land use designations foster vertical mixed use development, where residential or office spaces are located above commercial uses at the ground floor. These higher-intensity development types will foster growth and activity in areas like Westminster Station and downtown Westminster.

- LU-P-8** Establish new neighborhoods with a range of housing types, supportive commercial uses and ample public amenities and spaces.
- LU-P-9** Foster a close relationship between land use and transportation planning to promote use of transit as part of development plan review and implementation, capital improvements programming and preparation of specific and area plans.
- LU-P-10** Ensure new development and land uses are consistent with applicable area and regional plans and regulations.
- LU-P-11** Work with Jefferson County to ensure existing development is not significantly impacted by Rocky Mountain Metropolitan Airport expansion and operation plans.
- LU-P-12** Update the Comprehensive Plan regularly to ensure all physical planning efforts continue to support one another.
- LU-P-13** Continue to work with partnering communities in the Denver Regional Council of Governments Mile High Compact to plan for the long-term growth vision established by the Metro Vision 2035.
- LU-P-14** Coordinate revisions to the City Urban Growth Boundary and Urban Activity Center boundaries with the Denver Regional Council of Governments and the affected counties.
- LU-P-15** Continue to work with surrounding communities and counties in cohesive planning efforts to improve the city and region as a whole.



The Comprehensive Plan sets the stage for a wide variety of work and employment environments throughout the city, all of which capitalize on assets like public transit, open space and amenities.

Employment

The city is strategically located along two major transportation and employment corridors. Westminster has the opportunity to capitalize on its central location between Denver, Boulder and the Fort Collins area with planned transportation and transit improvements along US 36 and I-25 as well as future expansion of employment uses. The Comprehensive Plan also seeks to achieve a greater balance between jobs and housing that is more consistent of a full service city and comparable to the rest of the Denver Metropolitan area.

- LU-P-16** Ensure that adequate land is dedicated and developed for employment uses. Prioritize the capture of primary employment uses along US 36, I-25 and the city's existing business parks.



- LU-P-17** Promote the development of employment uses in areas with convenient access to everyday commercial and business services, transit and mixed use-activity centers to foster a synergistic, attractive working environment.
- LU-P-18** Promote the location of conveniently located commercial and business services in close proximity to existing employment centers.
- LU-P-19** Ensure that established and new employment centers have a distinct identity and character. Contiguous employment uses should be generally compatible in use and design.
- LU-P-20** Require high quality site planning and architectural design in high profile employment centers to strengthen the city's image and market position.

Retail Development

The city has several active, attractive retail districts, including the Orchard Town Center, the Shops at Walnut Creek, Westminster City Center Marketplace, the Westminster Promenade and many smaller high quality neighborhood shopping centers. Access to a range of shopping and dining opportunities is a priority for the Westminster community that would include both unique, boutique options as well as major brands.

- LU-P-21** Focus improvements and intensification of activity in existing regional shopping centers in the city while also promoting the new downtown Westminster site.
- LU-P-22** Encourage local, unique shopping and dining options, particularly in the new downtown area (downtown Westminster), Westminster Station area, the Harris Park District and smaller, mixed-use neighborhood centers like those in Bradburn Village and other Traditional Mixed Use Neighborhood developments.
- LU-P-23** Attract major retailers to the city to ensure that a full range of shopping and dining needs of the community and regional trade area are met.
- LU-P-24** Except for neighborhood and community activity centers, limit retail development to one or two quadrants of arterial intersections and spaced to meet the needs of neighborhoods without unnecessarily burdening the transportation system or diluting other retail center activity.



Westminster has several highly successful and attractive retail shopping centers, among them, the Shops at Walnut Creek (above) and the Orchard Town Center (below).



Westminster has a variety of housing types and neighborhoods that foster a wide range of affordability and preference.

Residential Development and Housing Availability

Few areas remain in the city for residential development. Where new residential development is located, access to key services, recreation and open space, and internal connectivity and walkability should be emphasized. Higher density residential uses should be located within a quarter mile of a key transit station and adjacent to a range of commercial and public services and amenities. Finally, the city should continue to support a range of affordability and housing types throughout the city, maintaining the existing affordable housing stock where possible.

- LU-P-25** Ensure that new residential development is located adjacent to and within walking distance to commercial and public services such as grocery stores and personal services, schools, parks and open space.
- LU-P-26** Focus new higher density residential development in areas within walking distance of neighborhood services and shopping, employment and transit. Typically, this distance should be no more than a quarter mile, or five-minute walk along safe, direct pedestrian paths and streets.
- LU-P-27** Focus the majority of higher density residential development in mixed-use neighborhoods and transit-oriented development areas.
- LU-P-28** Encourage the provision of a range of housing types within new neighborhoods.
- LU-P-29** Encourage the location of market-rate housing in the South Westminster area while also striving to improve and redevelop existing affordable rental and ownership housing.
- LU-P-30** Maintain and improve the city's stock of affordable housing:
 - Utilize federal, State and local funding resources to undertake down payment assistance and training, housing rehabilitation, minor home repair and weatherization programs as well as city-managed infrastructure improvements and environmental clean-up of industrial sites.
 - Utilize resources such as the Westminster, Adams County and Jefferson County housing authorities, HOME Program Consortium, U.S. Department of Housing and Urban Development Community Development Block Grant



Program, Private Activity Bonds, Brownfields Program, South Westminster Revitalization Program and non-profit housing developers to help fund these programs and efforts.

- LU-P-31** Ensure that new affordable housing has access to transit and key public and everyday services.

Activity Centers

Community and neighborhood activity centers encompass land identified as Mixed Use and Mixed Use Center in the city. They should be a destination for surrounding residential and employment uses, and should have a clear center, with streets and blocks sized to encourage walking, and include a range of vertically and horizontally mixed uses. (Vertically mixed uses typically include retail uses at the ground floor and residential, office or hotel uses on upper floors.)

- LU-P-32** Establish and support community and neighborhood activity centers that provide access to everyday commercial services and needs, unique dining and shopping, and an identifiable center (public space, intensification or focus of activity within a defined area).
- LU-P-33** Encourage a vertical mix of uses, with residential and/or office uses above ground floor retail/commercial uses in the heart of activity centers. Providing an active frontage along major pedestrian connections and corridors should be a priority.
- LU-P-34** Allow mixed use activity centers to be established along major commercial corridors in the city including Wadsworth Parkway, Sheridan Boulevard and Federal Boulevard to support revitalization and redevelopment of aging, underutilized shopping centers. Ensure these activity centers are integrated into surrounding development, promote walkability, orient development to the corridor and have improved access to transit.
- LU-P-35** Locate higher intensity mixed-use districts within walking distance to transit. Typically, the highest intensity of use should be located within a quarter mile, or five-minute walk from major transit stations.
- LU-P-36** In higher intensity mixed-use districts, ensure a range of uses are provided to support transit ridership (such as high density residential and employment uses) and to reduce vehicle trips within and outside of the district.



New development in the city's planned activity centers, like Westminster Station and the new downtown will foster a mix of uses and an active pedestrian environment, creating places to gather, live, work and spend time.



Infill development and streetscape improvements in South Westminster will further support revitalization of the Harris Park District.



Shopping centers like the Hidden Lake Shopping Center above have opportunity for redevelopment, infill and potential intensification.

Harris Park Revitalization

The focus of revitalization efforts in South Westminster is within the Harris Park neighborhood. As further discussed in Chapter 6: City Identity and Design, this neighborhood is the primary historic and cultural center of the city. Land use policy for the district focuses on underlining the area's role within the city and fostering its eclectic character with opportunities for a mix of uses, neighborhood scale development and unique infill development.

LU-P-37 Promote the Harris Park 73rd Avenue Historic Westminster Art District as a community-wide destination. Allow a mix of small-scale commercial, office and supportive residential uses along the street with an emphasis on active, pedestrian-oriented retail frontage at the ground floor.

LU-P-38 Allow the Harris Park neighborhood between Lowell and Bradburn boulevards and 72nd Avenue to just north of 73rd Avenue to become a mixed-use, traditional, small-scaled neighborhood that retains the historic and cultural identity and allows for greater flexibility for property owners to create a rich and vital district with a range of commercial and residential uses.

Redevelopment

The city encourages redevelopment of older, underutilized properties in the city that have potential to attract a range of uses including employment, shopping, dining and supportive residential development.

LU-P-39 Encourage the redevelopment and improvement of older commercial areas through city investment in public infrastructure, economic development incentives and environmental mitigation, as appropriate.

- Key commercial corridors that should be a focus of redevelopment and revitalization efforts include Wadsworth Parkway, Sheridan Boulevard (between 75th and 82nd avenues) and Federal Boulevard (between the BNSF corridor and 94th Avenue).

LU-P-40 Support planning and redevelopment efforts in areas adopted as Urban Renewal Areas. Ensure these efforts are consistent with related adopted redevelopment plans.

LU-P-41 Actively seek public and private sector investment to encourage and induce redevelopment in targeted areas in the city.



Annexation

Generally, the city does not actively pursue annexation of county enclave areas within the city, nor does the city foresee any significant expansion outside of the existing city limits. However, annexation into the city is considered on a case-by-case basis with an evaluation of the impacts and benefits of the addition to the city. A few areas outside of the city may be strategically annexed in to the city as new development occurs, including land just east of the Westminster Station Area (Federal Boulevard at 70th Avenue) proposed to be a new traditional mixed use neighborhood development.

- LU-P-42** Consider annexation of county enclaves and adjoining lands on a case-by-case basis, taking into consideration the fiscal impacts, availability of infrastructure and utilities to serve the area, and compatibility of land uses with contiguous development.
- LU-P-43** Allow limited, strategic annexation into the city outside of the city limits, to ensure new development and connections are planned cohesively.
- LU-P-44** Support designation of land uses in the unincorporated areas adjacent to Standley Lake and Hidden Lake as rural, agricultural and/or open space to limit impact to water quality and surrounding natural habitat.
 - Work with local, state and federal funding sources to acquire open space outside of the city limits where community-wide benefit is achieved.
- LU-P-45** Pursue an annexation agreement with Arvada for the area west of Standley Lake between 86th Avenue, 96th Avenue, Indiana Street and Alkire Street to use the Church Ditch as the line neither city will cross for annexation.
- LU-P-46** Do not pursue the provision of city utilities to unincorporated areas unless compelled to do so by existing utility service agreements.

3.0

Focus Areas

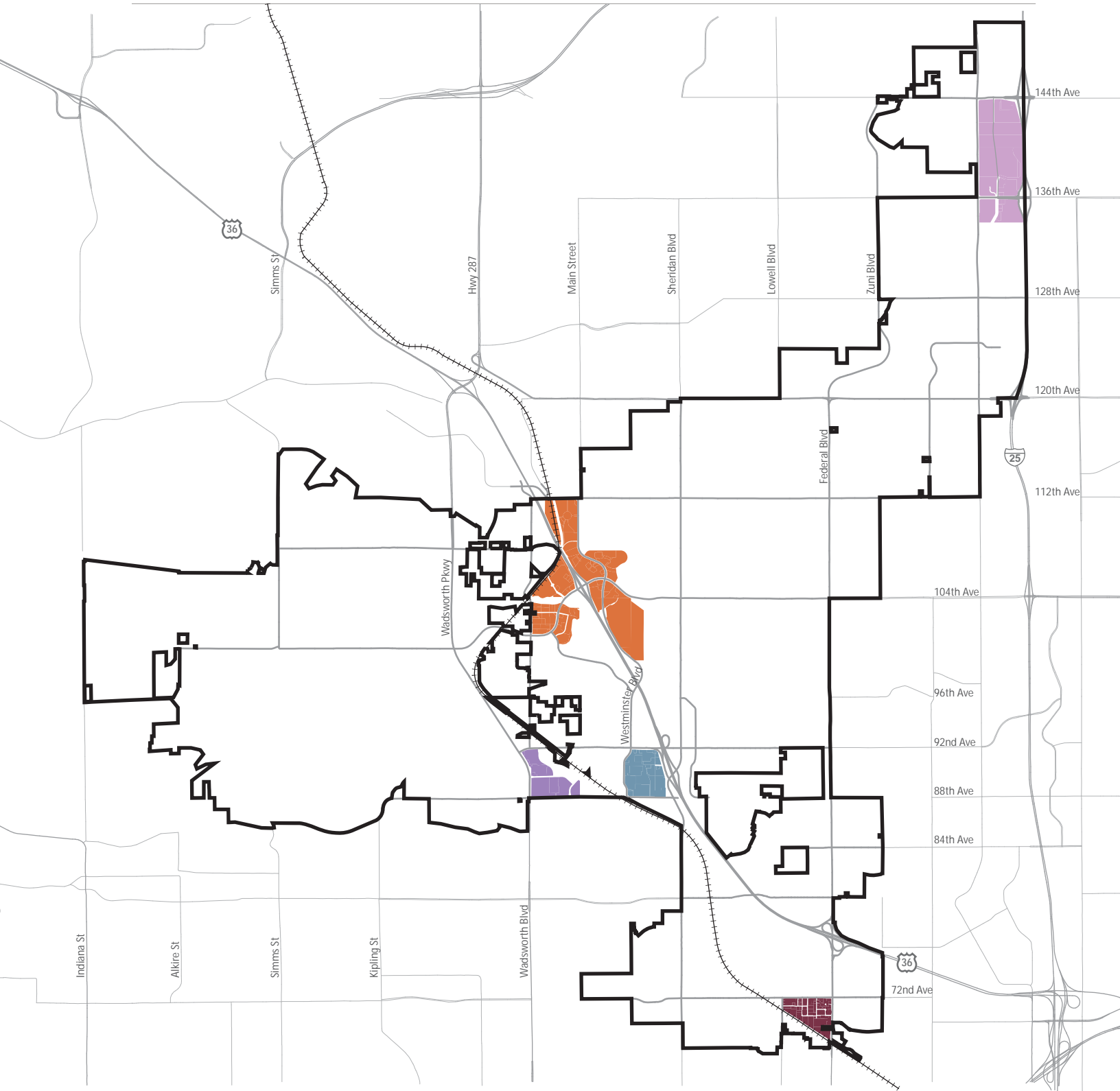







Five focus areas are identified in the Comprehensive Plan. These areas have the greatest potential for growth and change over the next 20 years. The focus areas comprise both new and existing activity centers near major crossroads and transit stations—locations that will serve as key opportunities for gateway development, establishing a strong city identity and fostering economic vitality. This section provides a description of the city’s overall vision and land use intent for each focus area, with specific goals and policies delineated for each area.

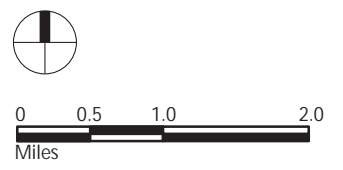
Overview

The Comprehensive Plan describes the city's overall intent and vision for the five focus areas. A more detailed policy and urban design concept for each focus area will be developed as an individual specific plan. Once a Focus Area plan is adopted by City Council, it will be incorporated by reference in the Comprehensive Plan and will serve as the primary land use regulation for the Focus Area. Until a plan is adopted, the goals and policies in this chapter will serve as a guide for new development.

Figure 3-1: Focus Areas



-  Downtown Westminster Focus Area
-  Westminster Station Focus Area
-  North I-25 Focus Area
-  Church Ranch Focus Area
-  Brookhill Focus Area



3.1 DOWNTOWN WESTMINSTER FOCUS AREA

Downtown Westminster is a 105-acre area that constitutes the site of the former Westminster Mall. The area is bounded by Sheridan Boulevard/US 36 and Harlan Street to the east and west, and 92nd and 88th avenues to the north and south. Approximately 95 percent of the site is owned by the Westminster Economic Development Authority (WEDA), which worked to purchase the mall after years of significant vacancy and neglect. Although a few individual buildings remain, most of the mall structures were demolished by the end of 2012 in order to ready the site for redevelopment.



Left: Looking southwest into the site from the northeast corner. Middle: Cottonwoods and Allen Ditch along 88th Avenue. Right: Existing JCPenneys building at the south end of the focus area.

The site is strategically located in the heart of Westminster just 10 miles from Denver's central business district and 15 miles to Boulder. Development in the immediate area is primarily commercial, with some office and industrial flex space to the west. Residential development borders the area to the north, with US 36 and Sheridan Boulevard creating the eastern edge. Also bordering the site to the east is one of the most active RTD park-and-ride bus facilities within RTD's service area. A future RTD FasTracks commuter rail station is planned to the south of the site across 88th Avenue and just east of the Harlan Street alignment. Almost the entire focus area is located within a 10-minute walk of the planned station.

Westminster Mall was once a significant regional and citywide destination as well as an important gathering place for the Westminster community. In keeping with its original role as a community and regional destination, the City of Westminster envisions the focus area as a new downtown and regional hub (Figure 3-2). A high intensity mix of office, retail, residential and hotel uses will serve as the foundation for activity, to be enhanced by an interconnected network of plazas, parks and linear greens. A safe, walkable pedestrian environment will be emphasized along with clear navigation for bicyclists, vehicles and transit throughout the downtown area. A new street grid enhancing connectivity will be implemented, with maximized views to the mountains and downtown Denver. Finally, access and connectivity to existing and future transit will be a focus of future planning—ensuring that employment and residential uses are connected to the larger metropolitan area.

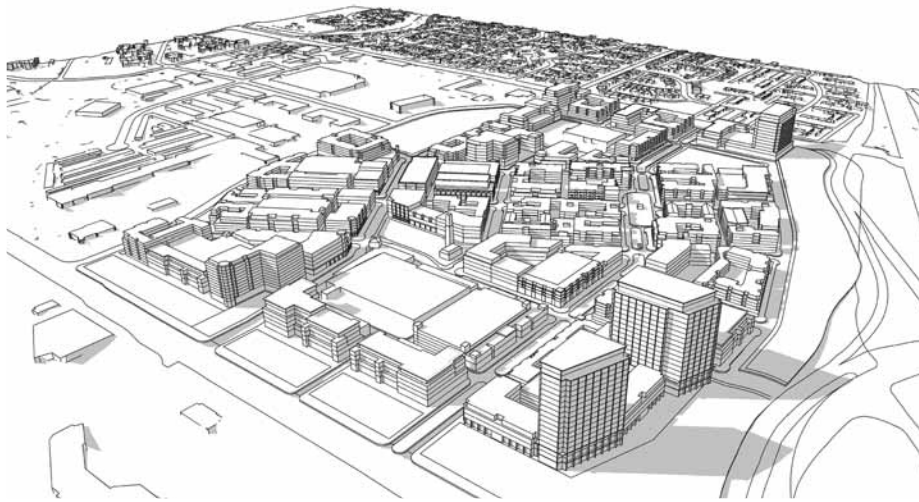
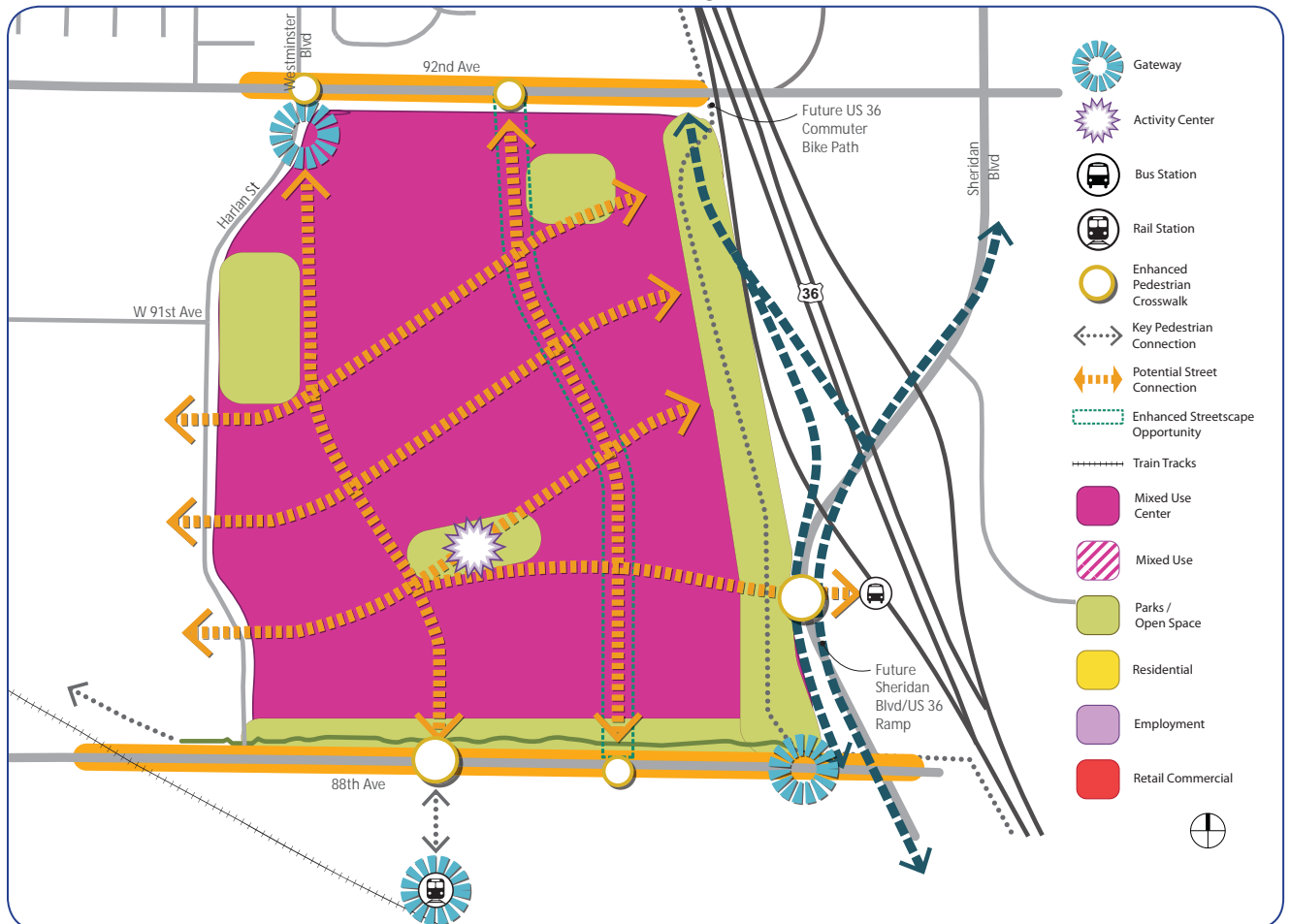


Figure 3-2: Downtown Westminster Focus Area







GOALS

- F-G-1** Establish the Downtown Westminster Focus Area as the city's new downtown.
- F-G-2** Create a vibrant destination that serves as a cultural center for the community and as a regional hub and destination.

POLICIES

- F-P-1** Foster a synergistic mix of uses that will support transit and an active environment for retail, office and residential uses.
- F-P-2** Encourage a vertical mix of uses throughout the focus area, with ground floor commercial uses and office, residential or hotel uses on upper floors.
- F-P-3** Ensure all development presents an “active frontage” to the street edge, with ample window area, frequent entries and enhanced façade articulation.
- F-P-4** Develop a vibrant public realm with a variety of experiences, public spaces and parks. Various plazas and parks should be designed as unique spaces that create distinct settings and environments throughout the area.
- F-P-5** Provide ample public and green space that will accommodate the needs of new residents, provide venues for community events and gathering, and establish identity for the downtown area.
- F-P-6** Design the street grid to foster connectivity for all modes of travel, with an emphasis on safe and comfortable pedestrian circulation.
- F-P-7** Facilitate direct, convenient access to transit with enhanced pedestrian crossings and connections.
- F-P-8** Ensure the downtown area is easy to access by all modes of transportation. Parking should be easy to find and allow visitors to park once and walk to key activity nodes.
- F-P-9** Enhance and complete trail connections to and within the downtown area, such as the Allen Ditch Trail and US 36 Commuter Bike Trail.





3.2 WESTMINSTER STATION FOCUS AREA

The Westminster Station Focus Area is strategically located in the northwest portion of the greater Denver metro area, just a half-mile south of the US 36 and Federal Boulevard interchange. The 135-acre focus area is anchored by the future RTD FasTracks commuter rail station (Westminster Station), which will provide impetus for transit-supportive mixed-use development within the focus area when it opens in 2016. The 37.5-acre Little Dry Creek Park and Open Space is planned for the southern portion of the focus area, providing a key amenity for the surrounding South Westminster community. The park will also provide connectivity to the regional trail network via Little Dry Creek Trail, which is part of the planned Refuge to Refuge Trail connecting the Rocky Mountain Arsenal and Rocky Flats National Wildlife refuges.



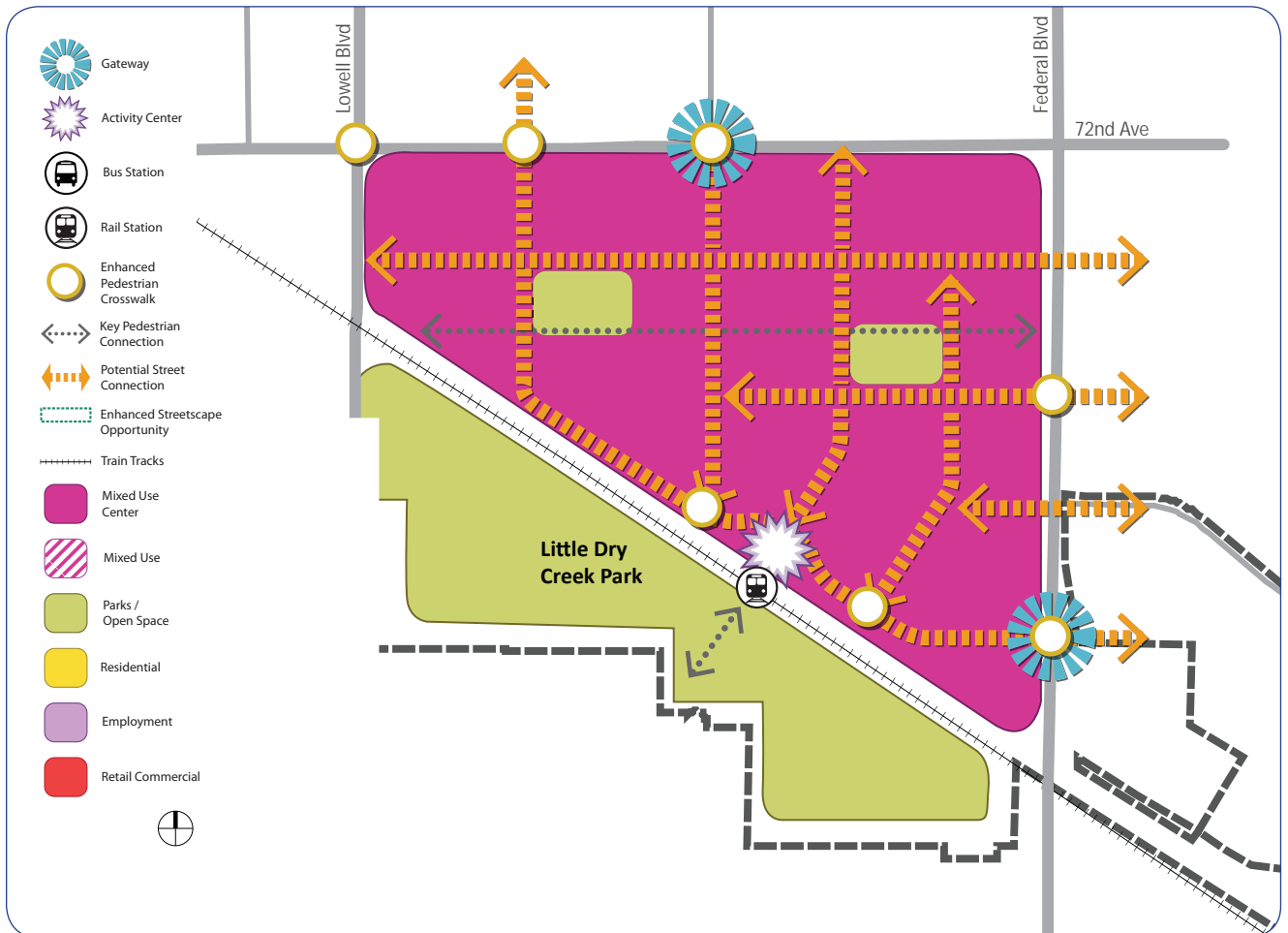
Westminster Station is envisioned as a vibrant district that will act as a node of energy and activity around the station (Figure 3-3). The focus area will comprise a mix of higher intensity retail, office and residential development with an emphasis on active ground floor uses along key connections to the station. A walkable, pedestrian-oriented public realm and appropriately-sized street grid is envisioned to complement this higher intensity of development. Connections to surrounding streets and development, access and circulation by multiple modes, and an attractive, varied public realm are all emphasized. Planning for the focus area is underway, and has included an initial concept approved by City Council in 2011, public outreach in 2012 and a cohesive station area plan that is anticipated to be complete in 2014.

Above, existing views within the site, including, from the top, the view looking south down Hooker Street, development along 72nd Avenue, and industrial and commercial developments in the district. To the right, the view from above shows the extensive open space area that will be located just south of the district.



Little Dry Creek Park and Open Space Master Plan

Figure 3-3: Westminster Station Focus Area





Above, an illustrative view of the station looking south into the planned Little Dry Creek Park and Open Space. Transit riders will need to cross south through the tunnel in order to access the train ticketing and platform. Below, an illustrative view of the north transit plaza that will become a community gathering and event space.



Above, an illustrative view looking east of the north transit plaza and development along Westminster Station Drive, showing the scale and orientation of potential new development. Below, an illustrative view showing conceptual development facing onto the north plaza and along Westminster Station Drive and Hooker Street.



Access to both rail and bus transit will be an important component of the Station Area's success.

GOALS

- F-G-3** Establish a vibrant, mixed-use district that acts as a neighborhood and community destination.
- F-G-4** Provide a multimodal circulation network that prioritizes access to transit and connectivity throughout the focus area.
- F-G-5** Create a well-defined, engaging public realm.

POLICIES

- F-P-10** Foster a mix of retail, office and residential uses within the station area, with the highest intensity of use located adjacent to the station.
- F-P-11** Ensure development is designed to foster an active ground floor pedestrian environment, particularly along key connections to the station.
- F-P-12** Provide a range of public spaces, parks and plazas to serve the district and foster community gathering and events.
- F-P-13** Integrate the station into the design and function of the public realm with a station plaza and event space.
- F-P-14** Design the station and platform elements to create a distinctive landmark within the Little Dry Creek Park and Westminster Station Area.
- F-P-15** Provide safe and comfortable connections to the station and to the Little Dry Creek Park.
- F-P-16** Improve internal circulation with a connected street grid. Emphasize connectivity to surrounding streets where possible.
- F-P-17** Emphasize access to the transit station for all modes of travel. Provide adequate parking facilities for vehicles and bicyclists and ensure pedestrian crossings are safe and well-defined.
- F-P-18** Establish clear gateways into the site off of Federal Boulevard and 72nd Avenue designed to attract users to the site and create a unique identity.
- F-P-19** Use streetscape design, public art and wayfinding elements to create a distinct identity for the area.



3.3 NORTH I-25 FOCUS AREA

The North I-25 Focus Area comprises approximately 250 acres of primarily vacant land between 144th and 136th avenues to the north and south, and I-25 and Huron Street to the east and west. This focus area is located within an area of rapid transition both within Westminster and to the north and east in Broomfield and Thornton. Recent development in Westminster includes the Orchard Town Center—a primarily retail-oriented activity center just to the north and the new St. Anthony’s North Medical Center at the northeast portion of the site. Development to the east in Thornton includes a mix of large format retail commercial uses. To the north in Broomfield near Highway 7 and I-25, planned development includes substantial employment and residential uses.

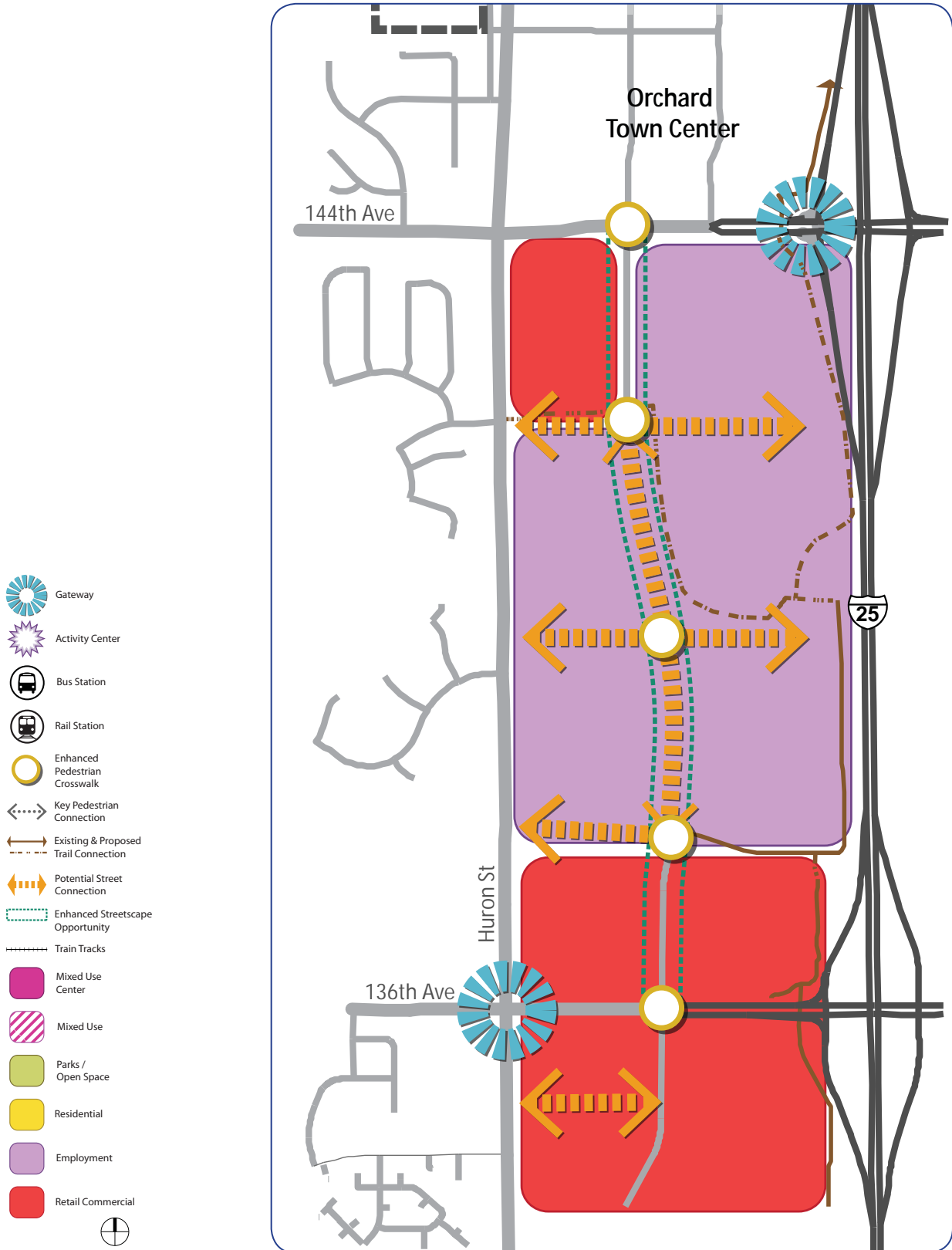


New development is underway in the focus area with the 350,000-square-foot expansion of St. Anthony’s. Future uses will benefit from freeway access and new infrastructure along I-25.

The City of Westminster has long envisioned the North I-25 Focus Area as a key employment hub and major gateway into the city (Figure 3-4). The Comprehensive Plan looks to establish a district of higher-intensity office and research and development (R&D) uses that maximizes employment densities in the area, brings daytime populations to further energize the Orchard Town Center and complements the growing medical office uses already established in the area. Development would benefit from significant visibility along the I-25 corridor—a key asset for office uses. Additionally, the convenient access from I-25 with two recently constructed major interchanges at 136th and 144th avenues—provides additional opportunity for expanded retail commercial use adjacent to these streets. Finally, an interconnected street grid is planned, focused on the north-south Orchard Parkway that will create a distinctive address and an enhanced public realm to benefit new development. Buildings will also be oriented to create a strong presence along I-25 and Huron Street.

Planned infrastructure improvements will also provide opportunities for an enhanced setting and environment for development in the focus area. The McKay Drainageway project will improve stormwater management for the area and include a new trail along with a three-acre lake adjacent to I-25.

Figure 3-4: North I-25 Focus Area





GOALS

- F-G-6** Develop a regional employment center within the North I-25 Focus Area.
- F-G-7** Foster a cohesive development high quality development character and identity for the area.
- F-G-8** Build on existing synergies in the area to attract a range of businesses.



POLICIES

- F-P-20** Establish an employment district with a range of office and research and development uses.
- F-P-21** Facilitate multimodal connectivity between the Orchard Town Center and surrounding commercial development to support the day time population.
- F-P-22** Extend Orchard Parkway through the focus area as the central spine of activity. Ensure development provides an active frontage along this street. Development should also be oriented to I-25 and Huron Street, with parking located away from public view.
- F-P-23** Locate taller buildings closer to the freeway, oriented and spaced to maximize views into the district.
- F-P-24** Provide safe, enhanced pedestrian crossings of Orchard Parkway and 144th Avenue to facilitate connectivity between activity nodes.
- F-P-25** Incorporate open space and landscape features as integral elements of the development.
- F-P-26** Establish a distinctive streetscape and site design throughout the area that creates identity through key elements like street lighting, landscape and public art.
- F-P-27** Provide trail connections to existing trail systems, including the McKay Creek Trail, Quail Creek Trail and Big Dry Creek Trail.



The Orchard Town Center retail and residential uses just north of the focus area will be a key amenity for employment uses.



Church Ranch is already a well-established district with highly visible landmark developments like the Westin in the Westminster Promenade and Circle Point offices.

3.4 CHURCH RANCH FOCUS AREA

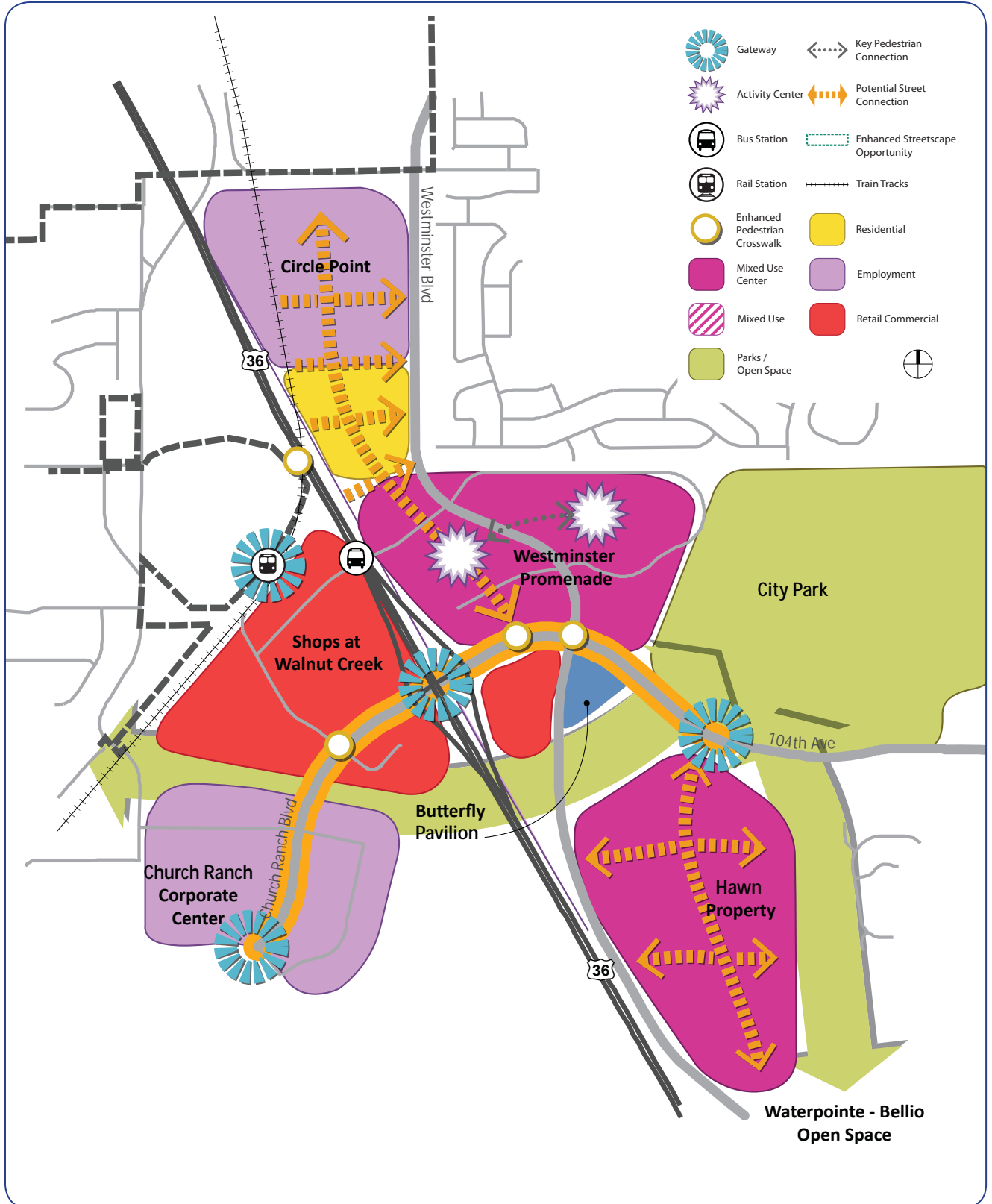
The Church Ranch Focus Area has one of the most strategic locations in the city as well as significant opportunities for new development and intensification in the city. Located along the eastern side of US 36, the focus area extends over 150 acres to the north of Church Ranch Boulevard, including the Westminster Promenade and Circle Point developments, and over 130 acres to the south, including the vacant 103-acre Hawn property along Westminster Boulevard. Just 12 miles north of Denver’s central business district and 13 miles south of Boulder, the area is home to an RTD Park-and-Ride facility and adjacent to a future planned RTD FasTracks commuter rail station. The focus area is also located adjacent to major public and cultural facilities—in particular the City Park Recreation and Fitness Center within City Park, Big Dry Creek trail and open space, and the Butterfly Pavilion, which welcomes 300,000 visitors a year from all over the Denver metro area. Additionally, the area is a major hospitality hub, with almost 1,000 hotel rooms in five hotels located on both sides of US 36.

The Church Ranch Focus Area will build on its established role as a regional and citywide destination, acting as a gateway into Westminster from US 36 (Figure 3-5). At the heart of this area is the 77-acre Westminster Promenade district, where major entertainment uses including a theater, restaurants, hotel and ice center are located. This district is envisioned as a mixed-use activity center with residential and employment uses that will complement retail and entertainment uses. South of the Westminster Promenade and Church Ranch Boulevard, new higher-intensity office and mixed-use development is envisioned for the vacant 103-acre Hawn property, which is one of the city’s last major opportunities to capture employment growth along the US 36 corridor that would directly front onto this key regional transportation corridor. Supportive hotel, retail commercial and residential development may also be located in this area to complement the office district. Master plans for both the Westminster Promenade district and Hawn property will be approved prior to development.

The anticipated office and residential uses will activate the Church Ranch Focus Area with both day and night populations, supporting a wide range of shopping, dining and entertainment uses. Additionally, access to transit and amenities (from City Park to the Shops at Walnut Creek), major hotels and nearby variety of housing types from high-end single family homes to multifamily apartments will attract both employers and workers. Additionally, the Church Ranch Business Park just to the west of the focus area, with its complementary flex and light industrial space will provide additional support and synergy for business development.



Figure 3-5: Church Ranch Focus Area





New development in the focus area will capitalize on the area's existing amenities and infrastructure like the Westminster Promenade lake, Shops at Walnut Creek and Westminster Boulevard pedestrian bridge.

GOALS

- F-G-9** Create an active, mixed-use district that supports high-intensity employment along US 36.
- F-G-10** Define the Church Ranch area as a key gateway into the city.
- F-G-11** Establish a cohesive identity for the district with clear transitions and gateways.

POLICIES

- F-P-28** Develop and approve master plans for areas designated as Mixed Use Center prior to development approval. At minimum, these plans should identify street connections and relationships to surrounding development and destinations, land uses, densities and intensities, urban design standards and guidelines, and site infrastructure.
 - Ensure the master plan for the Westminster Promenade Mixed Use Center area includes a mix of uses, including retail, entertainment, hotel, office and residential development. This area should act as the heart of the focus area with the highest intensity of development. A vertical mix of uses should be emphasized, with retail at the ground floor and residential, office and hotel uses on upper floors.
 - Ensure the master plan for the vacant 103-acre Mixed Use Center “South End” property establishes a high-intensity office and mixed-use node. The master plan should maximize office uses, particularly where access and visibility to US 36 are the greatest. Hotel, retail commercial and residential uses shall be secondary and located to support a high intensity office district.
- F-P-29** Locate higher intensity employment uses to the north of the Westminster Promenade district, building on the office uses already established in Circle Point.
- F-P-30** Facilitate access to transit within the Westminster Promenade district, providing clear paths to local and regional bus stops and facilities.
- F-P-31** Ensure new development is integrated with open space, parks and trails. The pedestrian and bicycle network should be evaluated to ensure that the connections to activity nodes from trail and recreation facilities are seamless.



- F-P-32** Provide more frequent and enhanced pedestrian crossings throughout the district to reduce the perception of Westminster Boulevard and Church Ranch Boulevard as barriers.
- Utilize special paving, artwork and pedestrian refuges to make crossings more visually attractive.
 - Provide more direct pathways and signage from the hotel district south of Church Ranch Boulevard.
- F-P-33** Integrate higher density residential uses into the focus area in close proximity to the RTD Church Ranch Park-and-Ride.
- F-P-34** Develop a distinctive streetscape scheme for the Church Ranch Focus Area that signifies a clear entry into the district and enforces placemaking and identity along 104th Avenue, Church Ranch Boulevard and Westminster Boulevard.
- F-P-35** Develop a cohesive signage and wayfinding scheme for the focus area, including west of US 36, that clearly demarcates transitions, entrances and primary circulation areas.
- F-P-36** Enhance area identity through creative methods, such as marketing materials, district maps and public events.



Church Ranch is envisioned to continue its role as a major destination for entertainment and shopping.

3.5 BROOKHILL FOCUS AREA

The Brookhill Focus Area encompasses just over 80 acres of retail development on the east side of Wadsworth Boulevard. The site is bounded by 92nd Avenue to the north, 88th Avenue to the south and multifamily residential development to the east. The 3.2-acre Westglenn Park acts as an anchor on the eastern side of the site, adjacent to the residential development. The retail shopping center that constitutes the Brookhill Focus Area was built in the late 1980s. The center is primarily comprised of mid- and large-box retail storefronts, many of which are vacant or suffering from frequent turnover.



The existing Brookhill Shopping Center is comprised of mostly mid- and large-box anchor spaces, some of which have more recently suffered from long vacancies.



Because of the site's visibility and prime location within the city, it is envisioned as a mixed-use neighborhood center with a range of commercial and residential uses (Figure 3-6). Uses would be both vertically and horizontally mixed and would support high and medium density residential development with a range of neighborhood-serving commercial and office uses. Building on proximity to the future downtown Westminster less than a mile to the east, the area could become a high-profile western gateway into the downtown area. As a result, planning for this area may encompass more than the existing Brookhill site as shown in Figure 3-6. Sites adjacent to the development to the east and west could be incorporated into a larger planning area.

Improvements to the site would include a gridded street network with walkable block sizes, a pedestrian-oriented public realm centered on Westglenn Park and along 90th Avenue. Additionally, connectivity to the neighboring residential development, as well as to downtown Westminster and the Westminster Center Park-and-Ride and future commuter rail station would be emphasized for all modes of travel. Extension of the Allen Ditch Trail along the BNSF rail corridor would help facilitate these connections.



Figure 3-6: Brookhill Focus Area



GOALS

- F-G-12** Develop a new neighborhood center with a range of commercial and residential uses.
- F-G-13** Foster a cohesive, high quality development character and identity for the area.
- F-G-14** Build on existing synergies in the area to attract a range of businesses.

POLICIES

- F-P-37** Locate a mix of retail, services, office and residential uses in the Focus Area, establishing a clear node of activity with higher intensity of development.
- F-P-38** Establish a gridded street network with blocks sized for walkability.
- F-P-39** Incorporate Westglenn Park as an integral part of the neighborhood design and experience.
 - Orient development to face onto the park.
 - Connect pedestrian paths and bicycle routes to the park facility.
- F-P-40** Encourage new development to orient to 90th Avenue to take advantage of the existing enhanced streetscape.
- F-P-41** Develop an enhanced public realm that creates an identity for the neighborhood and incorporates a range of green, public and plaza spaces. The public realm network should be integrated with the existing Westglenn Park.
- F-P-42** Locate additional adequate park space to serve new residents.
- F-P-43** Provide enhanced pedestrian connections between the existing residential development and neighborhood activity center.
- F-P-44** Facilitate connectivity to downtown Westminster for all modes of travel. Completion of the Allen Ditch Trail should be a priority.
- F-P-45** Work with the City of Arvada to improve streetscape character along Wadsworth Parkway/Wadsworth Boulevard and to create a distinctive gateway into both cities at 92nd Avenue.

4.0

Economic Vitality



A healthy, diverse economic environment ensures high quality amenities and services for residents and businesses. The City of Westminster has long been committed to achieving a strong, balanced local economy, where business thrive and where residents can work and live. The city's financial stability and economic vitality are dependent on a diversified economy of retail, office, manufacturing and services. The goals and policies in this chapter support business growth and development, and continued diversity in the city's economic base.



The city will continue to foster an environment that attracts a wide range of businesses and uses, from local businesses and start-ups to national retailers and headquarters.

Overview

The intent of the city's economic development strategy is to strengthen and grow the city's employment base, support retail business in the city and foster redevelopment. The Comprehensive Plan supports a full range of business growth opportunities within the city from inception to expansive headquarter operations. The city provides a healthy environment for business development—and the amenity structure, range of housing types and services to foster the full business life cycle, nurturing business to grow in place within Westminster. Fostering land uses and development that will complement the city's rich economic base will be a key focus as the city continues to grow.

4.1 ECONOMIC BASE

Growth of the Economic Base

Since 1999, the city has experienced a significant amount of growth, despite the 2008 recession. The city's strongest growth has been in office uses in sectors such as aerospace, telecommunications, computer software and support and health care. Over this period, the city's share of the Denver metro area office market has climbed from 1.5 percent in 1999 to 2.2 percent in 2012. Retail and hotel uses also grew significantly during this time period. As shown in Table 4-1, Westminster's current employment base is comprised of a diverse range of industry sectors.

The city's current economic base indicates that the city has grown in employment diversity. Health care, education and human services businesses have grown significantly in the past 20 years. Significant employment growth was also achieved in the professional, technical and information services as well as light manufacturing, managerial and administrative services. As the city continues to grow, diversification in the employment base will continue to be pursued.

Future Growth

Projected employment growth in Westminster will allow the city's economic base to further meet the needs of the community, offering higher-paying jobs in growing industries, or "primary employment". Primary employers, who offer these higher-paying jobs, are typically in the professional office, manufacturing and business service sectors. Primary employment is desired throughout the city, though efforts will be focused on capturing growth forecasted for the US 36 and I-25 corridors.



Employment growth will be stimulated by growth both in the city and the overall region. The city has the opportunity to capture a significant amount of growth in the regional economy, particularly along the US 36 corridor. The US 36 corridor has over the past 13 years captured 14 percent of the Denver metro area's office market growth. It is projected that this corridor will capture 15 to 18 percent of new office growth in the metro area over the next 20 years, depending on the rate of employment growth in the region.¹ With its strategic location along the corridor, Westminster has the opportunity to capture a significant portion of this demand, assuming ample entitled office land is provided within the US 36 corridor in the city. There will also be opportunity to capture office development along the I-25 corridor, taking advantage of growth to the north with the expansion of medical office and hospital uses, as well as planned research and science uses.

Demand for hotel, retail and service industries will also rise to support both additional population and employment growth in the city, complementing this potential growth in employment. Employment growth will also support development in the flex and light industrial use categories, particularly since several areas in the city will be preserved for these types of uses.



Office uses will be incorporated into larger campus developments, like Westmoor Corporate Park and Church Ranch Corporate Center as well as in mixed-commercial developments and urban settings like the future downtown Westminster.

Table 4-1: Comparison of Denver Metro and Westminster Employment Composition

Metro Industry Title	Denver Metro	Westminster
Mining and agriculture	0.9%	0.2%
Construction and utilities	5.0%	2.5%
Manufacturing	5.8%	6.1%
Wholesale trade and transportation	8.1%	5.0%
Retail trade	10.2%	17.8%
Professional, technical and information services	13.2%	11.4%
Finance, insurance and real estate	7.0%	7.3%
Managerial and administrative services	8.9%	9.9%
Health care, education and human services	12.4%	18.0%
Accommodations, food services and entertainment	10.8%	15.3%
Other services, except public administration	3.1%	2.5%
Public administration	14.7%	4.0%
Total Employment	100.0%	100.0%

Source: Colorado Department of Labor and Employment, Labor Market Information, Quarterly Census of Employment and Wages

¹ Citywide Economic Market Assessment, City of Westminster, BLLE, 2013.



Growth in Westminster's economy is envisioned to include a wide range of businesses that establish a synergistic and supportive mix of uses.

4.2 ECONOMIC DEVELOPMENT STRATEGY

The city established the Economic Development Office in 1991, with the mission to create and maintain a vital and sustainable economy through attracting, retaining and expanding business, promoting the city and preparing for the future business development needs of the city. Since 1991, the city's economic development efforts have specifically focused on diversification and growth in the retail sector, while also emphasizing growth in primary employment sectors. Table 4-2 shows the impact the city's efforts have had on key economic growth indicators.

Table 4-2: Economic Growth Indicators Between 1991 and 2012

	1991	2012	% Change
Number of Businesses	992	2,775	64%
Retail	3,186,309 s.f.	7,269,504 s.f.	128%
Office & Light Industrial	3,949,118 s.f.	7,779,294 s.f.	97%
Median Household Income	\$46,161	\$72,740	58%

Source: City of Westminster, 2012

As a result of the city's significant economic growth over the past decade, the city has a strong base for continued growth. This base includes several major office developments in the city, including Westmoor Technology Park, Church Ranch Corporate Center, Circle Point and Northridge at Park Centre. Additionally, major retail centers like the Shops at Walnut Creek, Westminster Promenade and Orchard Town Center provide significant revenue for the city, with additional opportunities still remaining in redevelopment areas like downtown Westminster.

Economic Development Strategy

The city's economic development strategy will continue to focus on maintaining a vital, diverse and sustainable economy. A range of professional office and headquarters, manufacturing and light industrial uses will continue to be pursued and nurtured, as this diversity has served the city well through economic fluctuations over the past 20 years. Diversity of the service and retail sectors will also continue to be a focus in order to maintain a healthy tax base for the city. This will include infill and redevelopment of older shopping centers and attracting hotels to key locations. Likewise, the city will continue to focus efforts on capturing and growing industries over the next 20 years that will expand the city's primary employment base. With the city's unique business environment based on its many local, homegrown businesses, efforts will also continue to focus on nurturing the city's smaller businesses.



Redevelopment Strategy

As described in Chapter 2: Land Use, seven Urban Renewal Areas have been established by the City of Westminster and implemented by the Westminster Economic Development Authority, which oversees redevelopment within the city. These areas are shown in Figure 2-3. Several of these areas, in particular, will have a strong economic development emphasis, as described below:

- *The South Westminster Urban Renewal District* will be impacted by the Westminster Station Area and related transit-oriented development. The focus in this area will be on establishing highly visible development that supports and attracts businesses, strengthens the city's retail base and fosters mixed-use, high-intensity development. Efforts will also focus on the retention of existing employers within the city as new development occurs.
- *The Westminster Center Urban Renewal District* is on track to be the city's new downtown. The economic strategy in this area will focus on establishing highly visible development that supports and attracts primary employment, strengthens the city's retail base and fosters mixed-use high-intensity development.
- *The Westminster Center East Urban Renewal District*, east of US 36, will have a focus on filling of vacant retail and commercial space. Much of the existing office space in this area is in need of modernization.
- *The Mandalay Urban Renewal District* mostly encompasses the Shops at Walnut Creek retail center. This area is vibrant and when rail is extended to the site, will have potential for office development with direct access to the new rail station.
- *The North Huron Urban Renewal District* includes the Orchard Town Center as well as the St. Anthony's North Medical Campus. The planned construction of Orchard Parkway between 144th and 136th avenues will open the area up for high-intensity employment uses. Pursuit of primary employment in this area is a priority.
- *The South Sheridan Urban Renewal District* will facilitate preservation of Shoenberg Farm while also reinvigorating the Hidden Lake Shopping Center. A focus on art-related or creative businesses that will be an impetus for further similar development as well as retail, office and restaurant uses will be encouraged.

In addition to these specific urban renewal areas, there are other areas of the city which need to be given redevelopment consideration. Areas along the Wadsworth Corridor, the area around the current St. Anthony North Hospital, and the former AT&T manufacturing facility are a few locations prime for redevelopment and possible alternative land uses.



Redevelopment in the city will occur incrementally, with both large-scale planning and infrastructure efforts as well as more focused streetscape improvements or infill development.



High quality business environments and the amenity structure to serve them will provide a strong basis for employment growth and economic growth in the city.

4.3 GOALS AND POLICIES

GOALS

- E-G-1** Build and maintain a strong, balanced local economy.

POLICIES

- E-P-1** Maintain and expand a healthy retail base, building on existing retail centers and pursuing infill and redevelopment opportunities for deteriorating commercial centers and corridors.
- E-P-2** Develop a broad range of employment including primary employers, professionals, retail and healthcare.
- E-P-3** Attract new targeted businesses, focusing on primary employers and businesses that provide higher-paying jobs.
- E-P-4** Pursue development of 73rd Avenue and Lowell Boulevard as a unique arts district with a range of small retail and commercial businesses.
- E-P-5** Work to retain and expand current businesses within the city.
- Be business friendly by being easy to work with, providing networking opportunities, keeping the business community informed, pursuing public/private partnerships and providing appropriate business assistance
 - Foster a reputation as a great place for small and/or local business.
- E-P-6** Develop strong business relationships through retention efforts, recruitment, resource availability and information.

5.0

Transportation and Circulation



Safe and efficient travel is essential for all modes of circulation in a city. Multimodal access to neighborhoods, shopping, employment, transit and amenities is essential to maintaining a high quality of life and economic vitality. This chapter provides policy direction that emphasizes connectivity for vehicles, bicycles, pedestrians, transit and rail transportation. Corresponding planning documents, including the Comprehensive Roadway Plan, 2030 Westminster Bicycle Master Plan and Trails Master Plan, and their intent are also referenced in this chapter. These documents provide more detailed analysis and specific improvements that extend beyond the scope of the Comprehensive Plan.



The roadway network will accommodate bicyclists, pedestrians, vehicles and transit.

Overview

The quality and experience of how people navigate the city is one of the most significant factors of physical planning in the city. The city's streets can play multiple roles—as major thoroughfares that handle significant traffic through the city, bicycle routes for commuters to employment or transit stations, or as places to stroll or even linger as a pedestrian. As a result, traffic and circulation planning are closely integrated into all development and physical planning efforts in the city.

The Comprehensive Plan looks holistically at how people move through and within the city—both at the larger, regional scale as well as the local, block-by-block scale. Emphasis is upon creating a balanced transportation system that integrates multiple modes into the city's traffic patterns, where they will provide the most impact. The efficacy of the city's roadway network will continue to be a focus, ensuring people can get to regional transportation corridors, activity and employment centers easily by car, bicycle and foot. As such, new streets or improvements that will facilitate travel through and across the city are identified in the Comprehensive Plan, and will continued to be identified where new development occurs.

5.1 ROAD NETWORK

The core of the city's circulation network is the roadway system. All modes of transportation are tied to some degree to this network. The overall structure of the roadway system is based on a traditional grid generally extending throughout the Denver metro area. Regional access is provided by Interstate 25 (I-25) and US Highway 36 (US 36) as well as multiple state routes including:

- Wadsworth Parkway (State Highway 121),
- 120th Avenue (U.S. 287/State Highway 128),
- Sheridan Boulevard (State Highway 95 south of US 36) and
- Federal Boulevard (U.S. 287).

The roadway network is also integrated with surrounding communities to the north, south, west and east.

Comprehensive Roadway Plan

The City of Westminster maintains a Comprehensive Roadway Plan (CRP) to ensure that all modes of traffic flow safely and efficiently along the city's major arterial streets. The CRP examines intersection levels of service and roadway capacity to identify existing and future potential deficiencies in the network.



This analysis focuses on existing and future projected traffic counts and roadway traffic volumes. The CRP also evaluates traffic speeds and driving behavior, accident history and conflicts between circulation modes to identify additional opportunities for improved circulation in the city. Additionally, the CRP emphasizes multimodal integration of pedestrian and bicycle circulation along the roadway network, looking at quantity and quality of the travel experience, continuity, visual interest and supporting amenities.



The city’s primary arterial streets include Sheridan Boulevard, Federal Boulevard and 120th Avenue.

Street System

Westminster’s street system is comprised of local neighborhood streets and collectors and a citywide arterial system. Local neighborhood streets and collectors are designed to provide access to adjacent properties from the arterial system. The arterial system delivers traffic between the freeways, other arterials and the local neighborhood street system. This arterial system is anchored by several north-south corridors—Wadsworth Parkway, Sheridan Boulevard, Federal Boulevard and Huron Street—and east-west corridors—144th Avenue, 136th Avenue, 120th Avenue, 112th Avenue, 104th Avenue/ Church Ranch Boulevard, 92nd Avenue and 72nd Avenue. The capacity of the city arterial system is primarily related to the number of lanes provided for through traffic. Table 5-1 shows the general daily traffic capacity for each arterial street type in the city and classification of the city’s major arterials.

Table 5-1: City of Westminster Street Types

Type of Street	Capacity (Average Daily Traffic Volume)	Examples within the City
6-7 lane street	53,000	Sheridan Boulevard north of 112th Avenue Huron Street north of 136th Avenue
4-5 lane street	36,000	72nd Avenue 80th Avenue 92nd Avenue Church Ranch Boulevard/104th Avenue 112th Avenue Huron Street south of 136th Avenue Wadsworth Parkway Sheridan Boulevard Federal Boulevard
2-3 lane street	18,000	Lowell Boulevard Old Wadsworth Boulevard Simms Street

Source: Highway Capacity Manual, Transportation Research Board

As shown in Figure 5-1, the roadway system is constrained in some areas by the presence of creek corridors, rail corridors and major freeways. Development patterns also affect the street network, particularly in areas of residential development where internal greenways, golf courses and street layouts do not readily connect to the larger city street grid. As a result, traffic in the city is distributed along fewer streets, placing more pressure on the role and function of major arterials.

The Comprehensive Plan emphasizes connectivity and the concept of “complete streets”, to ensure that all modes have greater access, safety and comfort along the city’s roadway network. Connections to the existing street network are encouraged through new development as well as through infill and redevelopment areas to the maximum extent possible. Where new street grids are planned, through residential neighborhoods, redevelopment areas or commercial developments, smaller block sizes and rights-of-way that accommodate multiple modes of travel are encouraged.

As an overall philosophy, the complete streets planning paradigm is also extended over the city’s existing roadway network. Opportunities for on-street bicycle facilities, sidewalk and landscape improvements and transit stop improvements are evaluated on a continuing basis. Suggested future major street connections and streetscape improvement efforts are highlighted on Figure 5-1. Planned bicycle and pedestrian improvements are described further in the following section.

Levels of Service

The city evaluates the arterial street system through a level of service (LOS) determined for major intersections and the ratio of volume to capacity of roadway segments. LOS is a concept that measures the amount of traffic present at a major intersection, based on average vehicle delay and queue length (the distance vehicles are expected to back up from the intersection). Based on the latter factors, an LOS is assigned to an intersection, ranging from A through F, where A signifies free-flow conditions and F entails significant traffic delay. Table 5-2 describes each level of service definition for intersection LOS.

Operation of the roadway system is also measured in terms of traffic volume in relation to roadway capacity. Typically, roadways that exceed the Threshold of Congestion are considered deficient. The Threshold of Congestion is defined as the traffic volume at which traffic delays occur on a level that is noticeable to motorists. The Daily Traffic Capacity is the traffic volume that indicates that the existing laneage is inadequate. Thresholds of Congestion as they relate to street type are described in Table 5-3.

Figure 5-1: Street Network

Legend

Existing Street Network

- Limited Access Roadway
- Arterial and Collector Streets
- 6-Lane
- 5-Lane
- 4-Lane
- 2-Lane
- Local Streets
- Private Streets

Future Street Network

- Planned Street Connection
- Planned Intersection Improvement
- ▬ Planned Street Improvement
- ↔ Potential Street Connection
- ⊙ Potential New Interchange
- ▬ Potential Streetscape Improvements

Planning Area

- ▭ Parks/Open Space/Golf Courses
- ▭ Water
- - - City Limits

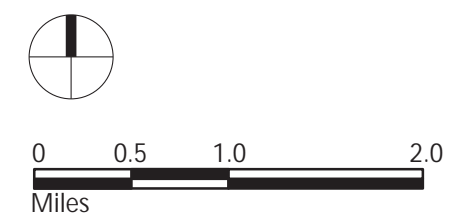
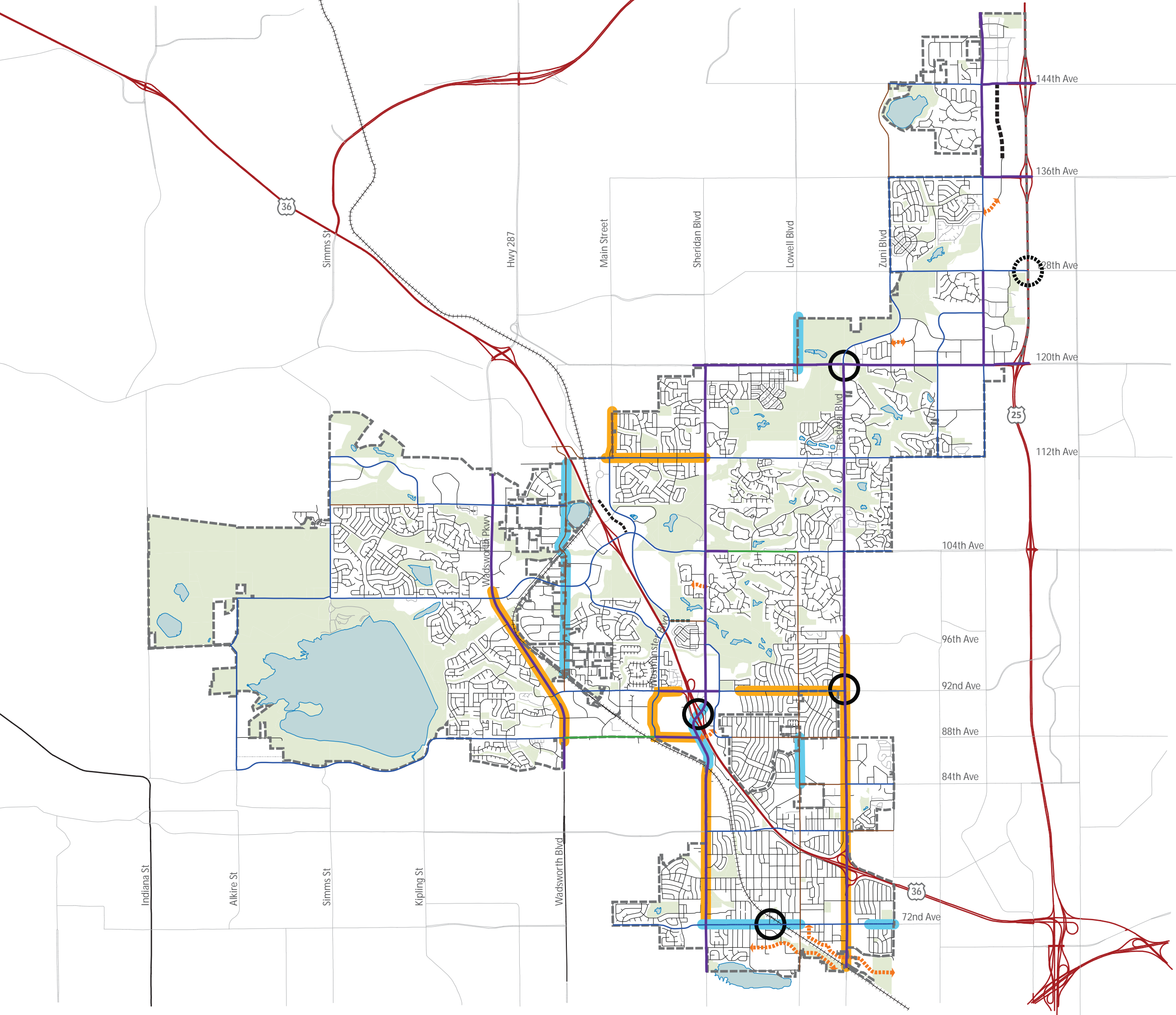


Figure 5-1: Street Network



Table 5-2: Level of Service Definitions

Level of Service	Delay in Seconds Per Vehicle		Description
	Signalized	Unsignalized	
A	0.0 to 10.0	0.0 to 10.0	Low vehicular traffic volumes; primarily free flow operations. Density is low and vehicles can freely maneuver within the traffic stream. Drivers are able to maintain their desired speeds with little or no delay.
B	10.1 to 20.0	10.1 to 15.0	Stable vehicular traffic volume flow with potential for some restriction of operating speeds due to traffic conditions. Vehicle maneuvering is only slightly restricted. The stopped delays are not bothersome and drivers are not subject to appreciable tension.
C	20.1 to 35.0	15.1 to 25.0	Stable traffic operations, however the ability for vehicles to maneuver is more restricted by the increase in traffic volumes. Relatively satisfactory operating speeds prevail, but adverse signal coordination or longer vehicle queues cause delays along the corridor.
D	35.1 to 55.0	25.1 to 35.0	Approaching unstable vehicular traffic flow where small increases in volume could cause substantial delays. Most drivers are restricted in ability to maneuver and selection of travel speeds due to congestion. Driver comfort and convenience are low, but tolerable.
E	55.1 to 80.0	35.1 to 50.0	Traffic operations characterized by significant approach delays and average travel speeds of one-half to one-third the free flow speed. Vehicular flow is unstable and there is potential for stoppages of brief duration. High signal density, extensive vehicle queuing, or corridor signal progression/timing are the typical causes of vehicle delays at signalized corridors.
F	>80.0	>50.0	Forced vehicular traffic flow and operations with high approach delays at critical intersections. Vehicle speeds are reduced substantially and stoppages may occur for short or long periods of time because of downstream congestion.

Table 5-3: Threshold of Congestion Definitions

Type of Street	Threshold of Congestion	Capacity (Average Daily Traffic Volume)
6-7 lane street	46,000	53,000
4-5 lane street	31,000	36,000
2-3 lane street	13,000	18,000

Source: Highway Capacity Manual, Transportation Research Board



The city works to improve pedestrian facilities by providing separated sidewalks, accommodate transit and ensure that traffic flow for vehicles are generally below the threshold of congestion.

The intent of the Roadway Plan is to prioritize through connections for the majority of vehicles traveling on the city’s roadway system. Typically, recommendations for improvements are made for intersections operating at an LOS worse than D, where improvements would bring the facility to an LOS of D or better, and for streets that significantly exceed the Threshold of Congestion.

Traffic Conditions

Traffic volumes and levels of service for existing conditions are described in the CRP, which includes an analysis of future traffic conditions. The traffic modeling includes assumptions for future development consistent with the Comprehensive Plan as well as the Denver Regional Council of Governments (DRCOG) traffic model. The Roadway Master Plan currently projects traffic conditions through 2030 and will be updated to include 2035 DRCOG model and Westminster Comprehensive Plan projected growth. Major roadways that are currently (as of 2013) over capacity are listed in Table 5-4.

All of the roadways that currently fail to operate at acceptable levels of service (i.e. have reached the Threshold of Congestion in terms of average daily traffic volumes) are proposed to have improvements in roadway capacity. Typically, improvements for congested arterial streets include adding additional through lanes or adding turn lanes at intersections. Over the years, the city has widened congested streets to improve traffic flow and reduce frustration by drivers. In many cases, the city has partnered with neighboring cities, developers and CDOT to implement these improvements.

However, there may be instances where goals for pedestrian walkability are emphasized over those for through vehicle traffic. Priorities for ease of travel are evaluated through the planning and urban design process to ensure that goals for overall quality of life, access to transit and services, and accessibility to key destinations by multiple modes are weighed and evaluated. Planning for the Westminster Station and downtown Westminster areas, as well as other higher intensity mixed-use areas that emphasize walkability and transit access, will consider the need for a balanced system that responds to context and the needs of the community as a whole.

Planned Improvements

The Comprehensive Roadway Plan (CRP) recommends intersection and roadway improvements to mitigate existing deficiencies and future traffic impacts projected through 2030. Improvements along the US 36 corridor, I-25, Wadsworth Parkway and other state highways and regional corridors are also outlined in the CRP.



Key planned improvements that will have a significant impact on some of the city’s most severely congested arterial streets include two projects along 120th Avenue and one along Sheridan Boulevard. The 120th Avenue and Lowell Boulevard intersection improvement will include adding a second left turn lane for 120th Avenue and Lowell Boulevard traffic and adding a third eastbound through lane on the southern Westminster side. The 120th Avenue and Federal Boulevard intersection improvement will include a third eastbound and westbound lane on 120th Avenue and two additional lanes north of 120th Avenue on Federal Parkway. Double left turn lanes will be provided for all four quadrants of the intersection. The projects will be completed in early 2014 and early 2015, respectively. Along Sheridan Boulevard, the bridge over US 36 will be replaced with a six lanes (from the existing four-lane configuration) and additional left turn lanes.



Accommodation of projected growth through the 2035 Plan horizon may require additional improvements to the city’s roadway system, outside of those already planned and outlined in the CRP and Capital Improvements Plan. These improvements will be identified in future updates to the CRP. Likewise, all new development will continue to be evaluated in terms of impacts to the city’s roadway system and intersection operations.

Table 5-4: Congested Roadways in Westminster as of 2011

Street	Lanes	Average Daily Traffic (2011)	% Over Threshold of Congestion	% Over General Daily Traffic Capacity
Sheridan Blvd: 88th Ave to US 36	4	55,863	80.2%	55.2%
120th Ave: Lowell Blvd to Federal Blvd	4	45,535	46.9%	26.0%
120th Ave: Federal Blvd to Pecos St	4	42,171	36.0%	17.1%
120th Ave: Huron Street to I-25	6	69,858	32.3%	14.8%
120th Ave: Sheridan Blvd to Lowell Blvd	4	40,678	31.2%	13.0%
104th Ave: US 36 to Westminster Blvd	4	40,006	29.1%	11.1%
Sheridan Blvd: 80th Ave to 76th Ave	4	39,877	28.6%	10.8%
Federal Blvd: 84th Ave to 76th Ave	4	38,714	24.9%	7.5%
Sheridan Blvd: 88th Ave to 80th Ave	4	37,371	20.6%	3.9%
Sheridan Blvd: 73rd Ave to 76th Ave	4	35,222	13.6%	n/a
Federal Blvd: US 36 to 74th Ave	6	50,255	9.6%	n/a
Wadsworth Pkwy: 92nd Ave to 100th Ave	4	33,953	9.5%	n/a
Federal Blvd: 70th Ave to BNSF Railroad	4	33,848	9.2%	n/a
Sheridan Blvd: 104th Ave to 96th Ave	4	32,671	5.3%	n/a
Federal Blvd: 104th Ave to 92nd Ave	4	31,489	1.6%	n/a
Church Ranch Blvd: US 36 to 103rd Ave	4	31,320	1.0%	n/a

* The threshold for congestion is 31,000 Average Daily Traffic (ADT) for a 4-5 lane road and 46,000 ADT for a 6-7 lane road.

**The General Daily Traffic capacity is 36,000 ADT for a 4-5 lane road and 53,000 ADT for a 6-7 lane road.



Accommodating recreational and commuter bicycling is a key focus of the city's transportation planning.

5.2 BICYCLES, TRAILS AND PEDESTRIAN CIRCULATION

As the city's population increases and development intensifies, biking and walking will become increasingly more relevant as modes of travel, particularly to transit, employment and local neighborhood centers. The city's bicycle and pedestrian networks are illustrated in Figure 5-2, which identifies existing and planned facilities. These networks are part of the overall structure of the city, which includes a significant extent of shared-use bicycle and pedestrian trail facilities integrated into parks, open space and development. This section outlines the city's intent to expand these networks to serve both existing and future demand for multimodal travel.

Bicycle Circulation and Trails

The City of Westminster is an active community that utilizes bicycle facilities and shared use trails both on- and off-street. These facilities are used for both passive and active recreation use, as well as for commuting to employment areas. Most of the city's existing bicycle network utilizes shared use trails through city open space and parks. However, the city does have nine miles of on-street bicycle lanes. The city completed the 2030 Westminster Bicycle Master Plan (BMP) in 2010 in response to demand to extend this network for both greater connectivity and to provide for commuter bicycling.





The BMP provides direction for expansion of this network by 132 miles, with emphasis on provision of on-street bike lanes along the city's roadway network. Key future improvements include 46 miles of bike lanes within the city and connections to the planned US 36 commuter bike trail. Additional supportive measures proposed by the BMP include pavement and street/curb improvements to improve safety and operation of the bicycle network, signage and wayfinding, and short- and long-term bicycle parking facilities. Connections to transit and key destinations throughout the city are also emphasized as part of the plan.

The city's bikeways are classified into three different designations: Class I bikeways, which are physically separated from streets except at crossings; Class II bikeways, which are on-street marked bike lanes; and Class III, which include signed routes and marked shared use vehicle and bicycle lanes. Table 5-5 summarizes the existing and proposed bicycle network, in miles, for the city.





Figure 5-2: Bicycle & Pedestrian Network

Legend





Bicycle Network

-  US 36 Commuter Bike Trail
-  Class I Side Path
-  Class II Bicycle Lane
-  Class III Sharrow or Signed Bike Route

Future Street Network

-  Trail and Shared Use Bike Path
-  Proposed Trails
-  Existing Pedestrian Underpass
-  Proposed Pedestrian Underpass

Planning Area

-  Parks/Open Space/Golf Courses
-  Water
-  City Limits
-  Rail Corridor

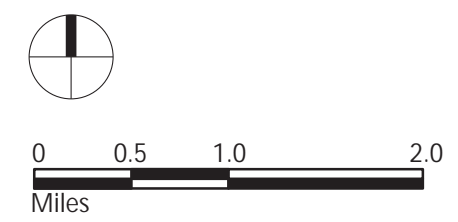
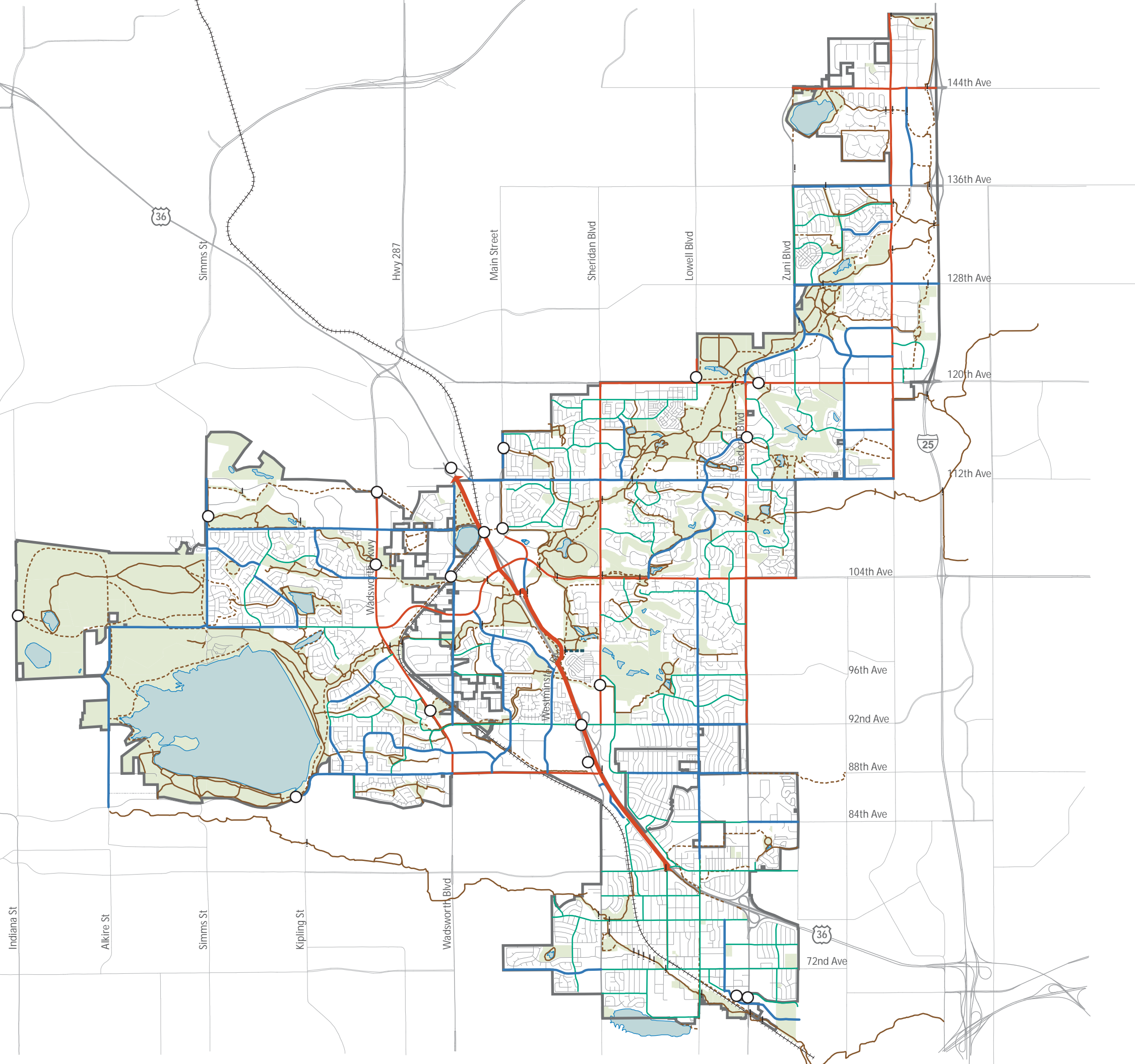


Figure 5-2: Bicycle and Pedestrian Network

**Table 5-5: Bikeway Class Definitions**

<i>Bikeway Class</i>	<i>Definition</i>	<i>Total Proposed (miles)</i>
Class I		
Shared Use Path*	Off-street, dual direction path often shared with pedestrians	5
Sidepath	Shared use path located adjacent to but separated from a vehicular street, resembling a wide sidewalk	27
Class II		
Bike Lane	On-street lane reserved for bicyclists, separated by painted lines, symbols and signage	46
Class III		
Signed Bicycle Route	Travel lanes shared fully with motor vehicles, marked as Bike Route with signage	14
Signed Bicycle Route with Shared Use Markings	Travel lanes shared fully with motor vehicles but identified by “sharrow” markings on pavement	40
Total Bikeways		132

*Including shared use trails

Pedestrian Circulation

Fostering a walkable, pedestrian-friendly environment throughout the city is a significant consideration of the Comprehensive Plan land use, urban design and the multimodal circulation policy framework. Westminster has an extensive trail system augmented by connections to and through neighborhoods, shopping centers, parks, schools and employment areas. Connectivity along the city’s pedestrian (and bicycle) network is facilitated by 40 underpasses that circumvent the need to cross major arterial roadways at grade. Additionally, over the past 20 years, the city has required new developments along major arterial streets to provide wide landscaped amenity zones with eight-foot sidewalks separated from the street by 12-foot landscaped area. All of these improvements have been focused on creating a safe, pleasant environment for pedestrians and bicyclists in the city.

Existing pedestrian facilities in the city include sidewalks, paths, trails, pedestrian bridges, pedestrian/trail underpasses and crosswalks. Sidewalks are located on both sides of the street throughout the majority of the city, with a few exceptions as noted on Figure 5-2. As new development occurs, particularly in infill or redevelopment areas, pedestrian connections will be emphasized in areas with access to transit, parks or open space facilities, and within and to services and major activity centers. Improvements to existing facilities, including infill of missing portions of sidewalks and construction of detached sidewalks (provision of a lawn or landscaping to move pedestrians further away from on-street vehicle traffic), will continue to be pursued. Likewise, the city will continue to develop strategic pedestrian underpasses as funding is available and development occurs.



The city is currently planning for several improvements to transit, most notably the commuter rail station at 70th Avenue and Federal Boulevard, above. The Westminster Center Park-and-Ride, below, is one of the busiest in RTD's service area.

5.3 PUBLIC TRANSIT

Facilitating access to transit is a key focus of the Comprehensive Plan. The Plan emphasizes mixed-use, transit-supportive development around existing park-and-ride bus facilities as well as future and planned commuter rail stations. Pedestrian and bicycle connections to these transit facilities are emphasized. Within Westminster, existing and planned transit service is provided by the Denver Regional Transit District (RTD) bus and future commuter rail service. RTD transit service also provides direct access to Denver International Airport from the Wagon Road and Westminster Center park-and-rides. Call-n-ride services for seniors and disabled persons are also provided by RTD and Jefferson and Adams counties. Figure 5-3 illustrates existing bus routes and future planned bus and commuter rail service that will serve the city.

Bus Service and Facilities

The primary form of transit service in the city is RTD bus service on local streets and major highways. Bus service includes both express bus lines that run along US 36 and I-25 and local routes that run along major arterials through the city. These lines connect Westminster with Denver and Boulder as well as surrounding communities. Three existing park-and-rides are located in the city, including Church Ranch, Westminster Center and Wagon Road. The Westminster Center park-and-ride is one of the most active park-and-ride facilities along the entire RTD corridor with over 2,500 combined boardings and allightings and 850 combined east-and westbound bus trips a day.¹ The city will continue to work collaboratively with RTD to ensure that adequate service, route additions or modifications, and facility improvements are provided in concert with new development and to address existing deficiencies.










Future Commuter Rail and BRT

Several major improvements to the city's transit system are underway. The city will have its first commuter rail station operational in 2016. Westminster Station, planned as part of the FasTracks Northwest Rail Corridor will be an end-of-line facility until future segments of the rail corridor are completed. The station is located at approximately Irving Street and 69th Avenue, in the heart of South Westminster. High intensity, transit supportive development planned around the station as well as potential infill and redevelopment in the surrounding area will help foster ridership for this station. Future FasTrack stations in the city are planned for downtown Westminster at approximately 88th Avenue and Harlan Street and Church Ranch just north of the Shops at Walnut Creek, as shown in Figure 5-3. In addition to commuter rail improvements, bus service along US 36 and I-25 is planned to be augmented to a bus rapid transit (BRT) service via a high occupancy vehicle lane.

¹ Nataly Erving, Denver Regional Transportation District, September 2013.

Figure 5-3: Transit Network

Legend

-  RTD Bus Route
-  Express RTD Bus Route
-  Planned RTD FasTracks Commuter Rail Line
-  Future RTD FasTracks Commuter Rail Line
-  RTD Park and Ride
 1. Church Ranch Park and Ride
 2. Wagon Road Park and Ride
 3. Westminster Center Park and Ride
-  Parks/Open Space/Golf Courses
-  Water
-  City Limits
-  Rail Corridor

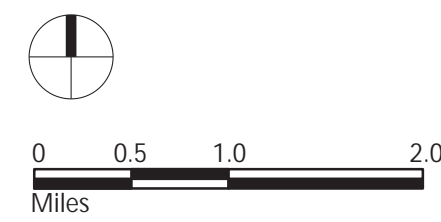
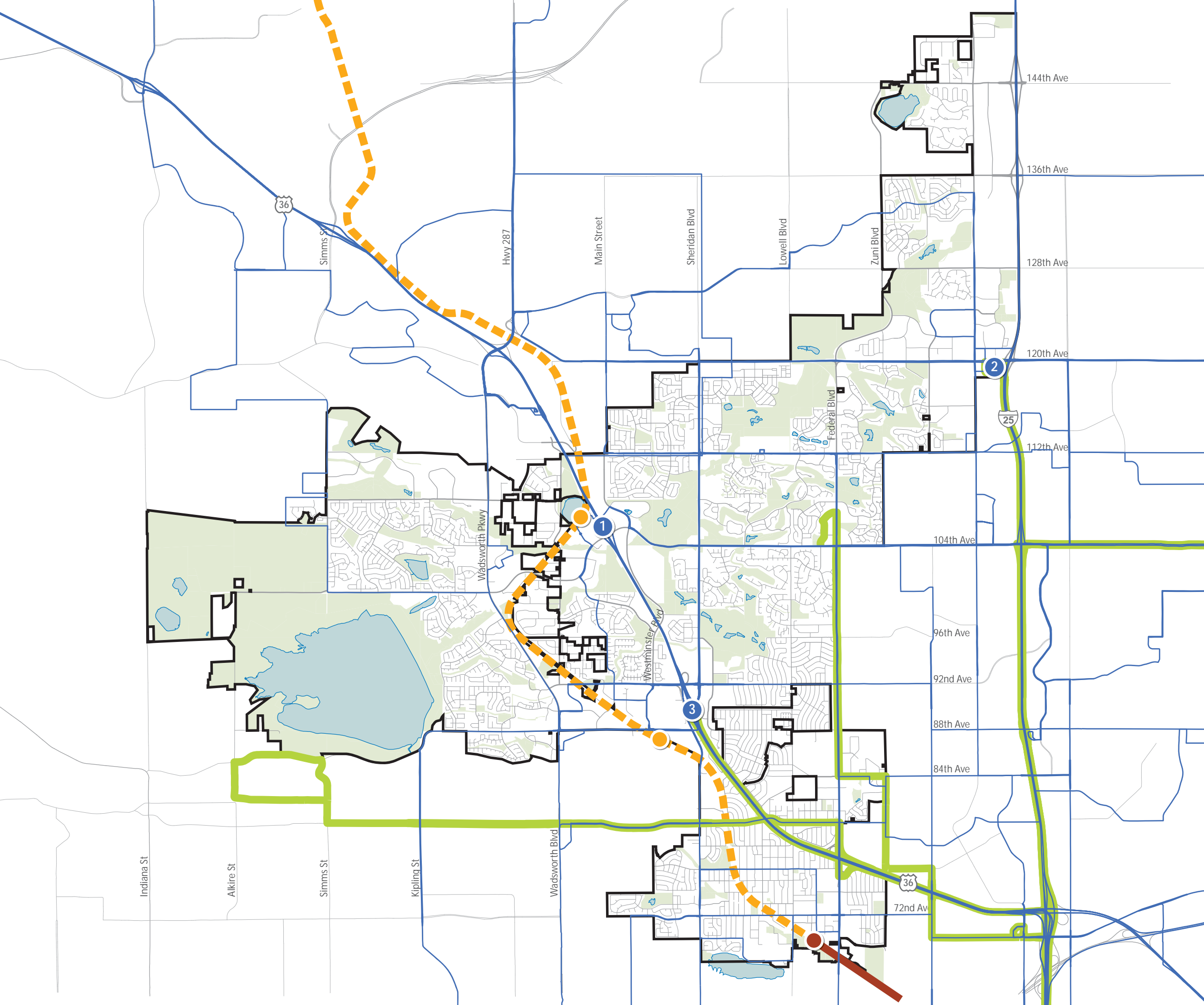


Figure 5-3: Transit Network



5.4 FREIGHT RAIL

The Burlington Northern Santa Fe (BNSF) Railway owns and operates freight rail service along the tracks that run generally northwest to southeast through the city. Typical daily freight service averages five to seven trains through Westminster a day. By 2035, it is expected that this service may increase slightly to seven or eight trains a day, on average. Only five of the city's 14 crossings of the BNSF rail corridor are grade separated. The remaining nine crossings are at-grade and controlled by gates and flashers. The Comprehensive Plan encourages continued efforts to improve at-grade crossings in the city with crossing pads and enhanced warning systems. The city will also look into opportunities to reduce train noise impacts on existing and potential future development through site and building standards and a potential quiet zone through all or a portion of the city.

5.5 GOALS AND POLICIES

GOALS

- T-G-1** Develop a balanced transportation system that allows for safe and efficient travel throughout the city for transit users, bicyclists, pedestrians and motor vehicles.
- T-G-2** Develop a transportation system that reduces the need to own or drive personal vehicles because of the availability of convenient and accessible alternative modes of transportation.
- T-G-3** Develop a safe and comprehensive bicycle network that serves both recreational and commuter needs.
- T-G-4** Develop a safe, comfortable pedestrian environment and extended network that supports walkability and connections between residential, employment, services and other key destinations.
- T-G-5** Provide community-wide access to public transportation that is comfortable and convenient.
- T-G-6** Balance commercial goods movement with the health and quality of life priorities for the city.



New development will accommodate pedestrians and bicyclists with active street frontages, bicycle lanes and connections to trails and transit.

POLICIES

- T-P-1** Pursue improvements to the city’s transportation system recommended by the Comprehensive Roadway Plan, Trails Master Plan and 2030 Bicycle Master Plan.
- T-P-2** Continue to update the Comprehensive Roadway Plan and Bicycle Master Plan, preferably at the same time, to evaluate and identify appropriate traffic and transportation improvements.
- T-P-3** Encourage development and provision of transportation demand management measures that minimize vehicle miles traveled. Support and encourage measures such as:
- Use of car-sharing programs in the Westminster Station Area and downtown Westminster.
 - Shared parking for developments in mixed-use transit-oriented districts that have complementary uses, such as office and retail uses.
 - Enhanced bicycle facilities at businesses and employment centers, including lockers, convenient bicycle parking and showers.
 - Encouraging employers and developers to provide discounted RTD transit passes to employees and residents in areas adjacent to major park-and-ride or commuter rail stations.

Roadway Network

- T-P-4** Develop a system of streets that provides continuous and direct travel throughout the city while minimizing adverse impacts on existing residential neighborhoods.
- T-P-5** Identify and pursue intersection and roadway improvements that will maintain a Level of Service of D or better for major intersections and maintain traffic volumes below the threshold of congestion. Develop and implement a methodology for prioritization of improvements and evaluation of complete street functionality.



- T-P-6** Coordinate with Colorado Department of Transportation (CDOT) and neighboring jurisdictions to implement street and intersection improvements, as identified in the Comprehensive Roadway Plan. Key joint improvements opportunities include:
- Lowell Boulevard at 120th Avenue, with the City of Broomfield
 - Federal Boulevard and 120th Avenue intersection improvements with CDOT
 - Federal Boulevard and 92nd Avenue intersection improvements with Federal Heights and CDOT
- T-P-7** Ensure that pedestrian safety and walkability in activity centers and near transit have priority over goals to achieve vehicle level of service along pedestrian-oriented streets or where significant pedestrian crossings are located.
- T-P-8** Require new development to provide traffic improvement necessary to accommodate trips generated by the project without significantly reducing existing levels of service on affected roadways.



Bicycle Network

- T-P-9** Develop the bicycle network consistent with the 2030 Bicycle Master Plan.
- T-P-10** Evaluate new opportunities to improve bicycle connections within the city, particularly to transit and regional bikeway systems.
- T-P-11** Provide adequate bicycle parking for public and private destinations that meets the performance standards delineated in the 2030 Bicycle Master Plan.
- T-P-12** Employ a signage and wayfinding system that supports safe and efficient bicycle travel through the city that is consistent with the 2030 Bicycle Master Plan guidelines.
- T-P-13** Identify key trail connections between bike facilities and prioritize paving of soft trails, where possible, to improve functionality and continuity of the city’s bicycle network.
- T-P-14** Continue to construct grade separated trail crossings under major streets.

Future improvements to the roadway network will include a new Sheridan Boulevard bridge over US 36, new bike lanes and intersection improvements at various locations.



Pedestrian connectivity will be emphasized particularly in mixed use centers like Westminster Station and the future downtown. Connections to existing and future transit will be prioritized.

Pedestrian Network

- T-P-15** Complete and enhance the pedestrian network with an interconnected system of walkways and trails, continuous sidewalks on both sides of the street and pedestrian crossings and connections between existing and new development.
- T-P-16** Ensure new development provides safe, direct walkways that link to streets and adjacent bus stops.
- T-P-17** Support pedestrian access to transit and activity centers by planning for, upgrading and maintaining safe and strategically located pedestrian crossings and sidewalk connections. Crosswalks should be well-marked with “bulb-outs” and/or median refuges (where appropriate). Signalization and audio/visual warnings could be evaluated on a case-by-case basis.
- T-P-18** Develop a pedestrian master plan to identify and prioritize addressing “missing links” in the city’s street sidewalk system.
- T-P-19** Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility and universal design concepts. Implement standards and requirements in accordance with the Americans with Disabilities Act.

Public Transit

- T-P-20** Support existing public transit to regional destinations, promoting improved accessibility, functionality and frequency of facilities and services.
- T-P-21** Foster transit use by developing high quality transit hubs and stations with amenities such as plazas, benches, traveler information systems, shelters, bike parking and public art.
- T-P-22** Site transit stops at safe, efficient and convenient locations. Incorporate transit stops into the design and function of the public realm, such as locating stops near public plazas and integrating amenities with streetscape design and public art schemes.



- T-P-23** Work with the Regional Transportation District to maximize the provision of reliable and accessible transit service in the city, including commuter rail and bus transit.
- Advocate for extended commuter rail service into the city along the FasTracks Northwest rail corridor. Focus efforts on obtaining stations near downtown Westminster and at Church Ranch.
 - Advocate for frequent, direct bus service to all points in Westminster, especially to areas planned for higher intensity development.
 - Advocate for increased capacity at park-and-rides with an emphasis on provision of structured parking.
 - Advocate for a new park-and-ride along I-25 north of 120th Avenue.
- T-P-24** Expand the city’s program to provide benches and shelters at highly used bus stops throughout the city.
- T-P-25** Support access to transit and the “last mile” connection by encouraging shuttle connections between major destinations in the city and transit stations.

Freight Rail

- T-P-26** Pursue improvements to existing at-grade crossing that will increase safety and operation. Prioritize crossings with high volumes of vehicle and pedestrian traffic.
- T-P-27** Work with BNSF to establish a quiet zone through the extent of the city. Improve security access along the corridor in order to safely implement the quiet zone.
- T-P-28** Pursue grade separated railroad crossings where warranted.

6.0

City Identity and Design



High quality community design enhances the public realm and everyday livability. These elements contribute to a safe, attractive and engaging environment that residents, workers and visitors can all enjoy. Aspects of community design also contribute to establishing a sense of place and identity. Gateways and streetscapes can indicate a clear entry into the community defined by street, landscape and development character. Likewise, views into and out of the city, and preservation of cultural and historical landmarks add to a city's sense of place, history and identity. This chapter provides policy direction for maintaining and improving the city's physical and visual composition, with emphasis on maintaining a high quality built environment, building a strong identity and highlighting views and amenities.



One of the city's most identifying elements is the relationship of the built realm to open space. This relationship is reflected in views across the city, throughout development and in the city's public art.

Overview

The city has transformed significantly over the past 40 years. Along with its geographic expansion and intensification of development, the city has created an extensive network of parks and open space that is an integral component of the city's physical fabric. This preservation of the natural environment underlines the city's identity as an active community that values natural resources and promotes a meaningful relationship between the built and natural environment. The city has also worked to develop gateways and streetscapes that are well-designed, underline the city's unique identity and create a sense of continuity throughout the community. The Comprehensive Plan looks to maintain, enhance and build on these efforts to further improve the city's presence and identity in the Denver metro area.



6.1 CITY STRUCTURE

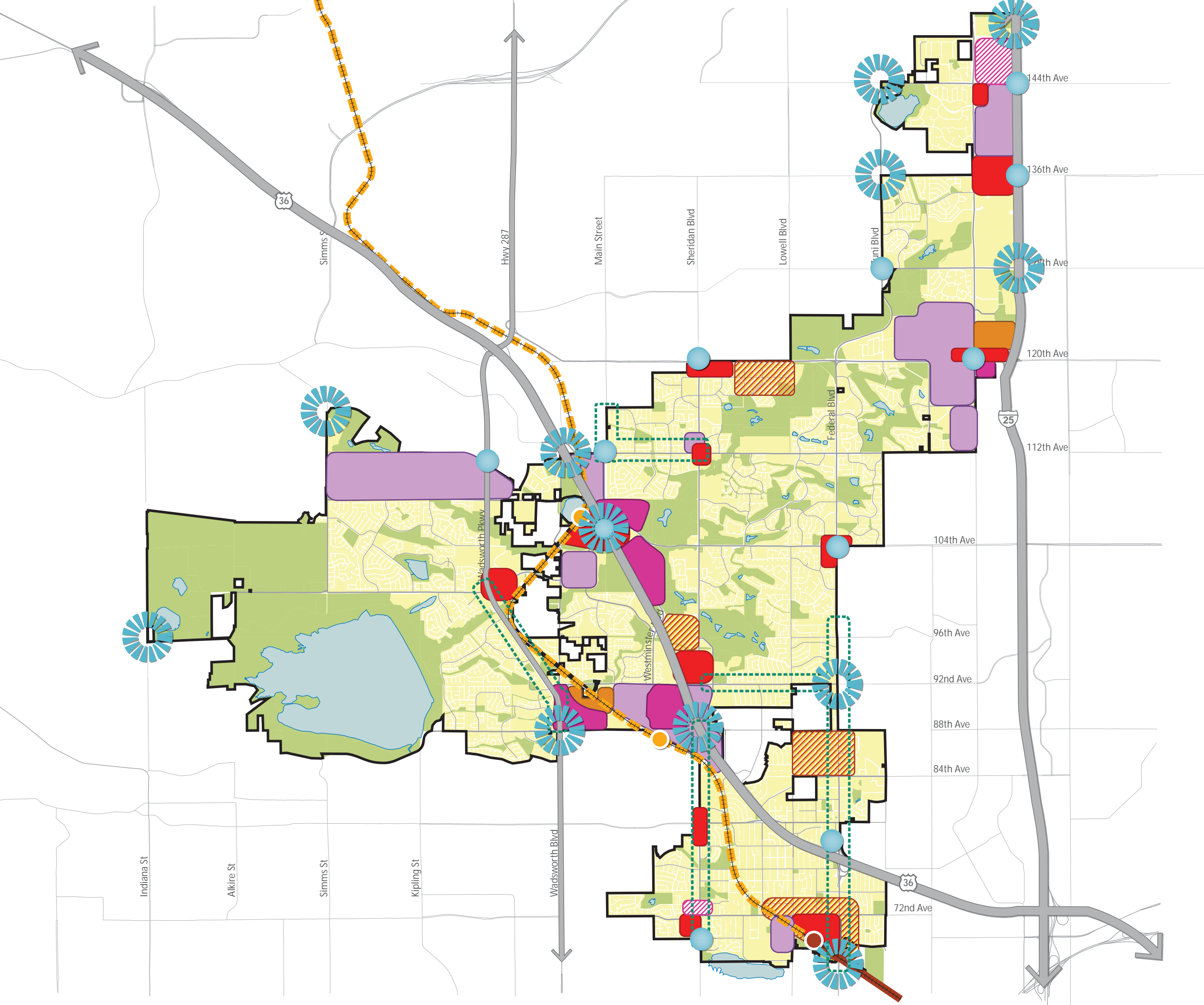
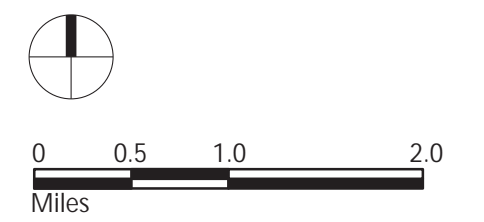
Westminster occupies a strategic location between Boulder and Denver with vistas that capture the mountains and entire Front Range area. The city extends over a significant geographical area, from the 2,327-acre Standley Lake Regional Park on the west end to development along I-25 in the north east. The city's overall structure is organized by an arterial street grid juxtaposed against the natural meandering creek corridors that weave through the city. Occupying this framework is a range of neighborhoods and distinctive districts, with non-residential development focused on major transportation corridors. Although the city does have a small historic core, it does not serve as a central organizing element for the entire city.

The Comprehensive Plan builds upon this framework with new and intensified activity centers that establish and improve the city's visual presence at key gateways into the city. The focal element of the city is a new downtown at the crossroads of US 36 and Sheridan Boulevard, planned to be the cultural and physical center of the city. As the downtown intensifies and other areas in the city develop, Westminster will evolve into an increasingly more dynamic community with a strong sense of place and as an emerging center of activity between Denver and Boulder. Figure 6-1 provides an overview of the city's planned physical framework.

Figure 6-1: City Structure

Legend

- Low and Medium Density Residential
- High Density Residential
- Traditional Mixed Use Neighborhood
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Employment
- Parks/Open Space/Golf Courses
- Existing Gateway Signage
- Gateway Opportunity
- Streetscape Improvement Opportunity
- Major Transportation Connection
- Planned FasTracks Commuter Rail Line
- Future FasTracks Commuter Rail Line
- Water
- City Limits
- Rail Corridor





6.2 COMMUNITY DESIGN AND BUILT FORM

Streets, landscape and the development beyond comprise the visual and physical fabric of a city. The quality of design and organization of these components directly impacts the perception and experience of a place. From the design of a residential neighborhood to the character and quality of development along commercial corridors, the design of the built realm plays an important role in the way people live in and experience the city. If a neighborhood is designed well and connects people to amenities and services, inhabitants are more likely to walk or bike to a destination than drive. Similarly, the design of employment and commercial areas can impact whether workers and visitors walk or drive to a destination, whether businesses choose to locate in a specific location, and whether people choose to come to Westminster for shopping or services.

This section provides direction for overall design of the city's built realm as well as more specific direction for neighborhoods, employment centers and commercial corridors. The goals and policies provide a framework for community design and are further delineated by the city's existing design guidelines and standards. Design direction for specific mixed-use and activity centers in the city is provided in the Focus Areas chapter.

Neighborhoods

Westminster has a range of neighborhood types and scales that offer a variety of living environments, housing types and levels of affordability. The Comprehensive Plan looks to maintain the quality and variety of existing neighborhoods and create high quality, cohesive new neighborhoods. Connections to and from neighborhoods to nearby parks, schools, shopping and services are emphasized both for existing and new development. For new neighborhoods designed with the Traditional Mixed Use Neighborhood Development (TMUND) designation, these elements should be integrated into the neighborhood, with a mix of housing types, parks and community facilities as well as a neighborhood focal point. New residential neighborhoods should also integrate access and location of amenities into their overall design. Residents should be able to walk or bike to amenities along safe, comfortable connections. For developments with higher density residential components, these connections are essential, particularly in terms of encouraging walking over driving to services, amenities and transit.

Architectural and site design are also important aspects of neighborhood quality. The City has established a framework of design guidelines that encourage high quality neighborhood and architectural design for single family, multifamily and TMUND neighborhoods. Street and building orientation, landscaping, pedestrian connectivity and walkability, and high quality architecture and materials are all emphasized.



The quality and variety of residential neighborhoods are a significant factor in attracting employers, workers and new residents to the city. Over the years, Westminster has worked to preserve, improve and create well-designed, attractive neighborhoods throughout the city.



Employment centers like Westmoor Corporate Park and Park Centre are attractive and take advantage of views and access to open space.



Many corridors in the city include older and outdated commercial strip malls. The Comprehensive Plan encourages updating these centers with building and site improvements and infill, or redevelopment to mixed-use activity centers.

Employment Centers

Key existing employment centers in the city include Westmoor Corporate Center, Church Ranch Business Park and Park Centre. The North I-25 area is an emerging employment center, with expansion of the St. Anthony's North Medical Center providing a key anchor for the area. High-intensity employment is also envisioned along the US 36 corridor within the Church Ranch Focus Area south of Big Dry Creek and in Circle Point.

The quality and character of the city's employment centers play a significant role in whether businesses choose to locate and remain in the city. It is important that these areas establish a strong sense of place through building design and placement, landscaping and wayfinding. They also must provide convenient access from major transportation corridors and transit as well as to everyday services. Internal and external pedestrian and bicycle connections are also important, particularly in campus-like environments where employment areas can often be closed off from surrounding development. Site design should emphasize the building relationship to landscapes, natural settings and views, with views of parking minimized. Finally, architecture, particularly of office and R&D facilities, should be enhanced with ample articulation, changes in height and massing, and high quality materials.

Commercial Corridors

The city has multiple well established commercial corridors that traverse the city. The most significant of these corridors are Federal Boulevard, Sheridan Boulevard and Wadsworth Parkway. Much of the commercial development along these corridors predates the more contemporary freeway orientation of retail in the city along US 36 and I-25. Developments range from single use service commercial uses to significant mid- and large-box retail shopping centers. Many of the larger retail centers are suffering due to a combination of age, competition with centers located closer to freeways, and changes in the retail industry that places less emphasis on mid-box stores.

The Comprehensive Plan emphasizes a greater mix of uses along these corridors, as delineated in Chapter 2: Land Use, and the Land Use Diagram. However, design of development along these corridors will also have an impact on potential for revitalization and new activity. The Plan emphasizes greater continuity of development, through improvements to streetscape, bringing more buildings up to the street edge, building orientation, attention to access for all modes and a mix of uses, where appropriate.



Federal Boulevard

Federal Boulevard, or State Route 287, is a primary north-south regional corridor that extends from 120th Avenue in Westminster south to Bowles Avenue in Littleton. The street serves as a key retail, service commercial and, further south, industrial artery through the region. In Westminster, south of 94th Avenue, uses are primarily retail and service commercial, with some multifamily and vacant land. Much of the commercial development within Westminster is older and could be improved by redevelopment, intensification and/or façade improvements. Buildings are set back in linear shopping strips or commercial pad development, with minimal landscaping and pedestrian amenities along the street edge. In some areas, a lack of sidewalks (both sides of the street between 82nd and 88th avenues) and curb cut frequency further impacts street continuity and pedestrian safety. In other areas, the existing sidewalk is narrow (4 feet) and adjacent to the street curb, creating an uncomfortable pedestrian environment.

The Comprehensive Plan envisions a more consistent development character along the street, with buildings brought closer to the street edge, high quality materials and improved site landscaping and pedestrian amenities. Streetscape improvements, such as undergrounding utilities, detached wide sidewalks, decorative street lights and right-of-way landscaping, along the full extent of the corridor in the city would also improve its visual quality. A cohesive plan for the street would help tie in separate planning efforts for the Westminster Station Area and Northgate and Pillar of Fire neighborhoods. Planning for the corridor should be conducted in coordination with Federal Heights, Adams County and CDOT.



Many areas along Federal Boulevard comprise older commercial strip centers set back from the street.



Sheridan Boulevard includes an eclectic mix of retail commercial, service uses and office development. Creating a more cohesive experience along this corridor is an important consideration for land use and urban design decisions.

Sheridan Boulevard

Sheridan Boulevard, or State Route 95, extends north to Broomfield and south to Centennial. Through Westminster, the primary commercial portion of the street extends from just south of 72nd Avenue to just north of 92nd Avenue with the Westminster City Center Marketplace and Walmart-anchored shopping center. Developments are similar to those along Federal Boulevard, with some larger shopping centers near 92nd, 88th and 72nd avenues. Between 75th and 82nd avenues, the development is set back from the street with narrow pedestrian amenities, inconsistent landscaping and, in some areas, frequent curb cuts.

Over time, as redevelopment occurs, new development will be brought closer to the street edge and streetscape improvements will emphasize wider sidewalks and consistent landscaping. Significant opportunities for revitalization and potential development include the Labelle's Plaza at 88th Avenue, as described in Chapter 2: Land Use, as well as the northern corners at 72nd Avenue and Sheridan Boulevard, where mixed-use development is encouraged. Improvements to these sites, in particular, will focus on a vertical mix of uses (where proposed), improved walkability and pedestrian access, and connections to transit. Additionally, the city will focus on efforts to create an improved streetscape along the corridor, particularly between 75th and 82nd avenues.



Wadsworth Parkway

Wadsworth Parkway, State Route 91, extends to the north of Westminster as SR 287 up to Fort Collins and ultimately Highway 80 and south to Chatfield State Park near Highlands Ranch. As a true regional connection, Wadsworth Parkway (Wadsworth Boulevard south of 92nd Avenue) has a significant role in many of the cities it passes through. In Westminster, the character of the street is primarily commercial, with some residential development. Commercial development along the corridor is primarily larger in scale than along Federal or Sheridan boulevards. Retail centers include mid- and large-box anchors that provide both community- and regional-serving retail. Many of these centers are older, have limited visibility due to variations in grade and have persistent vacancies.

The Comprehensive Plan looks to encourage redevelopment of many of these centers with mixed-use or new commercial development. As described in Chapter 2: Land Use, the vision for the 80-acre Brookhill Shopping Center is of a high-intensity mixed-use district with a range of residential and commercial uses. The physical presence of development along the corridor will be emphasized along the street edge, along with unified landscaping and connections to open space, trails and sidewalks. Although a newer street, the corridor could also benefit visually from streetscape improvements like a raised landscaped median and street trees that are closer to the right-of-way. A key opportunity for right-of-way landscape improvements is the west side of the street between 94th and 98th avenues.



Although development along Wadsworth Parkway is relatively newer than that along Sheridan and Federal boulevards, some centers are beginning to show their age. Others will benefit in the future from improvements or infill.



6.3 IDENTITY AND GATEWAYS

Westminster is a unique community with an extensive amenity infrastructure—from its trails and open spaces to its distinctive civic venues and activity centers. Residents, workers and visitors are attracted to the city’s public realm, public art, and ample parks and recreation opportunities. However, ensuring the city’s character and identity are visible at the city’s edges and gateways is equally as important as the internal composition of the city. Establishing a strong identity within the Denver metro area begins with the city’s visual presence along major transportation corridors, including freeways and regional arterials. This section builds on the city’s Community Enhancement Plan, adopted in 2006, providing direction for an improved public realm in the city with emphasis on the city’s edges and gateways.

Streetscape Design

Street design has a strong influence on the perception of the city. Regardless of mode of transportation, residents, workers and visitors must travel on streets—the experience on these streets is often the first impression of a community. The combination of street design, level of comfort and ease of travel, and the quality and character of development along the street edge all have an impact on how the city is perceived. Many of Westminster’s major arterials have been designed or improved with high quality streetscape schemes, including 72nd Avenue, 104th Avenue/Church Ranch Boulevard, Sheridan Boulevard and Westminster Boulevard. These streets have been designed with raised landscaped medians, decorative street lights and wide “amenity zones” with a detached sidewalk and landscaping along the edge of the street. As new development occurs throughout the city, including infill and redevelopment in older portions of the city, there will be opportunities for improving streetscape design.

As streetscape improvements are implemented, Westminster’s street network will become an extension of the community’s identity and character, with enhanced planting, distinctive lighting and pedestrian furnishings, and public art, where appropriate. These improvements are a distinct opportunity to underline gateways and distinguish the city from other communities. Key streets that are both significant arterials and gateways for the city include Federal Boulevard, the southern portion of Sheridan Boulevard, 72nd Avenue (initial plans underway), 92nd Avenue and 120th Avenue. A cohesive scheme for each of these streets should be developed. In addition, the Comprehensive Plan encourages improved right-of-way landscaping, decorative screen walls and enhanced development character along US 36 and I-25.

Creating a strong identity and city image is a priority for the city as it continues to attract high quality employment, commercial development and residential uses. Infrastructure and streetscape design are key opportunities to create high impact statements throughout the city.



Gateways

Gateways are a critical part of establishing the identity of the city. Gateways can be linear or singular elements, from specially-designed streets or landmarks to signage or public art. Currently, the city has developed signage at most major gateways into the city and has worked to create distinctive bridges along major arterials and highways like US 36 and I-25. New gateway signage and elements will build on these efforts and will be focused at certain regional entrances into the city and at major districts and employment centers. Key gateway design opportunities are identified on Figure 6-1.

The palette of gateway elements in the city will vary. For some gateways, such as those along major city streets, elements will include signage, landscaping and potentially public art. In other areas, gateways will be defined by a combination of landmark elements and the built environment. Several key gateways into the city are along the US 36 and I-25 corridors. Currently, the quality of the public realm and the city’s “edge” is in need of improvement. Existing older fencing could be replaced with decorative sound walls and landscaping in the right-of-way could be enhanced to create an attractive edge to the city. Additionally, higher-intensity development at key gateways along these corridors will be encouraged to create a physical and visual presence that captures attention.

Public Art

Public art plays an important role in relating the story and identity of the city, and in creating opportunity for residents and visitors to participate and share in its development. The city’s public art program supports public art provision through a development impact fee. Provision of public art throughout the city began in 1991 with the enactment of a hotel tax (i.e. accommodations tax) that would fund the Community Enhancement Fund. This fund provides money to support a variety of programs to improve the physical appearance of the city. Over the years, this fund has been used to purchase public art pieces. The city has also received grant funds from the Denver metro area Scientific and Cultural Facilities District to purchase art. In 2001, City Council enacted a requirement that all non-residential development should provide public art. Westminster is one of only a handful of cities nationwide with such a program. The program has been highly successful—over 150 pieces of public art are located throughout the city.

The Comprehensive Plan supports the continued growth of historical, cultural and geographic awareness in the city by emphasizing public art in all areas of the city. In particular, public art within major activity nodes and regional destinations, within established neighborhoods and along major



Westminster has prioritized community enhancement over the years with new uniquely designed infrastructure, gateway monuments and signage and a vast collection of public art that exceeds 150 pieces of art.



There is no shortage of breathtaking views in the city, with several bluffs and vantage points along major east-west and north-south corridors. Views encompass the Front Range and Rocky Mountains as well as Downtown Denver.



Ample views are also available within the city into open space and conservation areas, from Ketner Lake, above, to the Ranch Open Space, middle, and Heritage Golf Course, below.

pedestrian corridors will play a key role in articulating the city's identity. Likewise, public art in key public spaces, transit stations, gateways and transportation corridors (such as Lowell Boulevard south of US 36) are opportunities to express the city's identity and character. Additional support from the city may include competitions, exhibit space and public facilities for cultural events and art shows.

6.4 VIEWS

Scenic vistas are a key element of Westminster's identity—whether to expansive open space areas within the city or to the mountains beyond. The city's varied topography provides breathtaking panoramic views to the Rocky Mountain Front Range and Downtown Denver. Views are enjoyed from most areas of the city, although the best publicly accessible views are found at points along many of the city's arterial streets and open spaces. In particular, spectacular views of the Rocky Mountains can be found along most of 104th Avenue, the eastern end of 120th Avenue, 128th Avenue east of Huron Street, and from US 36, Federal Boulevard and Sheridan Boulevard. Other significant western views are located at Standley Lake, Westminster City Hall and City Park. Views of the Denver skyline can be seen while traveling south along Federal and Sheridan boulevards, east along 84th Avenue and south along portions of Lowell Boulevard at 82nd Avenue.

The Comprehensive Plan identifies view corridors along portions of the city's major street network and from key public spaces, as shown in Figure 6-2. The designation of these view corridors preserves the most significant views from the public realm. Areas with a designated view corridor may be subject to additional setback requirements, height restrictions and modified perimeter landscaping or site configurations to ensure that new development will not restrict views. Development proposed within these corridor areas will be evaluated to preserve views wherever possible.

It should be noted that view corridors are not intended to preserve views from private properties or individual buildings, but rather, from the public realm, including the street network, trails, open spaces and public facilities.

Figure 6-2: Views

Legend

- Vista
- View Corridor
- Parks/Open Space/Golf Courses
- Water
- City Limits
- Rail Corridor

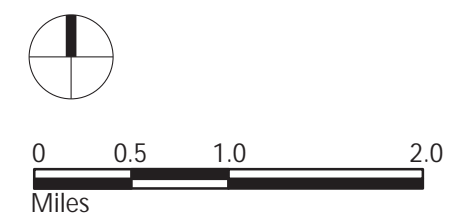
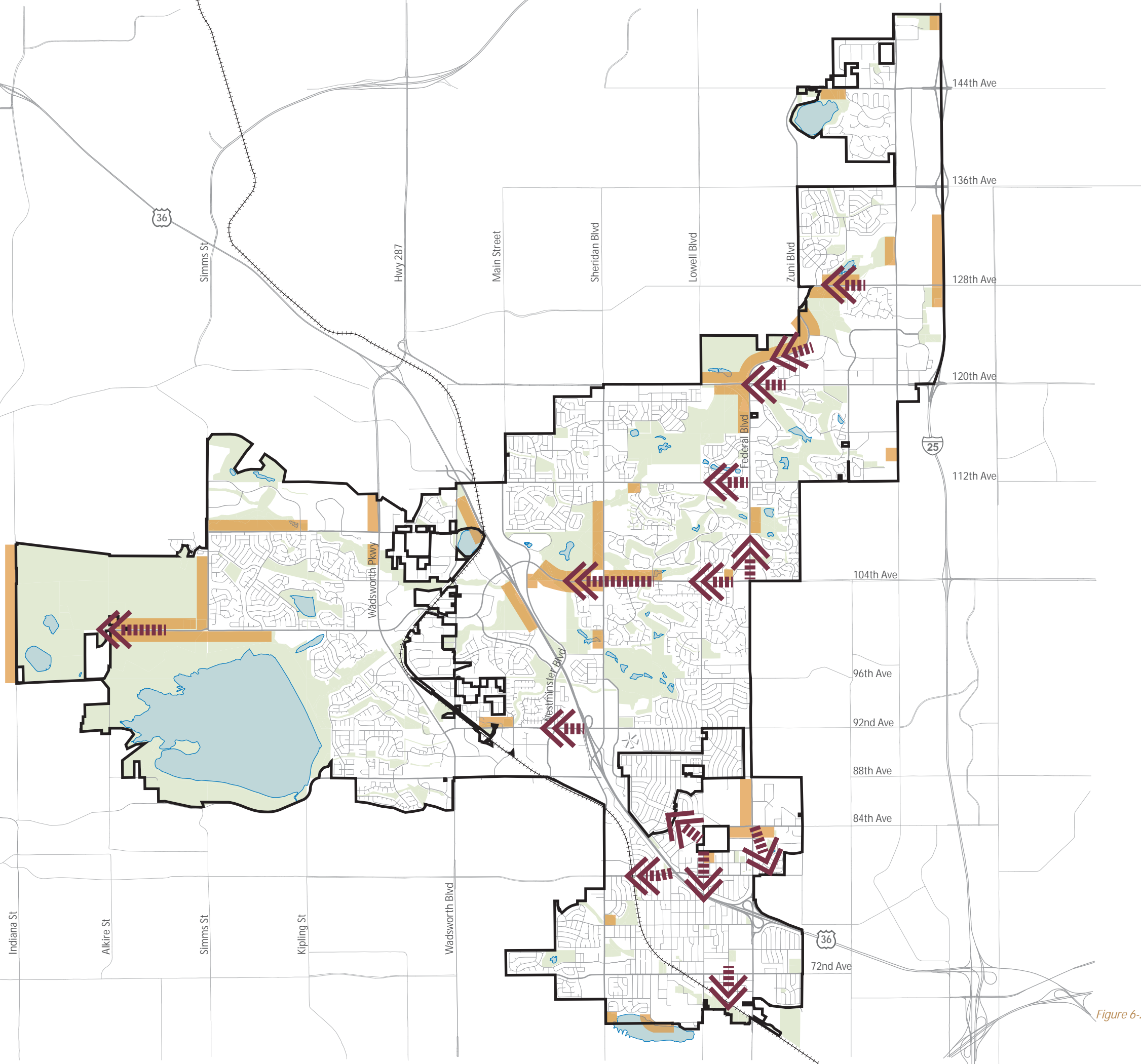


Figure 6-2: Views



6.5 HISTORIC PRESERVATION

Preserving and celebrating the city’s cultural and historic core adds depth and authenticity to Westminster’s identity in the Denver metro area. The city’s evolution from the 160-acre village of DeSpain Junction to the 21,655-acre city it is today represents a rich history of settlement and homesteading, ranches and orchards—some of which continues to be thematically represented in new development and retained through historic preservation efforts. This section provides goals and policies that encourage and support continued preservation and efforts to retain the city’s cultural and historic identity.

Historic Context

In 1890, the village of DeSpain Junction was renamed Harris (after real estate developer CJ Harris)—the vestiges of which are present today as the Harris Park district in the vicinity of 73rd Avenue and Bradburn Boulevard. The city officially incorporated in 1911, at which time the name was changed to Westminster, after Westminster University that was founded in 1908 and closed prematurely in 1917. As the City of Westminster expanded, other ranch and farm homesteads were folded into the city limits including the Town of Semper, Mandalay Gardens (Church Ranch), and a portion of the Westminster University (now known as the Pillar of Fire) property. Recognizing and preserving the city’s past is of significant interest to the community. In 2003, the Westminster City Council established the Historic Landmark Board and adopted the Historic Preservation Ordinance. Since that time the city has been actively involved in identifying and partnering to preserve and restore many historic artifacts, buildings and property. Historic properties, Local Landmarks and National Register sites are shown on Figure 6-3. Additional detail of historic properties is available on the city’s website at www.cityofwestminster.us/ExploreWestminster/HistoricPreservation.aspx.

Although mostly located outside the limits of the city, the Westminster University (Pillar of Fire) building and associated historic structures remain of significant historic value to the city given its ties to its origins and namesake. Given this high level of historic importance, the city continues to explore opportunities to work with the property owners to ensure its functional presence for years to come.

Harris Park Historic Area

The city’s original status as a recognized jurisdiction occurred in 1890 with the recording of the original Harris town plat that encompassed an area bounded by 80th Avenue, Lowell Boulevard, 72nd Avenue, and Quitman Street. This area became known as Harris Park.



Above, the Bowles House. Middle, the Pleasant DeSpain School House. Bottom, the Pillar of Fire (former Westminster University building).



Improvements to the city's historic resources have included streetscape improvements along 73rd Avenue, above, as well as renovation of the Westminister Grange Hall, below.

Within this area emerged the small, agriculture-based commercial center at 73rd Avenue and Bradburn Boulevard, and in later years, the Lowell Boulevard/73rd Avenue commercial area. Collectively, these two commercial areas serve as the bookends of the Historic Harris Park Revitalization Area in which the city is making substantial investment in pursuing preservation and restoration of historic buildings and giving recognition to artifacts, stories and structures lost over the years.

These historic preservation efforts are integral to the city's pursuit of neighborhood revitalization in the historic neighborhood. The recognition of the area's history combined with historic preservation efforts has made the neighborhood an attractive location for artists to live and/or conduct business, which in turn is having a positive impact on contributing to the revitalization of the area into a dynamic, eclectic and diverse mixed-use neighborhood and local destination. As a means of attracting new investment and development activity in the Harris Park area, the city continues to prepare and implement planning tools to promote and facilitate such activity. Key proposed initiatives include designation of Harris Park as an arts district and creation of design guidelines for historically sensitive infill development and renovation.

Other Preservation and Adaptive Reuse Areas

Many of the city's historic properties and landmarks are protected by being city owned, including:

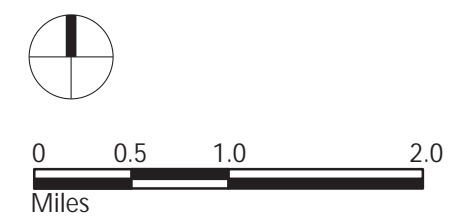
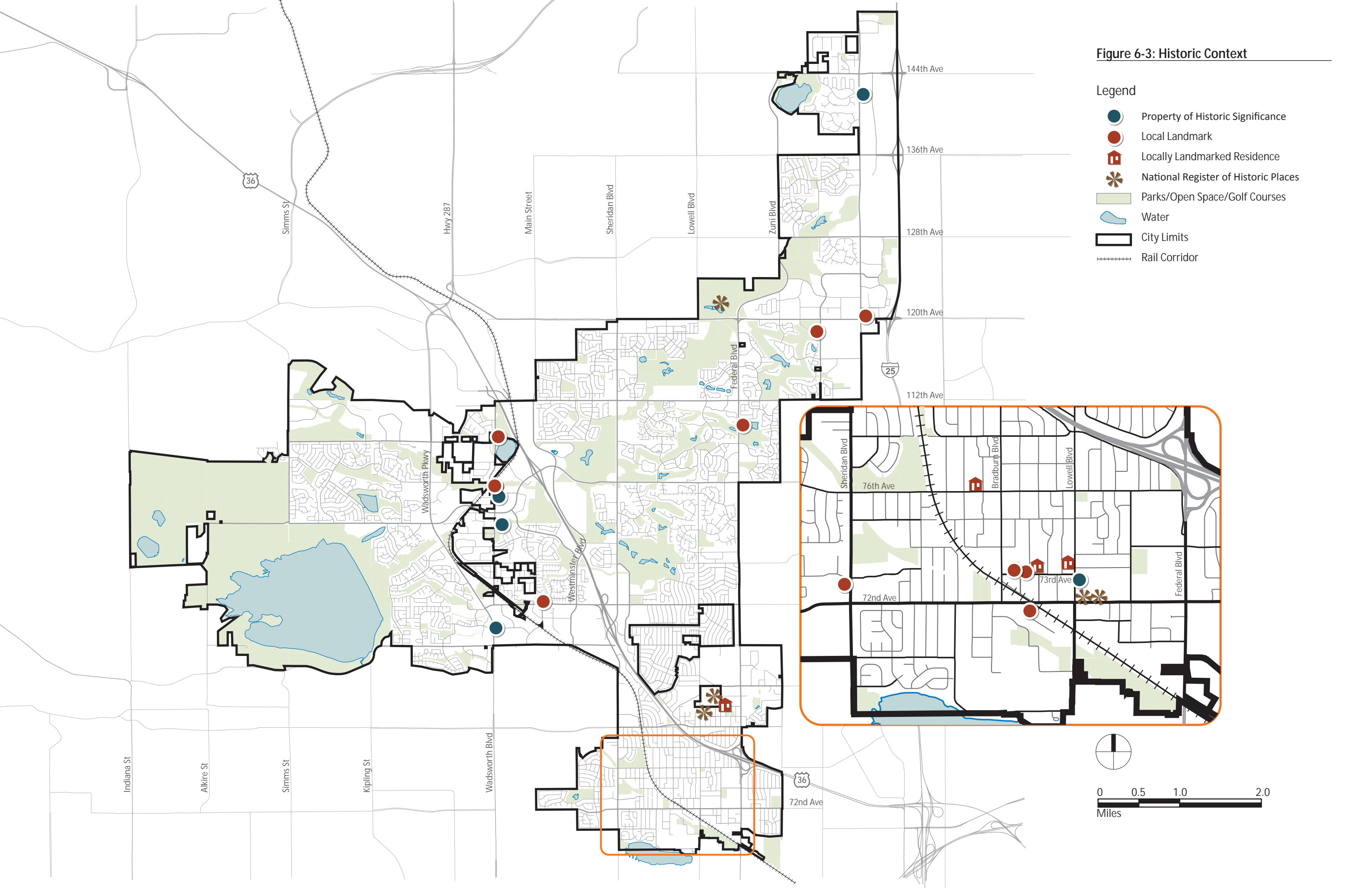
- Bowles House
- Church's Stage Stop
- Marion Barn
- Metzger Farm
- Rodeo Market
- Savory Mushroom Tower
- Semper Farm
- Shoenberg Farm
- Tucker Barn
- Wesley Chapel Cemetery

Several of these city owned properties, as well as other properties in the city, have potential for adaptive reuse. These properties include Shoenberg Farm at 73rd Avenue and Sheridan Boulevard; the Adams County School District 50 property on the northeast corner of 72nd Avenue and Lowell Boulevard;

Figure 6-3: Historic Context

Legend

- Property of Historic Significance
- Local Landmark
- 🏠 Locally Landmarked Residence
- ✳️ National Register of Historic Places
- 🌿 Parks/Open Space/Golf Courses
- 💧 Water
- ▭ City Limits
- 🚂 Rail Corridor





and the remaining Church Ranch property at the southeast corner of Church Ranch Boulevard and Old Wadsworth Boulevard.

The Shoenberg Farm property presents a unique reuse opportunity utilizing a number of historic structures that once supported an 800-acre dairy and egg production facility for what is now known as the Denver National Jewish Hospital. The city has acquired seven of the remaining nine historic structures and has fully restored two of them (the barn and concrete silo). Additional restoration work is underway on the milk house, with the remaining structures to be restored as funding permits. Collectively, these historic buildings provide a unique adaptive reuse opportunity to create a unique venue and community attraction for the City of Westminster.



The Adams County School District No. 50 property on the northeast corner of 72nd Avenue and Lowell Boulevard provides another assemblage of historic structures that are prime preservation and restoration candidates conveying the rich history of the oldest public school district serving Westminster. The site is home to three buildings including the Harris School (currently called DeSpain School), the earliest school constructed in the city in 1892; Union High School, the first high school, built in 1929; and the first Westminster High School built in 1949. The District continues to use these facilities to date for school purposes, and subject to a District determination to relinquish any of the buildings, could serve as significant adaptive reuse opportunity. Given the historic significance of this site, the city continues to maintain a dialog and potentially partner with the District to ensure the buildings remain an integral part of the community.



Shoenberg Farm is located just north of the intersection of 72nd Avenue and Sheridan Boulevard. Remaining buildings include the city-owned and renovated barn building (left and middle) and farm house (right), among others.

Union High School and the original DeSpain School House are located on the Adams County School District property.

The Church Ranch property at Church Ranch Boulevard and Wadsworth Boulevard is a remnant of the much larger ranch and stage stop that was originally established in the 1860s. The property includes several original buildings including a 5,000-square-foot barn that looks out onto Big Dry Creek and open space to the south. The city encourages adaptive reuse and potential partial redevelopment of the property that would maintain the integrity and history of the site as well as create a new unique regional and community destination. In addition to the barn site, there are several other Church Ranch-related properties along the Wadsworth Boulevard corridor, including the Mandalay School, Tucker Barn and Church's Stage Stop. The location of all of these historic sites and structures along Wadsworth Boulevard creates the potential for a future historic district or corridor between 100th and 112th avenues.

The Church Ranch historic properties include the Mandalay School, located off of Westminster Boulevard at 103rd Avenue and Church's Stage Stop.



The City of Westminster strongly believes the retention, preservation and visible display of its history is integral to preserving the quality of life for its residents and businesses. Accordingly, the city intends to work in partnership with property owners, organizations, and other governmental entities to expand on its successes to date in preserving the city's history. However, it must be noted that designation is currently voluntary for property owners—the city does not forcefully designate properties.



6.6 SUSTAINABLE DESIGN

The Comprehensive Plan supports an inclusive sustainable approach for future growth in the city. Policies that support and encourage sustainability are integrated throughout the Plan in the land use, economic development, transportation, parks, recreation and open space, and public facilities chapters. This section explicitly addresses the city's approach to sustainability as it relates to site, landscape and building design in the city.

Site and Landscape Design

Sustainable site planning practices have a significant impact on energy and water consumption, stormwater runoff and reduction in project-related vehicle miles traveled. Many of the city's existing regulations and open space and stormwater management practices reflect the city's philosophy toward sustainable growth and site design. Through the city's landscape and stormwater management regulations, developments are encouraged to design sites to reduce water consumption and increase on-site mitigation of stormwater. Regulations encourage minimizing impervious surfaces on a site and employing low-impact design measures like increased planting and groundcover to increase on-site infiltration. The city's landscape regulations also encourage use of native planting that reduces the need for potable or reclaimed water for irrigation.

The location of buildings, mix of land uses and intensity of development also have an impact on sustainability. Building orientation that maximizes internal access to daylight and minimizes exposure to intense sun can have an impact on a project's energy consumption. Use of on-site alternative energy production like solar panels can also reduce a project's impact to the environment. At the development and citywide scale, site design measures that can contribute to sustainable growth include location of higher-intensity development close to transit stations and mixed-use neighborhood centers that reduce the need for vehicle travel. The Plan emphasizes pedestrian connectivity and access to transit as key elements of mixed-use activity centers, neighborhood design and employment centers.

Building Design

Sustainable building design is also encouraged for all types of development through the city's building code, design guidelines for land use types and the city's historic preservation efforts. "Green" building design impacts all aspect of the built form—from the exterior materials of a building to the internal mechanical systems. The city encourages high quality, durable building materials, high-efficiency water fixtures and efficient building systems for all development. Where possible, developments are encouraged to achieve



Although not the only aspect of sustainability, sustainable design is an important aspect of ensuring Westminster continues to live within its resource means.



a LEED (Leadership in Energy & Environmental Design) rating or similar equivalent to maximize the exterior and interior building quality, which is especially important for employment uses, where people spend a significant amount of time.

Historic preservation efforts in the city also reflect the city's efforts to support a sustainable social and physical environment. The city encourages improvements to the many older structures within the Harris Park district and surrounding older neighborhoods as well as adaptive reuse of existing structures. Additionally, the city's historic preservation efforts are focused on preservation and reuse of historic and cultural remains, from the Shoenberg Farm to the Ranch Open Space and its barn structure.



The city intends to continue to support and encourage sustainable design throughout the community, with city-led building and planning efforts serving as an example for private development.

The Comprehensive Plan sets the stage for minimizing the impact of new development, whether by allowing greater intensities or incorporating sustainable design features into development.



6.7 GOALS AND POLICIES

GOALS

- CID-G-1** Develop a built environment that is integrated with open spaces and the natural realm.
- CID-G-2** Maintain the city's high quality design and development character.
- CID-G-3** Preserve and enhance the city's existing residential neighborhoods.
- CID-G-4** Ensure new neighborhoods are designed to meet the recreational, civic and everyday needs of its residents.
- CID-G-5** Create and foster unique districts and cohesive employment centers throughout the city.
- CID-G-6** Maintain and enhance Westminster's image and character through an attractive public realm.
- CID-G-7** Continue to expand and diversify public art in the city.
- CID-G-8** Preserve the city's views to the mountains and surrounding Denver region.
- CID-G-9** Identify, recognize and protect Westminster's unique and irreplaceable historic and cultural heritage.
- CID-G-10** Reinforce the historic character and image of the Harris Park District along 73rd Avenue and Bradburn Boulevard as a special commercial/arts district.
- CID-G-11** Encourage sustainable design practices in all aspects of physical planning in the city, with a focus on site, landscape and building design.



Integrating development into the natural environment and vice versa is a concept visible throughout the city for all types of land uses.



A pleasant outdoor environment with seating, active uses along the ground floor and a high quality streetscape design like the Cherry Creek North district above is encouraged in mixed use areas.



This small green provides a focal point within the larger Bradburn community.

POLICIES

CID-P-1 Support the goals, objectives and policies of the Westminster Community Enhancement Master Plan with respect to the location and type of landscape design, public art, historical markers and other enhancements that will improve the image of the city.

Community Design and Built Form

CID-P-2 Integrate the city's parks, open space and trails network into new development and infill and redevelopment areas. Development should be oriented and connected to the public realm.

CID-P-3 Require pedestrian-oriented amenities and design in mixed-use areas, such as outdoor seating, plazas, public art, ground floor retail, shading devices and enhanced transit shelters and amenities.

CID-P-4 Promote excellence in site planning, architecture and the design of landscaping, lighting and signage in all commercial and residential developments by means of design guidelines for each type of use.

- Update guidelines accordingly to adjust for changes in development typology, such as encouraging more pedestrian-oriented multifamily developments, as well as new technology in building structures, materials and sustainability.
- Develop design guidelines appropriate for office, light industrial, and mixed-use development typologies.

CID-P-5 Design new neighborhoods with a focal point, such as a school, park or activity center that provides a unique identity, opportunities for social interaction. Ensure the neighborhood center is easily accessible via walkable streets and trails.

CID-P-6 Ensure that new neighborhoods are designed with a connected, walkable street grid that accommodates all modes of travel. Connections to surrounding development, including existing neighborhoods and commercial centers or neighborhood services should be emphasized through direct pedestrian paths, continuous sidewalks and crossings.



- CID-P-7** Support enhancement programs and efforts for existing residential neighborhoods throughout the city.
- CID-P-8** Provide a physical transition in building height and massing where higher intensity new development is located adjacent to single family, low-scale development. These transitions can be accommodated by:
- Increased building setbacks;
 - Enhanced landscaping or earth berms;
 - Building stepbacks of upper stories;
 - Modified building orientation that limits casting of shadows; and/or
 - Reduction in intensity of development at edges of site.
- CID-P-9** Encourage the development of employment centers with high quality architecture, landscaping and site planning.
- CID-P-10** Continue to develop enhanced streetscape, development continuity and revitalization of key commercial corridors including Federal Boulevard, Sheridan Boulevard, Wadsworth Parkway and 120th Avenue.
- CID-P-11** Improve the visual and physical character of residential corridors throughout the city, with special emphasis on 92nd Avenue between Xavier Street and Federal Boulevard, and 112th Avenue between Westminster and Sheridan boulevards.
- CID-P-12** Allow creative design solutions for infill development that are compatible with and enhances surrounding existing development.
- CID-P-13** Strengthen Westminster’s identity through thoughtful design and enhancement of the community’s civic buildings and spaces.



Building architecture in office developments can set the tone for future development and attracting businesses. The Circle Point development is a good example of high quality architecture and landscape design.



High quality streetscapes throughout the city, both within residential neighborhoods like Bradburn, above, or along key residential corridors like Lowell Blvd, below will enhance the city’s identity.



Bridges and public art are opportunities to create visual gateways and landmarks, such as for the Westminster Boulevard bridge over US 36, above, or the Wapiti Circle art piece within the Shops at Walnut Creek.

City Identity

CID-P-14 Create a strong sense of entry into the city at key locations, identified as gateways on Figure 6-1. Utilize streetscape, distinctive bridge and infrastructure design, development scale and orientation, lighting, signage and public art to mark a clear transition into the city.

CID-P-15 Develop signage and wayfinding programs and related promotional materials that create identity for special districts in the city, including but not limited to:

- Church Ranch District, extending from City Park to Wadsworth Boulevard and encompassing the Westminster Promenade east and west areas, Butterfly Pavilion, hotel district and Church Ranch Corporate Center.
- Downtown Westminster, both along its edges (primarily 92nd and 88th Avenues) and throughout the site.
- Westminster Station, encompassing at minimum the station area between Lowell and Federal boulevards, 72nd Avenue and the Little Dry Creek Park and Open Space.
- Historic Harris Park District, encompassing 73rd Avenue between Bradburn and Lowell Boulevards and emphasizing the area’s role as a cultural arts center of the city.

CID-P-16 Develop cohesive streetscape plans for streets identified in Figure 6-1. Plans should consider:

- Enhanced pedestrian and bicycle amenities to encourage multimodal travel;
- Minimized curb cuts to emphasize continuous, unbroken curb lengths and reduce vehicle and pedestrian or bicycle conflicts;
- Provision of street trees or reduction of landscaping to preserve views;
- Unified landscape treatments, medians and plantings that minimize water use and runoff;
- Decorative street lights and enhanced street furnishings; and
- Undergrounding of utilities.



- CID-P-17** Develop enhancement plans for the US 36 and I-25 corridors to include enhanced and/or new sound walls and landscaping, at minimum.
- CID-P-18** Encourage the placement of public art where appropriate. Focus public art in key public locations, including plazas, gateways into the city, streetscapes and individual developments.
- CID-P-19** Integrate public art and visually distinct designs into bridges, overpasses and underpasses.

View Corridors

- CID-P-20** Maintain scenic vistas to open spaces, the mountains, Downtown Denver and the Front Range area, as shown on Figure 6-3.
- CID-P-21** Maintain views into open space corridors from roadways by not planting within the right-of-way or spacing trees further apart.
- CID-P-22** Ensure that streetscape features do not block public views.
- CID-P-23** Ensure that designated view corridors are integrated into planning for new development. Preservation of view corridors may require dedication of land, building or upper story setbacks and modified building orientation and placement.
- CID-P-24** Encourage site planning of public facilities that arranges streets, public outdoor spaces and buildings in a manner that preserves view corridors and vistas.



Historic Preservation

- CID-P-25** Protect historic and cultural resources for the aesthetic, cultural, educational, environmental and economic contribution they make to maintaining and building Westminster's identity and quality of life.
- CID-P-26** Maintain the historic character of Harris Park through preservation, restoration and improvements to facilities, structures and sites.
- Promote historic designation and restoration of buildings in the Harris Park area that could qualify for a local historic landmark designation.

The city will continue to preserve views into and out of the city at open spaces, such as Standley Lake, above or preservation areas like Metzger Farm below. Also encouraged is the orientation of development to best take advantage of views, particularly from public or common spaces.



The city encourages continued efforts toward restoration and facade and building improvements in the Harris Park area.

- Support efforts towards façade and landscape improvements to properties within the Harris Park District in order to enhance its historic character and identity.
- Develop design guidelines that foster context appropriate infill, renovation and redevelopment of properties. Ensure that new development preserves and complements the existing scale and design of historic development, particularly along 73rd Avenue.
- Designate the Harris Park 73rd Avenue area as an Arts District pursuant to the State Creative Districts initiative, which would provide access to statewide recognition and potential funding.

CID-P-27 Work with property owners of historic sites like Shoenberg Farm and Church Ranch to look for adaptive reuse opportunities.

Sustainable Design

CID-P-28 Incorporate sustainable site planning, development and maintenance standards and procedures as part of updates to the Westminster Municipal Code, Landscape Regulations and design guidelines.

CID-P-29 Reduce the amount of stormwater runoff that reaches the city’s storm drain system. Maximize permeable area and minimize the amount of runoff flowing toward impermeable areas.

CID-P-30 Design public parks, plazas and streetscapes with plantings and features that reduce water use and maximize on-site treatment of stormwater.

CID-P-31 Require new development to connect to the city’s reclaimed water system wherever possible for landscape irrigation. Ensure landscape plans address stormwater runoff and reduced water consumption.

CID-P-32 Encourage new development to site and design buildings to reduce energy use, maximize sun access and utilize “green” building techniques and materials.

CID-P-33 Incorporate “green” building principles and practices to the extent practicable and financially feasible, into the planning, design, construction, management, renovation, operations and demolition of all facilities that are constructed, owned, managed or financed by the city.

7.0

Parks, Recreation, Libraries and Open Space



Parks, recreation and open space are vital elements of Westminster's high quality of life. They provide physical relief to urbanization, opportunities for leisure and activity, and preservation of environmentally valuable habitats and landscapes. The city and its inhabitants take pride in the quality and extent of parks, community facilities and open space that comprise the city's physical landscape. This chapter contains the policy framework for the management of Westminster's parks, recreation and open space system to ensure the city's facilities, programs and amenities continue to meet the needs of the community.



The city's expansive network of open space and parks includes Margaret's Pond, above, and the 205-acre City Park, below.

Overview

Over the past 40 years, the city has acquired or built four award-winning recreation centers, over 50 parks including the 205-acre City Park, two new libraries, two award-winning golf courses, an extensive 100-mile trail system and thousands of acres of open space throughout the community. Today (2013), this system of parks, recreation and open space occupies approximately 32 percent of the city's land area (Figure 7-1). As a result, most residents can easily access the city's network of trails, parks and open spaces within a ten-minute, or half-mile walk. In fact, the Big Dry Creek Trail, one of the most popular trails in the system, is used by an estimated 100,000 people annually. Likewise, recreational, learning and library services are also a key component of city life. In 2012 alone, over 452,000 patrons visited one of the Westminster library facilities and over 60,000 people participated in recreation classes.

This update to the Comprehensive Plan marks an important paradigm shift for parks and recreation planning. As the city becomes more densely developed, there will be significantly fewer opportunities to physically expand the park and open space network. Instead, optimizing the use of the city's existing parks, recreation facilities and open spaces will be emphasized. Planning will be focused on improving access, maintaining and improving existing facilities, and enhancing the quality and number of active recreation opportunities in the city. Additionally, the city will identify opportunities for providing high quality, well-designed parks and plazas to serve new residents in higher-intensity, mixed-use urban environments like downtown Westminster and the Westminster Station Area. The Plan provides a framework for ensuring that the city's existing and future parks and open spaces continue to provide a high quality of life and experience in the city.

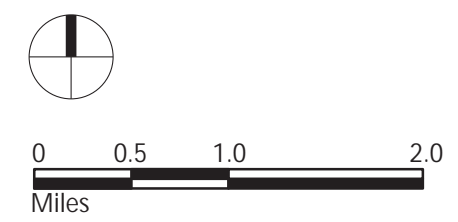
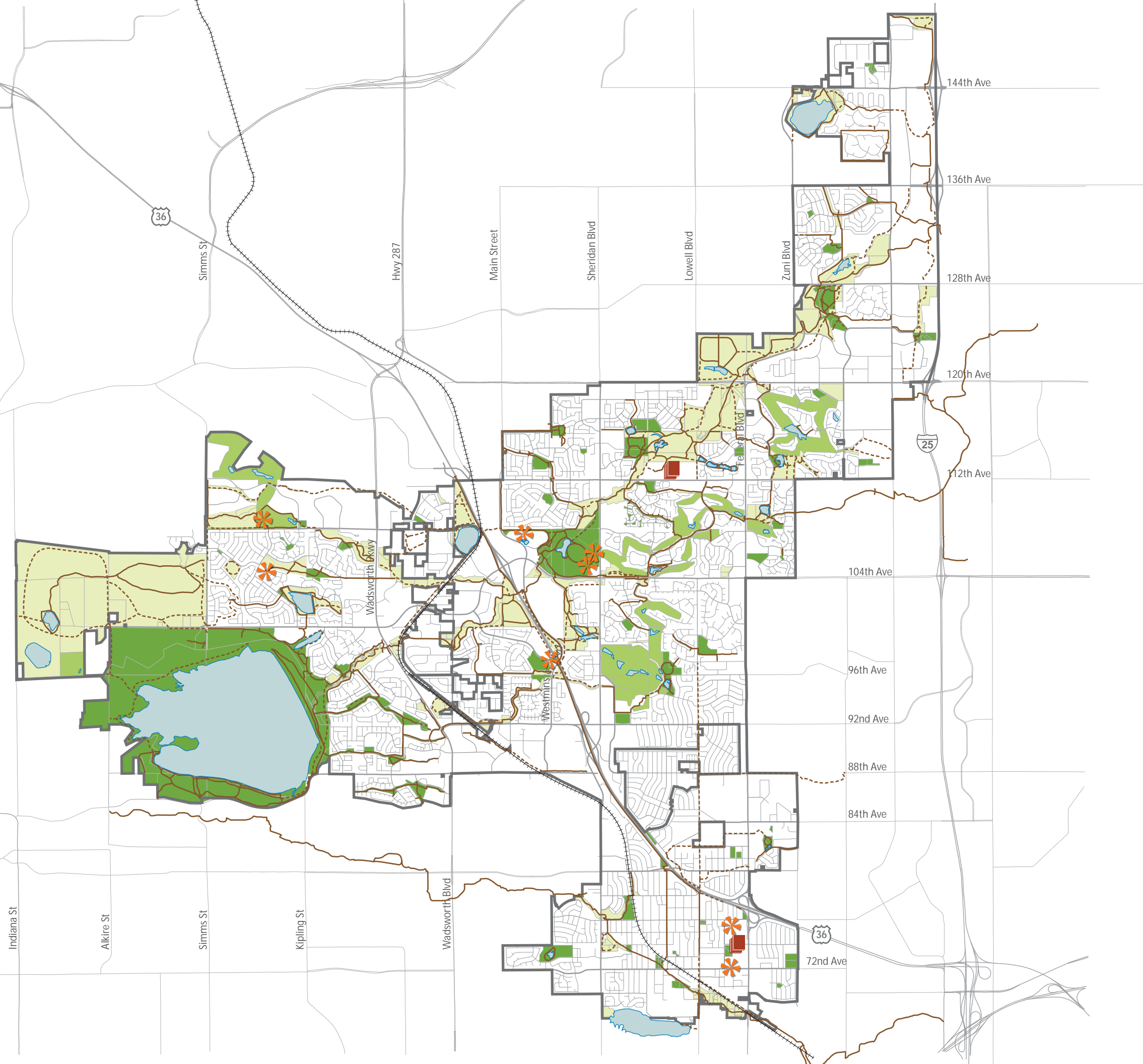
7.1 PARKS AND RECREATION

Parks and recreation facilities provide opportunities for leisure, informal sports and gathering as well as formal recreation, sports activities and programs. Well-designed park spaces can contribute significantly to a city's identity and sense of place. However, these spaces must be accessible, safe and well-maintained, and must meet the needs of the city's changing demographics, activity trends and expectations for quality programming. As the city shifts its focus from expansion to maintenance of the city's parks, recreation facilities and open space these elements of design and function will be increasingly more significant.

Figure 7-1: Parks, Libraries, Recreation & Open Space

Legend

- Public Parks
- City Owned Open Space
- Golf Courses
- Existing Trails
- Proposed Trails
- City Owned Recreation Facility
- Library
- Water
- City Limits
- Rail Corridor





Existing Parks and Recreation

The city currently maintains and operates 53 neighborhood, community and citywide parks, ranging in size from 1.4 to 200 acres and comprising almost 600 acres in total. The city also owns 45 acres of undeveloped parkland. In addition to the city’s neighborhood and community parks, the city operates the 2,327-acre Standley Lake Regional Park and multiple recreation and sports facilities. Westminster’s Parks and Recreation Master Plan provides a complete inventory of the city’s parks and community facilities, which is summarized in Table 7-1. A major element of the city’s parks and recreation system is the programming of sports and activities for youth and adults. These programs include sports leagues, trips for seniors, swimming, arts and crafts, preschool and fitness programs.

Parks and community facilities are classified based on size, function and characteristics, as described in Table 7-2. Aside from the Standley Lake Regional Park, located at the western edge of the city, the majority of park space in the city is classified as neighborhood and community parks. These parks are an integral part of the city’s high quality of life and are utilized by approximately 75 percent of the city’s residents on a daily basis.



Table 7-1: Parks, Recreation and Open Space Inventory		
Facility Type	Quantity	Total Acreage
Parks	54	2919.4
<i>Neighborhood Parks</i>	45	259.5
<i>Community Parks*</i>	7	160.0
<i>Citywide Park</i>	1	205.0
<i>Regional Park</i>	1	2327.0
Undeveloped Parklands		45.3
Special Use Facilities	15	484.0
<i>Recreation Centers**</i>	5	30.0
<i>Sports Facilities</i>	2	10.0
<i>Golf Courses</i>	2	414.0
<i>Other Special Use***</i>	6	30.0
Conservation & Open Space		3013.6
<i>Subtotal Public Parks, Open Space and Golf Course Lands</i>		<i>6,462.3</i>
Non-City Owned Golf Courses	2	291
Total Parks, Open Space and Golf Course Lands		6,753.3

Existing parks include the regional Standley Lake Park, above, and neighborhood parks like Faversham Park, middle, and Bishop Park, bottom.

**Includes the 205-acre City Park facility.*

***City Park recreation and fitness facility acreage is included in the total 205-acre City Park acreage. An additional 11 acres is undeveloped at the Park Centre/Northeast Resource Center.*

**** Refer to the City’s Parks and Recreation Master Plan for more detail.*

Table 7-2: Park and Open Space Typologies

Open Space Typology	Purpose	Description
<i>Conservation and Open Space</i>	Conserves natural amenities, views and habitats, providing opportunity for recreation and passive use.	<ul style="list-style-type: none"> • Ranges in character, function and size. • Activities could include hiking, biking, horseback riding and nature study. • Sometimes serve as trail corridors and linear open space or greenways.
<i>Trails</i>	Off-street system of neighborhood-, community- and region-wide trails that extend primarily through parks and open space.	<ul style="list-style-type: none"> • Concrete or crusher fine surface. • Used for recreation (jogging, walking, biking, riding) as well as bicycle commuting. • Connects to regional trail system.
<i>Regional Parks</i>	Citywide and regional destination that provides regional recreational activities with a diverse landscape and range of active and passive uses.	<ul style="list-style-type: none"> • Over 50 acres. • Often contain regulation-size sports fields, campgrounds, fishing docks, picnic facilities, trails, boating and/or swimming facilities, visitor centers, recreation facilities and group activity areas. • Also provide wildlife preservation.
<i>Citywide Parks</i>	Serves the entire city population and functions as a civic center for the community with a range of active and passive uses, events and activities.	<ul style="list-style-type: none"> • Ranges from 51 to 250 acres. • Provide active and passive recreation options, recreation facilities, open space and trails, playing fields, play areas, picnic areas, lakes, leisure and fitness centers and venues for events. • Connects to the regional trail system.
<i>Community Parks</i>	Provides opportunities for active recreation for the greater community.	<ul style="list-style-type: none"> • Typically between 15 and 50 acres. • Often contain multiple sports fields, community buildings, natural areas, and active play areas. • Often linked to regional trail system.
<i>Neighborhood Parks</i>	Provide a focal point and identity for neighborhoods while offering a mix of active and passive recreation space.	<ul style="list-style-type: none"> • 0.5 to 15 acres in size (0.5 to 1.5 acres in the TOD Area). • Include a mix of open play areas and passive seating and landscaped areas. • May include tot lots or play areas.



Urban Park and Plaza Classifications

<i>Pocket Parks</i>	Provides small, formal passive open space for both residential and commercial users.	<ul style="list-style-type: none"> • Range from 3,000 square feet up to one acre in size. • Include hardscape and shaded lawn areas, as well as informal seating.
<i>Squares, Plazas, or Greens</i>	Acts as a community gathering and event space.	<ul style="list-style-type: none"> • Include space for extensive seating and activity areas for large events. • Provide ample seating in the form of benches, raised planters, steps, and other design elements.

Special Use Facilities

<i>Recreation or Sports Facilities</i>	Serve the leisure, recreational, cultural and fitness needs of the community.	<ul style="list-style-type: none"> • Range in size from 25,000 to over 100,000 square feet (City Park). • Often contain gyms, fitness/workout components, arts and crafts, aquatics, classes and recreation programs, and meeting rooms. • May also be specific to a single use or sport, such as ice arenas, golf courses, indoor soccer, libraries, cultural amenity, or adult resource centers.
<i>School Parks</i>	Playgrounds and school facilities that are accessible by other members of the community.	<ul style="list-style-type: none"> • Often elementary and middle school facilities that can include playgrounds, ballfields, running tracks and gymnasiums.

Park Demand

As of 2013, Westminster offers 2,965 total acres of combined neighborhood, community, citywide and regional park space, equating to 27 acres for every 1,000 residents, exclusive of the city's open space and golf courses. Although the city's population is expected to increase by approximately 20 percent over the Plan horizon, with the addition of strategically located new park spaces and the city's existing supply, it is expected that the ratio of parks and open space will remain above 22 acres for every 1,000 residents. The city's vast amount of open space, if factored into the ratio, doubles the number of acres available for outdoor recreation and access for every 1,000 residents.



The Jessica Ridgeway Memorial Park is one of the city's most recent park renovations, completed in 2013.



A rendering of the planned Little Dry Creek Park pond, looking east from the south station plaza area towards Federal Boulevard.

Proposed Parks and Improvements

Although the Comprehensive Plan does not specifically designate new parkland, the city will identify sites for potential new parks as part of new and infill development. Provision of well-designed and strategically located new park space will be a specific focus for the downtown Westminster and Westminster Station area planning processes. Introduction of smaller pocket parks, squares and plazas will be focused in these higher-intensity, more urban areas in order to provide new residents a range of active and passive outdoor spaces within easy walking distance.

The most significant parks improvement underway is the new Little Dry Creek Park, which will be a 37.5-acre community park just south of the Burlington Northern Santa Fe rail corridor between Federal and Lowell boulevards. Additional new parks and improvements to existing facilities are outlined in the Parks and Recreation Master Plan, which is slated to be updated in 2014. Specific improvements to park facilities currently under study include increased native planting areas and reduced potable and reclaimed water consumption. Use of reclaimed water to serve the city's public realm is a priority for the city.

Needs Assessments

In addition to planning for new facilities as development occurs, the city conducts periodic surveys and needs assessments to ensure that trends in active and passive recreation uses in the city are met by its parks and recreation system. The most recent Parks, Recreation and Libraries survey, conducted in April of 2013, indicates that the Westminster community prioritizes:

- Protecting the natural environment and promoting environmental sustainability
- Creating and maintaining a more beautiful community
- Providing green, natural spaces within the community with parks, open space and golf courses
- Providing trails and paths for residents to use for exercise and non-motorized transportation
- Providing opportunities for residents to maintain or improve physical health
- Helping revitalize areas of the community through new or enhanced facilities

To complement the survey, a more thorough needs assessment is planned for 2015, which will help identify opportunities for improvements and optimization of the city's parks and recreation system.



7.2 COMMUNITY FACILITIES AND LIBRARIES

Year-round access to recreation and library services is a key amenity for the Westminster community. The city's active population has a range of indoor and outdoor opportunities for sports and fitness activities as well as educational and enrichment programs. As the city's population increases, maintaining the city's recreational offerings and availability will be essential for ensuring the continued high quality of life that current residents enjoy.

Recreation Facilities

Recreation and Sports Centers

The city operates five recreation centers with a range of uses, including the City Park Recreation and Fitness centers, Swim and Fitness Center, Westview Recreation Center and the MAC Center. These facilities are available to residents and non-residents. Additionally, the city has two sports centers, the Westminster Sports Center indoor soccer facility and the Ice Centre at the Westminster Promenade. The city also has agreements with other organizations and districts to provide residents additional recreational options. These organizations include the Hyland Hills Park and Recreation District, the Adams and Jefferson County Open Space Programs and Great Outdoors Colorado Trust Fund, the Butterfly Pavilion, and the North Metro Arts Alliance to provide recreational and cultural amenities for its citizens and visitors.

Golf Courses

Three public golf courses are located within the city. These include the Heritage at Westmoor Golf Course (18 holes), Legacy Ridge Golf Course (18 holes) and Hyland Hills Golf Course (27 holes). The City of Westminster and Jefferson County developed the Heritage at Westmoor Golf Course in the Westmoor Technology Park, north of 108th Avenue between Wadsworth Parkway and Simms Street in 1999. Development of this course provided a golf amenity in the western portion of the city and accelerated the development of the Westmoor Technology Park as a new major employment center. The Legacy Ridge Golf Course, located south of 104th Avenue between Sheridan and Federal boulevards, provides a high quality golf facility with a regional draw. This course was developed in 1994. Together, these courses comprise 414 acres in the city and accommodate over 64,000 rounds of golf annually.

Finally, the 230-acre Hyland Greens Golf Course, located at approximately 96th Avenue and Sheridan Boulevard, is owned and operated by the Hyland Hills Parks and Recreation District and open to the Westminster public. Additional private golf courses are located in the city, including the Ranch Country Club and Stoney Creek courses.



Community facilities include the Westview Recreation Center, top; City Park Recreation Center, middle; and the Legacy Ridge Golf Course.



Irving Street Library, above, is the most recent addition to the city's library system. College Hill Library, below, is a shared facility with the Front Range Community College.

Libraries

The city operates two libraries—Irving Street Library and College Hill Library, constructed in 2004 and 1998, respectively. The Irving Street Library is located in South Westminster, adjacent to the Irving Street Park on Irving Street at 74th Avenue. The College Hill Library on 112th Avenue is a joint public and academic facility for the city and Front Range Community College. Both libraries offer a variety of services in addition to media rental, including free wifi, computer access, and a variety of youth and adult services and events. These services reflect the ever-evolving technology and cultural needs of the Westminster community.

Planned Improvements

Planned improvements to city recreational facilities are outlined in the Parks and Recreation Master Plan. Facility improvements are focused on renovation and repair of older facilities, such as the recent improvements to the Swim and Fitness Center in 2012. These improvements included a complete renovation of the locker rooms with the addition of family changing rooms; improved handicap accessibility; improvements to the hot tub and sauna; and the addition of an outdoor patio area and splashpad. Future improvements to existing facilities will be similarly focused, and potentially more frequent as use of the facilities increases with new population.

In order to accommodate future population growth in the city, there may be need for an additional recreation facility to maintain the city's existing level of service for recreational facilities and programs. Likewise, new library or event space may be needed, as trends in technology, media and community meeting space evolve. Assessment of the location and timing of new facilities will be conducted in concert with planning for parks and programming to ensure that adequate space is available to serve the city's recreational needs.



7.3 OPEN SPACE AND TRAILS

Westminster's extensive open space system is a key element of its unique setting and identity as a Front Range community. The city has made preservation and protection of natural environments and habitats a priority, integrating their conservation into the physical development of the city. As a result, Westminster's visual landscape is rich with a variety of open spaces, trails, preserved historic sites and scenic vistas.

The city's extensive open space system began with authorization of an open space sales tax in 1985 to purchase land for preservation and natural habitat protection. Westminster was only the second city in Colorado to enact a sales tax for an open space acquisition program (after Boulder). As part of this effort, the city set a goal of preserving 15 percent of the city's overall land area as open space. With almost 14 percent of the city's land area preserved as of 2013, the city has begun to transition efforts from acquisition to the development of an open space management and operations plan that will ensure this vital resource will be preserved and maintained into the future. A more limited open space acquisition program will still continue.

Existing Open Space and Trails

Over the past 28 years, the city has acquired 3,014 acres of open space to be preserved for passive recreational use and protection of natural wildlife habitat. These open space areas can be found throughout the city, as shown in Figure 7-1, but are concentrated in the city's western area near Standley Lake and along drainage ways and irrigation ditches that cross the community, including Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. Preserved open space by creek and natural corridors is summarized in Table 7-3.

Existing open space in the city provides for protection of sensitive habitat areas and wildlife movement corridors, view corridors and preservation of open and rural landscapes. Additionally, the city's open space system provides recreation opportunities such as hiking, biking, fishing, horseback riding and nature study. Many of the city's open spaces are linear connections that follow major creek corridors or serve as buffers between developments. These linear connections allow for an extensive network of trails that play a vital role in the city, linking neighborhoods, parks, schools and employment areas to a citywide and regional trail system. In all, Westminster currently has over 100 miles of trails, as shown on Figure 7-1.

The city's open space and trail systems also connect to the larger regional system, particularly to the west of the city where vast areas of open space are preserved in the City of Boulder, Boulder County, Jefferson County and the Rocky Mountain National Wildlife Refuge.



The city's open spaces are a major asset for the community, providing trails (Big Dry Creek, top), wide open spaces for recreation and passive use (Hyland Ponds) as well as habitat for wildlife (Loon Lake, bottom).



Maintenance and improvements to the city's highly-used trail system will be a key focus of the open space program in the future.

Table 7-3: Preserved Open Space by Corridor

<i>Corridor</i>	<i>Acres</i>
Big Dry Creek	952.0
Little Dry Creek	76.3
Walnut Creek	187.2
Farmers' High Line and Niver Canals	135.9
Westminster Hills	1,029.2
McKay Lake	134.6
Hyland Ponds and South Hylands Creek	67.3
Wadsworth Wetlands	19.3
Vogel Pond	44.7
Natural Areas, Water, Trees & Wildlife	261.3
Other Areas	105.8
Total Preserved Open Space	3,013.6

Source: City of Westminster, October 2013.

Planned Improvements

Two master planning efforts serve the open space system—an Open Space Master Plan, which will be developed in 2014, and the city's Trails Master Plan. The Open Space Master Plan will be periodically updated and identify priorities for land acquisition and open space management. Future acquisitions will be limited and focused on protecting view sheds, preserving unique natural areas and purchasing properties that will improve trail access throughout the city. Enhancement of the city's open spaces will also be pursued including trail improvements and addition of educational areas in order to attract greater use of the system. However, maintenance and operations of the city's existing open space system will be the primary focus of future iterations of this plan, particularly as use of open space and trail facilities will only increase with the city's projected residential and employment population growth.

The Trails Master Plan identifies trails and connection points along the main trail corridors of Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. This plan was last updated in 2011 and provides a basis for trail connections in both open space and new development in the city. Almost 59 miles of new trail are proposed as part of this plan, as shown in Figure 7-1. These new trail alignments include completion of the Little Dry Creek Trail and other connections to facilitate the Refuge to Refuge Trail. Improvements to the open space and trails system are outlined in these master plans. This plan will be updated in 2014.



7.4 GOALS AND POLICIES

GOALS

- PRLO-G-1** Provide convenient recreational, wellness and literacy opportunities for all Westminster residents.
- PRLO-G-2** Provide new smaller, high quality parks that address the need of high-density and mixed-use developments.
- PRLO-G-3** Use the 2013 Parks, Recreation and Libraries (PRL) Needs Survey as an initial step to assist the development of a libraries master plan which will be completed in 2014; and an updated Parks and Recreation Master Plan (in 2015).
- PRLO-G-4** Provide easy and safe access to the city’s open space and trail network.
- PRLO-G-5** Ensure the city’s open space and trails network is well-maintained and continues to preserve sensitive habitats and environments.



Provision of park spaces that are accessible to all is important to the city. Located at approximately 105th Avenue between Wadsworth Boulevard and Reed Street, Sensory Park, above, provides a play structure accessible for both the physically and visually impaired.

POLICIES

- PRLO-P-1** As new development occurs, evaluate opportunities for development of new parks, facilities and programs to ensure that addition of new population in the city does not adversely impact the city’s existing quality and level of parks, recreation and libraries services.
- PRLO-P-2** Encourage design options that allow public gathering spaces for high-intensity development areas that are capable of supporting a variety of cultural and recreational activities.
- PRLO-P-3** Continue to identify and evaluate opportunities for property acquisitions that enhance access to the city’s trail corridors and public parks.
- PRLO-P-4** Ensure that all new residential development continues to contribute to the provision and maintenance of adequate parks, recreation facilities and open space to meet the needs of its new residents.
- PRLO-P-5** Develop a Westminster “brand” as it relates to the value of Parks, Recreation and Libraries in the community.
- PRLO-P-6** Conduct a community needs assessment for Parks, Recreation and Libraries to inventory what is already available and identify gaps to be addressed in future offerings by 2015.
- PRLO-P-7** Update the Parks, Recreation and Libraries Master Plan to reflect the city’s 2015 community needs assessment and planned emphasis on maintenance, operations and optimization of use.



Volunteers in the community help to maintain the city’s trail network.



Provision of sports courts and other active uses will be a focus of the city's needs assessment to ensure that residents have access to a wide range of activities and that parks spaces are maximized.

Parks and Recreation

- PRLO-P-8** Promote the development of park facilities that encourage pedestrian and bicycle access, provide a range of services and meet the needs of a variety of all ages and abilities.
- PRLO-P-9** Plan for new parks near downtown Westminster and Westminster Station that support redevelopment efforts and add to the image of the city.
- PRLO-P-10** Pursue updated master plans for City Park and Standley Lake Regional Park.
- PRLO-P-11** Pursue park landscaping and planting schemes that will reduce water consumption.

Community Facilities

- PRLO-P-12** Review infrastructure needs for recreation, and where appropriate, identify required improvements or new facility needs in the city's Capital Improvement Program.
- PRLO-P-13** Integrate mixed-use library facilities into high-intensity development areas, which should include library functions as well as cultural programs, event and meeting space. Evaluate the opportunity to locate such a facility within the downtown Westminster site.
- PRLO-P-14** Evaluate the possible alternative of locating library kiosks throughout the city to increase library access to all residents.

Open Space and Trails

- PRLO-P-15** Enhance and fund the city's open space properties to provide unfettered public access while preserving the environmental and wildlife integrity of the property.
- PRLO-G-6** Direct more resources to the management and operation of open space, reducing resources to acquisitions.
- PRLO-P-16** Develop an Open Space Master Plan for Operations and Maintenance.
- PRLO-P-17** Update and utilize the Trails Master Plan to develop connections between open space areas.
- PRLO-P-18** Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.
- PRLO-P-19** Work with the Adams County Open Space Program, the City and County of Broomfield Open Space and Trails Program, Jefferson County Open Space Program and Great Outdoors Colorado Trust Fund as partners in open space programs.



The city will continue to add to the city's open space network. One of the most recent purchases of open space property include a 9.9-acre area south of Big Dry Creek on the southeast corner of 112th Avenue and Sheridan Boulevard.

8.0

Public Utilities and Services



Although not as visible as parks or buildings, public utilities and services are an essential element of a city's quality of life and livability. Water quality and availability, the efficient removal and treatment of waste and waste water, and stormwater management are all essential to the function and quality of service in the city. These elements provide the backbone upon which parks, new development and the public realm can be built and maintained. Likewise, public safety services ensure that the city's amenities, neighborhoods and activity centers are safe and protected during emergencies. This chapter provides direction for continued high quality public utility and service provision. Additional services addressed that are not provided by the city include schools, electricity and gas, and telecommunications.



Overview

A key focus of the Comprehensive Plan is to ensure that the city can continue to provide adequate water supply and delivery to the Westminster community as it continues to grow in population and development intensity. Water availability and utilities infrastructure will be an important consideration of future land use choices moving forward. Utility sizing and availability will be particularly important for higher-intensity redevelopment areas like downtown Westminster. Additionally, increased recycling efforts and the city's water reclamation and recycled distribution system will continue to improve the city's efforts toward a sustainable future.

The Comprehensive Plan also supports efforts to ensure the community remains safe both on a daily basis and during emergency events. Continued expansion and improvements to the city's stormwater drainage system are planned, and public safety services will continue to be evaluated on a regular basis. Provision of utilities and services outside of the city's purview, such as public education, energy and telecommunications, will be evaluated for adequacy and potential improvements as new development is proposed.

The city's utility infrastructure ensures that all development in the city has adequate resources for operation. This includes water for landscape and site features, which for many sites in the city is provided by the city's reclaimed water infrastructure.



8.1 WATER SUPPLY

Water supply, treatment and distribution are essential elements of the city's high quality of life and services. Ensuring that all residents and businesses in the city have access to high quality water service, even in periods of drought, is a necessity for both existing and future development in the city. As the city intensifies and builds out, and water costs continue to rise, maintaining a water supply to meet demand will be a key focus of land use and water supply planning.

Water System

The city's water supply is composed of a system of raw water, potable water and reclaimed water (treated recycled water). The water supply system is centered on Standley Lake, which receives raw (untreated) water from several sources including Clear Creek, Coal Creek, and the West Slope via the City of Denver's raw water system. Currently, approximately 23,000 acre-feet of water is diverted to the city's water supply system each year. This water is treated at one of the city's two water treatment facilities and then distributed as potable drinking water throughout the city. The city's raw water supply is designed to meet the demand of the city in a drought equal to the most severe recorded drought. With Colorado's arid environment, the city aggressively works to protect existing water supply and ensure sufficient supply to meet future needs.

Reclaimed Water

The city complements its raw water supply by using highly-treated waste water, or "reclaimed water", for use as an irrigation source, while preserving potable drinking water for human consumption. During peak irrigation season, the city's Reclaimed Water Treatment Facility treats up to 10 million gallons per day of waste water from the Big Dry Creek Waste Water Treatment Facility with additional filtering and disinfection. This high quality reclaimed water currently provides an estimated 1,600 acre feet to 99 reclaimed water customers, including golf courses, parks, commercial properties, rights-of-way, and common areas of homeowners' associations. By 2035, a projected 3,500 acre feet will be treated and distributed to reclaimed water customers through separate reclaimed water distribution mains during summer irrigation months, significantly reducing the burden on the city's potable water system.



Standley Lake is the primary storage facility for the city's water supply, top. Bottom, the Labrynth Spillway, which is part of Standley Lake Dam.

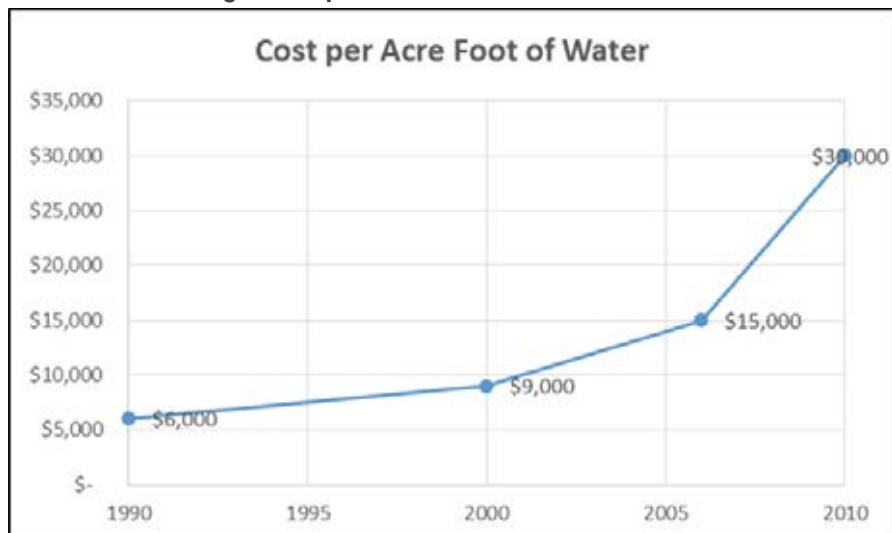
Water Conservation

In addition to efforts to expand recycled water availability to city water customers, the city also employs conservation efforts to address water supply and demand. Water conservation programs directed towards the consumer are focused on both indoor and outdoor water demands. Programs intended to reduce indoor water consumption promote water efficient fixtures and appliances through regulations and education. Outdoor water conservation is promoted through landscape regulations requiring water wise landscapes and smart efficient irrigation technology as well as offering free irrigation audits to existing customers that target water savings. The city's supply-side conservation measures are directed toward increasing water efficiency both before and after customer use. These strategies include improvements within the city's raw water collection and treated water distribution systems in terms of leak detection and repair, pipe replacement and corrosion control.

Water Costs

Over the years, the City of Westminster has purchased water rights from sources that complement the reliability and quality of its existing water supply. New water supplies must be within the basins that currently feed Standley Lake, which limits the market for where the city can seek to obtain new water. The cost for water rights that meet Westminster's requirements has risen steadily over the years. In 1990, water rights were able to be purchased for about \$6,000 per acre foot. By 2010, the average cost per acre foot had risen to \$30,000 per acre foot (as shown in Chart 8-1). This increase in the cost of water rights is anticipated to continue as competition for water rights among Front Range communities becomes greater and availability decreases over time.

Chart 8-1: Average Cost per Acre Foot Water





Future Water Supply

The city's Public Works and Utilities Department periodically updates the Comprehensive Water Supply Plan (CWSP). The CWSP evaluates the city's current water supply projection and projected water demands based on the Comprehensive Plan in order to quantify any expected deficits or surpluses. Based on assumptions for water consumption by land use, it is expected that the city's existing and planned water supply will meet the needs of projected development through the Plan horizon of 2035.

As the Front Range of Colorado continues to develop, sources of new water supply are becoming limited within the water basins on which the city relies. As such, the Comprehensive Plan reflects a balance of land uses that will allow the city to grow and evolve within a limited water supply. As the city becomes more densely developed, maintaining the balance between demand for water by new development and the city's water supply will be a significant factor in land use decisions. New development will be evaluated based on projected impacts to the city's overall water supply. This coordination of planning efforts between land use and water supply will be augmented by Plan policies aimed at water conservation, expansion of reclaimed water use and periodic monitoring to ensure the city can continue to provide high quality water service into the future.



Above, the Hyrdopillar provides additional water storage for the city.



Above, an original rendering of the Big Dry Creek Waste Water Treatment Facility. Below, Semper Water Treatment Facility.

8.2 WASTE WATER SYSTEM

The City of Westminster maintains the city's waste water collection and treatment system. Waste water is collected and treated in one of two facilities depending on location. The Big Dry Creek Waste Water Treatment Facility (BDCWWTF) at 130th Avenue and Huron Street treats waste water produced generally north of 92nd Avenue. Waste water generated south of 92nd Avenue is sent to the Metro Waste Water Facility in Denver (Metro). Much of the waste water treated at the BDCWWTF is diverted, after treatment, to the city's Reclaimed Water Treatment Facility for further treatment to produce reclaimed water for distribution as irrigation water. In 2012, the average BDCWWTF influent flow was approximately 7.13 million gallons per day and the average Metro influent was 2.58 million gallons per day. Based on the projected future development through the Plan's 2035 horizon, it is expected that both treatment facilities will have sufficient capacity to serve Westminster's potential new development, but collection system improvements to increase hydraulic capacity will be required over time.

The city completed an extensive survey of the age, condition and hydraulic capacity of its large-diameter sewer mains in 2011. As part of that effort several sewer pipeline projects were identified throughout the city and prioritized for repair or replacement. The adopted five-year Capital Improvement Program (CIP) prioritizes sewer improvements in south and central portions of the city. This work is needed to replace aged piping that is in poor condition and also to improve hydraulic capacity to support city growth, development, and redevelopment, particularly where higher intensity development is contemplated within the downtown Westminster and Westminster Station sites. Improvements for future years focus on repairs and replacement of sewers in the northern portions of the city. In addition to improvements to large collection sewers within the system, the city makes repairs to smaller, residential neighborhood sanitary sewer systems. These projects are evaluated and prioritized based on inspection reports completed every three years.



8.3 SOLID WASTE

The City of Westminster does not manage or operate trash and recycling services. Solid waste collection in the city is contracted independently by property owners and homeowners associations. Companies that are contracted must be licensed to offer the service through the Solid Waste Collection section of the Municipal Code. Solid waste collectors take trash to multiple landfills that serve the Front Range and Denver metro area, including Foothills Landfill in Golden, Denver Regional Landfill in Commerce City and Front Range Landfill in Erie. Capacity issues within these landfills are not anticipated.

All companies licensed to collect solid waste are also required by the city to offer curbside recycling options to all of their customers. Currently, 11 percent of all waste collected in Westminster is diverted from reaching the landfill by recycling or composting. As an additional option to curbside recycling, Westminster offers drop-off recycling services at various city facilities. It is planned that in the year 2015 the drop-off program will be consolidated into one collection site in South Westminster with hours of operation and staffing. For materials that are not easily recycled, the city offers a proactive education campaign connecting the community to other local recycling resources. The city also provides a free curbside home household hazardous waste collection program by appointment only.

In addition to household solid waste recycling efforts, the city supports and encourages construction and business recycling efforts. All city facilities provide recycling and composting for employees. Additionally, the city improvement projects incorporate recycling efforts. For example, the Westminster Mall demolition diverted approximately 90 percent of building materials from landfill. Additionally, 75 percent of the asphalt from the site was used for roadway construction along US 36, in coordination with CDOT. The Comprehensive Plan will continue to support both city and community efforts towards recycling and reuse.



Typical curb and gutters along local streets provide surface level storm water drainage. Ponds throughout the city provide detention as well as an amenity for open spaces, parks and development.

8.4 STORMWATER QUALITY

The City of Westminster is located within the South Platte River basin. Major drainageways within this basin that run through the city include Big Dry Creek, Little Dry Creek and Walnut Creek. Defined floodplains are located along these drainageways, providing a diverse environment of wetlands, water bodies and natural drainage areas that also provide important wildlife habitat. The city continues to identify opportunities to improve drainage and flood control throughout the city—an effort that will become more essential as the city builds out and intensifies in already urbanized areas.

Stormwater Management

The existing drainage system in Westminster is comprised of an integrated system of curbside gutters, underground storm sewers, drainage ditches, lakes, detention ponds, open channels and natural creeks. The city generally maintains drainage facilities within the public right-of-way, on public easements and on property owned in fee by the city. Components of the drainage system on private property, or within private drainage easements, are maintained by the underlying property owner, metropolitan district or other private party. As a Phase II MS4 community within the federally regulated National Pollutant Discharge Elimination System (NPDES) program, the city drainage system is required to comply with the State issued permit.

On a regional level, the City of Westminster falls within the Urban Drainage and Flood Control District (UDFCD) and actively participates with UDFCD on major drainageway planning efforts. These plans have been adopted by the city and many of the proposed capital improvement projects have already been constructed. Any new development that falls within a drainageway shown on a master plan will be required to follow UDFCD criteria for the design and construction of such facilities. Upon approval, UDFCD will assume long term maintenance of the drainage facility. In general, the city seeks to consolidate drainage facilities, particularly when serving higher density development. As the city becomes denser, planning impacts and improvements to the city's drainage system, as well as opportunities for expansion, will be evaluated and implemented in concert with new development.



Flood Control

Flood control is a key element of the city's stormwater management planning efforts. Flood waters are managed as part of the overall stormwater drainage system. The city partners with the UDFCD and Federal Emergency Management Agency (FEMA) for mapping of floodplains. Development and/or land fill within identified floodplains is not permitted. For several decades, the city has prohibited or severely limited development within the 100-year floodplain, including grading to modify the floodplain.

Based on the city's flood control measures and facilities, Westminster has a Class 6 rating through the FEMA Community Rating System (CRS) program—one of the highest ratings in the state. The Class 6 rating allows Westminster residents up to a 20 percent reduction on flood insurance for properties located in floodplains.



The Public Safety Center, located at 9110 Yates Street, houses both police and fire personnel.

8.5 PUBLIC SAFETY

The City of Westminster strives to maintain a safe, secure community. Both police and fire services are provided by the city as well as emergency management planning. Figure 8-1 shows the location of public safety facilities in the city. This section focuses on maintaining and enhancing the city's ability to respond to community emergency and safety needs.

Police Services

Police services are located in the Westminster Public Safety Center adjacent to City Hall on Yates Street, with one additional daytime substation located at the Orchard Town Center. As of 2013, the department employs 183 sworn officers and 79 civilian staff positions. Functions of the department include administration, patrol services, specialized services, and emergency/dispatch communications for both police and fire services. The department also participates in mutual aid agreements within the Denver metro area and North Central Region, which provides the participating agencies with additional resources when needed.

Performance Measures

The department aims to respond to emergency calls within five minutes. In 2012, the average response time was just over five minutes (5:19). Response times and staffing levels are continuously monitored and evaluated in an iterative process that will ensure new population and employment growth within the city is accommodated.

Planned Improvements

The anticipated growth in population and development through the 2035 Plan horizon can be accommodated by the department's existing facilities. Currently, an improvement plan is near completion to improve radio services citywide. The new radio system will entail new and improved technology to allow interoperability with surrounding agencies and a simulcast transmission system. These enhancements represent state-of-the-art and best practice radio technology to provide radio users with diverse radio systems and equipment that can effectively communicate with each other. This will allow for enhanced safety for the community as well as reliable and dependable service and communications.

Figure 8-1: Public Facilities


Legend

Public Facilities


 City Hall and Public Safety Center

 Fire Station

Public Schools


 Elementary School

 Middle School

 High School

 Front Range Community College

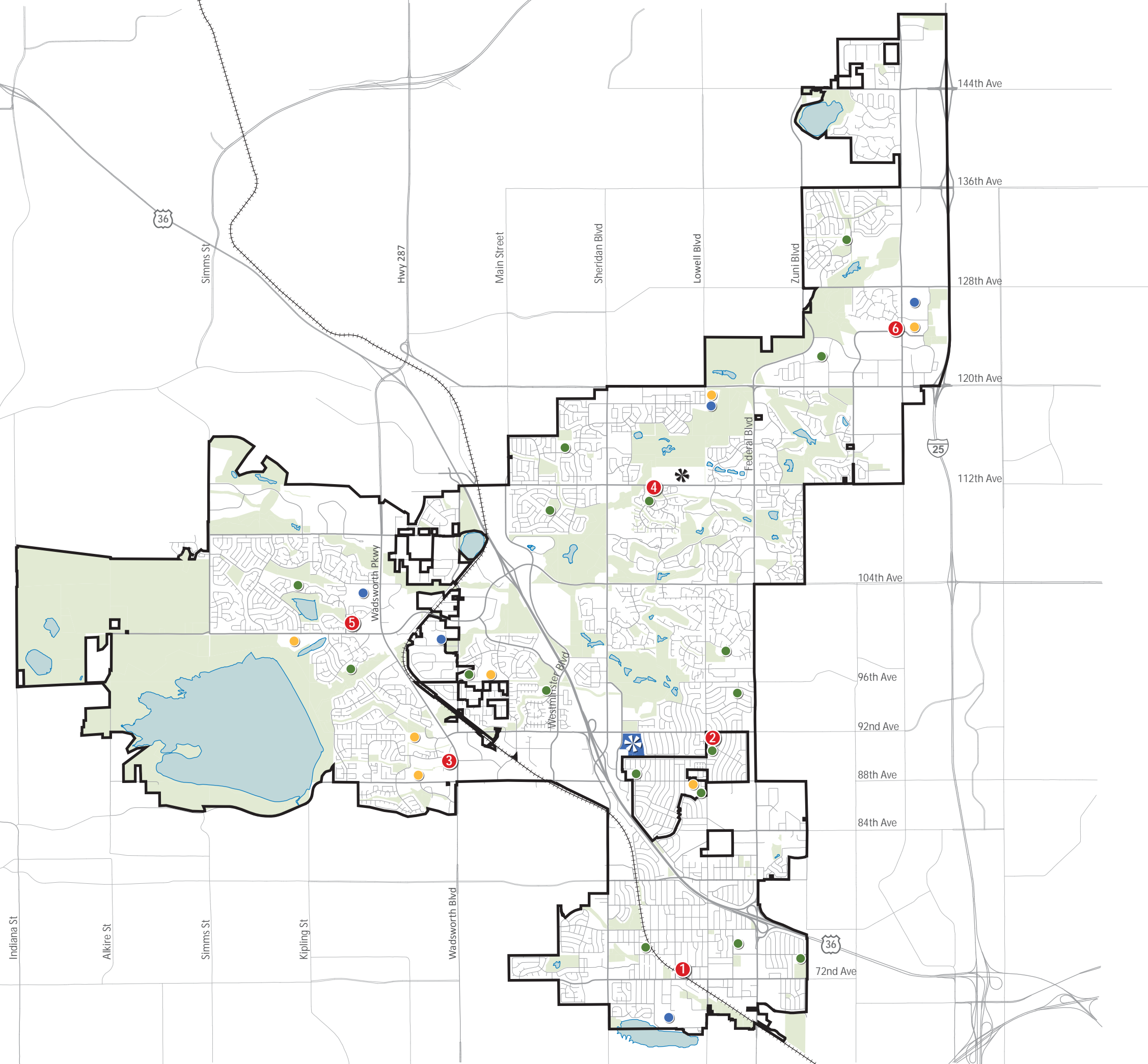
Planning Area

 Parks/Open Space/Golf Courses

 Water

 City Limits

 Rail Corridor





Fire & Life Safety Services

The Westminster Fire Department is based in the Public Safety Center, with the majority of staff and services located on site in six stations throughout the city. Overall, the department employs a total of 135.3 employees including fire fighters and six support staff. Equipment available at each fire station varies according to demand for each service area, with a total of four ambulances, (with a fifth ambulance placed into service as staffing allows), five fire engines and two ladder trucks. The department has mutual aid agreements with the Front Range regional jurisdiction as well as local municipalities including Arvada, Federal Heights, Thornton and North Metro districts.

The Fire Department also oversees and administers emergency management planning. This planning effort is integrated with all city departments for major disasters such as weather events, emergency management works with local businesses on continuity planning in the event of a local or larger disaster. Business emergency plans are regularly reviewed with emergency management and fire prevention. The department also provides public education to provide residents training on emergency preparedness in the home. Finally, a community risk reduction program has been started that will provide evaluation of all areas of the city, identify risks, plan strategies to address these risks, and take action designed to reduce or eliminate the risks.

All of the Fire Department's planning efforts are conducted as an ongoing process. The department maintains a strategic plan, last updated in 2011 for the 2012-2017 planning period. The plan will be updated in late 2013 for the 2014-2019 planning period. The Emergency Management Plan is reviewed annually and regularly updated every five years. Finally, the risk reduction program will be formalized into a planning document and regularly updated as part of the department's organizational planning efforts.

Performance Measures

The Fire Department uses performance measures to evaluate the quality and level of service provided to the community. The department's performance is measured on a regular basis in order to help identify timing for additional staff or equipment. In addition, the efficacy of the performance measures is evaluated on a regular basis in order to determine their effectiveness and whether they need to be modified to respond to changes in technology or environment.

Two key measures that the Fire Department uses include response-to-scene and on-scene time. Response-to-scene measures the time it takes for emergency personnel to arrive on-scene once a call is made, while on-scene time measures the time spent to access and care for an individual at the site of a medical emergency. In 2012, the department received 9,267 calls, which



Fire Station #2, located at 9150 Lowell Boulevard, is the city's largest fire station facility.



The city has shared service agreements with neighboring jurisdictions--an arrangement that benefits both Westminster and surrounding communities.

includes mutual aid responses to nearby cities. Approximately 70 percent of these calls were medical-related. The Westminster Fire Department averages just over five minutes (5:14) for arrival on-scene, with an aim to maintain a five-minute or less response-to-scene time. Regional medical expectations for on-scene time are 10 minutes for trauma and 15 minutes for all other medical calls. In 2011, the department averaged 11:44 minutes for trauma and 13:32 minutes for all other medical calls. The department will continue to work towards meeting these regional goals and ensuring quick response and on-scene time.

Planned Improvements

The Fire Department is not currently planning for new facilities. It is anticipated that the current distribution of fire stations in the city should be able to serve additional population expected through the Plan horizon. Intensification and renovations at specific stations may be contemplated in order to accommodate additional demand for personnel and equipment.



8.6 SCHOOLS

The city is served by three school districts: Jefferson County R-1, Adams 12 Five Star Schools (Adams 12) and Adams County District 50 (Westminster 50). Schools located within the city are administered by each individual school district. Within the city, there are 17 elementary schools, five middle schools and five high schools, as shown in Table 8-1. School sites are shown on Figure 8-1. Four public charter schools are also located within the city.

In addition to public schools, Westminster is home to several higher education facilities. The main campus of the Front Range Community College, shown in Figure 8-1, serves approximately 1,700 full and 4,700 part time students.¹ The campus includes a joint library facility that serves both the city and the college. Two additional private universities in the city include the University of Phoenix and DeVry University. Each of these schools provides both two and four-year undergraduate degrees as well as graduate level education.

Projected Enrollment

Existing enrollment and capacity for each school district serving Westminster is shown in Table 8-2. Based on the projected development through the Plan horizon, approximately 2,380 new students are anticipated citywide. Distribution of projected new students by district and school age is also shown in Table 8-2. In response to projected demand, and accounting for expected changes in demographics over time, it is expected that the Jefferson R-1 and Adams 12 school districts will not be significantly impacted. Accommodation of new students will be made at existing school facilities with the addition of modular classrooms or renovations or additions. The Westminster 50 school district may be more impacted based on distribution of potential new students. To the extent possible, students will be accommodated at existing facilities with modular classrooms, renovations or additions. A new elementary or combined elementary/middle school facility in the northern portion of the district may be necessary.

Planned Facilities

Planning and location of public schools within the city is directed by each district based largely on the location of existing school facilities and population projections in each neighborhood. As new residential development occurs, the city requires either land dedication or a cash-in-lieu payment to ensure adequate school infrastructure is available. Westminster Municipal Code section 11-6-8 outlines the methodology used to calculate fees and/or land



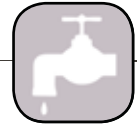
The DeSpain School House was one of the first schools built in the city. One of the more recent schools built is Westminister High School, with a 2012-2013 enrollment of 2,900 students.

¹ Front Range Community College, Admissions Department, September 2013.

Table 8-1: Public Schools Serving Westminster

<i>Schools</i>	<i>District</i>
Elementary (K-5)	
Arapahoe Ridge Elementary	Adams 12
Cotton Creek Elementary	
Rocky Mountain Elementary	
Betty Adams Elementary	Jefferson R-1
Lukas Elementary	
Ryan Elementary	
Semper Elementary	
Sheridan Green Elementary	
Witt Elementary	
Zerger Elementary	
Flynn Elementary School	Adams (Westminster) 50
Harris Park Elementary	
Mesa Elementary	
Skyline Vista Elementary School	
Sunset Ridge Elementary	
Westminster Elementary	
Middle (6-8)	
Silver Hills Middle School	Adams 12
Mandalay Middle School	Jefferson R-1
Moore Middle School	
Wayne Carle Middle School	
Shaw Heights Middle School	Adams (Westminster) 50
High	
Mountain Range High School	Adams 12
Standley Lake High	Jefferson R-1
Adco Alternative Center for Education	Adams (Westminster) 50
Hidden Lake High School	
Westminster High	
Charter Schools	
The Academy Charter School (Main Campus)	Adams 12
The Academy Charter School (North Campus)	
Woodrow Wilson Charter Academy	Jefferson R-1
Jefferson Charter Academy High School	
Crown Pointe Academy	Adams (Westminster) 50

1. Located in Adams County but serves City of Westminster students.
 2. Located in Jefferson County but serves City of Westminster students.



area for dedication. The city's land dedication requirements has resulted in many of Westminster's school sites being donated to the school districts at no cost. Identification of need and potential locations for new facilities will be addressed as development occurs within the city, in coordination with the appropriate school district. As such, no new facilities are identified on the Land Use Diagram.

Table 8-2: Projected Students and Accommodation in 2035 by District

	<i>Adams 50</i>	<i>Adams 12</i>	<i>Jefferson R-1</i>
Existing Capacity*	7,490	4,882	7,851
Existing Enrollment (2012)	5,405	4,646	5,387
Projected Enrollment Trends through 2017	Remain Level w/ slight decrease	Remain Level w/ slight increase	Remain Level
Projected New Students in 2035**			
Elementary	696	78	547
Middle	295	39	227
High	255	50	195
Total Projected New Students in 2035	1,246	167	969
Potential Accommodation Measures	Modular classrooms and/or renovations or additions to existing facilities; Boundary adjustments; New facility	Modular classrooms and/or renovations or additions to existing facilities; Boundary adjustments	Modular classrooms and/or renovations or additions to existing facilities

* Does not include charter or preschool programs. Also does not include schools that are currently closed or temporary buildings that may be on site.

**Based on projected new housing units through 2035 for the Comprehensive Plan and student per housing type assumptions provided by individual districts, 2013.

8.7 UTILITIES

Although the City of Westminster does not operate energy and telecommunications utilities, the city does benefit from ready availability of electricity and gas as well as high speed cable, phone and internet service. This section provides background on the city's utilities provision and accommodation of these services.

Electricity and Gas

Electricity and gas service for the city is primarily provided by Xcel Energy, a regional entity that provides energy to many states in the midwest. Xcel Energy's company-wide power supply is generated by a variety of fuel sources including coal (46.1%), natural gas (24.1%), nuclear fuel (12.2%), wind (12.2%), and a combination of other sources including water, oil, solar and refuse. Xcel generates approximately two-thirds of its own power and purchases the remainder from other electricity suppliers. Connection and user fees for all new development are charged in addition to service rates.

According to Xcel's 2011 Electric Resource Plan with the Colorado Public Utilities Commission (CPUC), the company anticipates nominal resource needs to meet demand by 2018. The company will continue to make significant changes to the power supply composition and operation, including to meet Colorado's Clean Air Clean Jobs Act. With their current wind and solar contracts and SolarRewards programs, the company expects to be in compliance with Colorado's renewable energy standard by 2020. At this point, the power supply composition will exceed 30 percent renewable energy. Future planning for energy provision is required by the CPUC every four years, with a resource planning horizon of eight years.

In addition to Xcel Energy service, a small portion of the city's northernmost extents is served by United Power. Additionally, some individual property owners, including the city, provide solar energy on-site with the use of solar panels. The city encourages on-site solar energy production for both residential and commercial uses. Location of on-site solar panels are subject to city zoning standards and guidelines to ensure visual impacts are minimized.



Telecommunications

The availability and quality of communications infrastructure directly impacts the city's business environment. While also a priority for residential use, high quality internet, fiber optic and cell service is a key amenity for employers. Although these services are not directly provided by the city, the Comprehensive Plan supports continued efforts to upgrade existing telecommunications infrastructure.

Cable and Internet Service

Cable and internet service for residents and businesses in the city is provided by Comcast and CenturyLink. These services are currently available to all areas of the city as well as to those that are likely to build out over the Plan horizon. Upgrades to the infrastructure are the responsibility of each private enterprise and will be evaluated and conducted in response to demand. The city holds a franchise agreement with Comcast to provide service in areas with a minimum density of potential subscribers. The city also supports and encourages higher quality service to key employment areas including Westmoor, the Church Ranch Focus Area employment center and North I-25 employment center as well as future employment clusters like downtown Westminster. Additionally, the city encourages undergrounding of all cable and internet utilities and will work with service providers to coordinate improvements as streets are constructed or improved.

Cell Towers

Westminster currently allows limited location of cell towers within the city on both public and private property. Current trends in cell tower improvements include larger panels and dishes to accommodate 4G and LTE cellular technology. The Comprehensive Plan encourages improvements to be made to existing equipment and towers wherever possible. The Plan also emphasizes reduced visual impact of cell towers and supports co-location of new facilities, integration of equipment into building design and stealth tower design. Specific criteria for tower location and design are provided in the Municipal Code.



Above, Clear Creek is a source of the city's raw water supply. Below, a shaft within the Standley Lake Dam.

8.8 GOALS AND POLICIES

GOALS

- PU-G-1** Ensure a safe and reliable water supply.
- PU-G-2** Ensure public health and safety by providing effective waste water collection and treatment.
- PU-G-3** Strive to provide exceptional water and waste water services at reasonable costs to city customers.
- PU-G-4** Provide a convenient recycling program for residents and businesses with a high level of participation.
- PU-G-5** Facilitate development and protect the community from adverse impacts of water runoff with efficient stormwater management.
- PU-G-6** Maintain a safe, secure community with high quality police and fire services.
- PU-G-7** Ensure all community members have access to high quality educational resources and programs.
- PU-G-8** Ensure all residents and businesses have access to high quality utility systems.

POLICIES

Water Supply

- PU-P-1** Conduct annual analysis of projected water supply and demand to ensure the city maintains a balance between supply and demand. Provide an annual water and infrastructure balance report to City Council to document progress and highlight decisions that have integrated land use and development decisions with water supply planning.
- PU-P-2** Ensure that new development does not result in water demand that exceeds the city's existing water supply. Proposed developments that exceed the water demand associated with the property's Comprehensive Plan land use designation will be evaluated on a case-by-case basis to ensure the city's water supply is not impacted.



- PU-P-3** Coordinate with the city's Planning Division in growth management competition evaluation of new development and long range planning efforts to ensure land use planning is in concert with water supply availability.
- PU-P-4** Maintain existing levels of water service for current and future development by preserving and improving infrastructure, replacing water mains as necessary, and improving water treatment facilities.
- Work with the Planning Division to identify and evaluate areas where intensification of land use is anticipated to occur to identify potential deficiencies in capacity or level of service.
 - Update the Capital Improvement Program to identify priority improvements.
- PU-P-5** Ensure that resource supply, infrastructure and operational resources remain at sufficient levels to meet the city's needs during fires, emergencies and severe drought conditions.
- PU-P-6** Continue to expand the reclaimed water system and encourage existing and new development to connect to and utilize the system.
- PU-P-7** Provide high quality potable and reclaimed water to customers that meets or exceeds all standards established by the federal Safe Drinking Water Act and State regulations.
- PU-P-8** Continue efforts to reduce water use in municipal buildings and city operations.
- PU-P-9** Encourage water conservation in new and existing construction through education, regulation and incentives when appropriate. Measures may include but are not limited to:
- Educational programs
 - Indoor and/or outdoor audits
 - Fixture and appliance incentives
 - Rates and fees
 - Requirements by the Municipal Code or regulation



Big Dry Creek Reclaimed Plant.

PU-P-10 Establish water saving and conservation standards for new development. Standards may include, but are not limited to:

- Efficient water fixtures and appliances
- Landscape design (see Westminster Landscape Regulations)
- Irrigation technology and performance
- Water efficient processes and equipment

Waste Water

PU-P-11 Collect and treat the city's waste water to high quality levels that meet or exceed all standards established by the federal Clean Water Act and State regulations.

PU-P-12 Maintain existing levels of waste water service by preserving and improving infrastructure, including replacing sewer mains as necessary within the Capital Improvement Program.

Solid Waste

PU-P-13 Continue reduction and recycling efforts within the city to divert increasingly larger portions of solid waste from landfills. Specific efforts include:

- Maintaining the requirement that every city licensed trash collector offer recycling to their customers.
- Educating the community on ways they can recycle curbside through their trash collector.
- Educating the community on ways they can recycle at city provided recycling drop-off locations.
- Continuing to provide disposal options for household hazardous waste disposal.

PU-P-14 Promote the importance of recycling industrial and construction waste.

Stormwater Quality

PU-P-15 Require new development to provide any needed storm drains and drainage facility improvements or expansions to the city's drainage system.

PU-P-16 Schedule and prioritize drainage improvement projects in the Capital Improvement Program.



- PU-P-17** Encourage development of consolidated facilities to support a higher intensity use of land in urban, high density areas.
- PU-P-18** Encourage low impact development measures to reduce water runoff for site improvement and construction activities.
- PU-P-19** Coordinate storm drainage and flood management with appropriate agencies, including the Urban Drainage and Flood Control District and Federal Emergency Management Agency.
- PU-P-20** Ensure that new development is compliant with the city's Stormwater Management Plan and the State's National Pollutant Discharge Elimination System requirements.
- PU-P-21** Ensure that development is not allowed within the 100-year floodplain. Grading or filling of floodplain areas, especially along Big Dry Creek, is generally prohibited to preserve natural areas and wildlife habitat.

Public Safety

- PU-P-22** Continue to provide timely response to all emergencies and achieve response time goals set by each department.
- PU-P-23** Support community involvement in emergency preparation and response through business and resident outreach efforts.
- PU-P-24** Update strategic plans in concert with Comprehensive Plan updates to ensure future residential, employment and visitor populations are adequately served.
- PU-P-25** Continue working to improve efficiency and interoperability for police and fire services with other local jurisdictions.

Schools

- PU-P-26** Work cooperatively with the Jefferson County R-1, Adams County 50 and Adams County 12 school districts to ensure that sufficient facilities are available to accommodate projected growth in the community.
- PU-P-27** Continue to work with the school districts serving the community to optimize joint use of school facilities for community use, including school playgrounds and sports facilities as well as auditoriums or cafeterias to host community meetings.

Utilities

- PU-P-28** Require new development to coordinate with all utility providers to assure quality services to residents and businesses.
- PU-P-29** Continue efforts to underground electric utilities as new development occurs throughout the city. Work with service providers to coordinate improvements as city streets are constructed or improved.
- PU-P-30** Work with cable and internet providers to enhance and expand service throughout the city, with emphasis on service delivery to existing and future employment areas.
- PU-P-31** Promote co-location and streamlining of cell tower utilities to the extent possible to minimize visual impacts to surrounding development and from public view.

9.0 Plan Compliance



This chapter provides an overview of plan compliance and implementation. Specific topics include consistency with development regulations and guidelines, growth management and planning for future focus areas. Additionally, city planning efforts that will continue to influence the implementation and future updates to the Comprehensive Plan are summarized.

9.1 COMPREHENSIVE PLAN COMPLIANCE

Mandatory Compliance Ordinance

The primary intent of the Plan is to provide information, guidance and direction for future development. Accordingly, the city enacted Ordinance No. 2475 in 1997 to effectively implement the Comprehensive Plan. This Ordinance requires all future land uses to be in compliance with the Plan with regard to use, density, development standards and other criteria set forth in the Plan. This includes compliance with the Land Use Diagram, the land use plan descriptions and land use categories contained in Chapter 2 of this Plan. The ordinance is intended to ensure that the key goals of the Plan with regard to land uses, density, housing mix, and other aspects of physical planning will be accomplished as development occurs. The goals and policies throughout this Plan will be considered for all new development.

The ordinance requires that prior to any rezoning of land or approval of any development application for a parcel of land within the city, a determination must be made that the proposed use of a parcel is in compliance with the Plan. Additionally, any property owner who wishes to change the established use of any parcel of land must comply with the Plan at the time such use is changed or the property is substantially redeveloped.

Development Regulations

In addition to the plan compliance requirements described above, the development of property within the city shall continue to be subject to all other procedures and regulations established for development pursuant to the Westminster Municipal Code. This shall include such considerations as site planning, architecture, parking, landscaping and other design criteria. Preliminary and official development plans pursuant to the Westminster Municipal Code shall continue to be required. In addition, special uses such as schools, churches, group homes and other designated special uses shall be processed pursuant to the city's procedures.



Design and Development Guidelines

The city conducts design review for new projects with design guidelines that correspond to residential and commercial land use categories. These design guidelines regulate site and building design elements for Retail Commercial, Single Family Detached, Single Family Attached, Multi Family, Senior Housing and Traditional Mixed Use Neighborhood Development. The guidelines are perceived as minimum design criteria, from which new development should be based and generally exceed. Additional guidelines may be developed for employment uses, mixed-use development and higher density residential development.

Vested Rights / Development Agreements

Land use designations shown in the Comprehensive Plan Land Use Diagram may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual development commitments, if any, will be reviewed and determined at the time of development plan approval.

9.2 GROWTH MANAGEMENT

The city's Growth Management Program was established in 1978 to aid the city in balancing growth with the ability to provide and expand services including water, water treatment, sewer, police, fire, and parks and recreation. The Growth Management Program establishes an annual allocation of "service commitments" that are adopted by resolution by City Council. Service commitments, each the equivalent of one single family residential water tap, are allocated based on the following factors:

- The amount of raw water that can realistically be acquired and be treated;
- The amount of existing raw water supply presently available from all sources which can safely be used for new growth without imperiling the city's ability to serve water to the existing Westminster water system consumers;
- The ability of the city to continue to balance between growth rate and consumer demands through orderly and cost effective expansion of utility systems;
- The ability of the city to continue the balance between growth rate and the expansion of transportation systems, fire protection services, police services, park and recreation services and other related city services; and
- The demand of a given proposed land use on the city's utility system compared to other land uses.

Award of service commitments to a residential project represents an agreement by the city to provide municipal services (e.g. water and sanitary sewer) to a project. The award is granted for a finite period of time, which is determined at the time of service commitment award. Service Commitment awards do not guarantee approval of a project. Nonresidential uses are also allocated service commitments on an annual basis. Service commitments that are allocated but are not awarded to new development during the year are returned to the water supply figures for use in future years. If projects apply for more service commitments than are allotted, City Council may award additional commitments on a periodic basis.



Residential Development Competition

Service commitment competitions are held to manage the number of new residential projects proceeding through the city’s development review process. Each year, a competition is held for awarding all five service commitment categories for residential development (Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing and Traditional Mixed Use Neighborhood Developments). Award of allocated service commitments for all categories except Traditional Mixed Use Neighborhood Developments is based on points received by providing “incentive” design items listed and detailed in the residential design guidelines for that category. Traditional Mixed Use Neighborhood Development proposals are reviewed by a design jury that makes recommendations to city staff, who in turn make recommendations to the City Council regarding awards.

9.3 FOCUS AREA SPECIFIC PLANS

Specific plans for focus areas identified in this Comprehensive Plan will be completed to provide more detailed direction for future development. The purpose of these plans is to ensure that development is planned and designed cohesively with a synergistic mix of uses; connected, multimodal circulation system; access to transit and public amenities; and adequate provision of public utilities and services. The location and boundaries of each focus area are identified in Figure 3-1. These areas include downtown Westminster, Westminster Station, North I-25, Church Ranch and Brookhill.

Implementation

The City of Westminster will coordinate planning efforts for each focus area and determine the appropriate time for plan preparation. A work program will be prepared to complete the plan, including a schedule for preparation and a program for public outreach. The plans at a minimum will include a cohesive vision for land use, urban design, multimodal circulation, public amenities and adequate utilities and services. Upon completion, each specific plan with associated rezoning or updates to the Comprehensive Plan, if applicable, will be adopted by City Council and incorporated by reference into the Comprehensive Plan.



9.4 OTHER RELATED PLANS

This section provides an overview of the various planning efforts conducted by the city. Regional and neighboring jurisdiction planning efforts are also summarized.

City of Westminster Planning Efforts

Planning for all community amenities, infrastructure and services will continue to be conducted on a more detailed level by individual city departments. The plans referenced in each appropriate section of the Comprehensive Plan are incorporated by reference. Ongoing planning efforts throughout the city are described below.

Community Enhancement Planning

The city adopted its first Community Enhancement Master Plan in 1992, which was last updated in 2006. The plan focuses on enhancements to the city's physical fabric to serve Westminster's citizens, provide a strong foundation for existing development and to attract future development and employers to the city. Key elements that the plan focuses on include roadways (streetscapes), districts and landmarks, and view corridors. The Community Enhancement Master Plan provides additional detail, direction and design guidelines beyond the Comprehensive Plan and should be referenced as new projects are proposed.

Neighborhood and Area Planning

In 2001, City Council adopted the South Westminster Strategic Revitalization Plan, which is intended to provide guidance in developing programs and funding projects within the South Westminster area. The plan was last updated in October 2011, and includes strategies in four general areas: housing, economic development, community image and character, and public facilities and services.

Additional planning for areas in the city will be completed as specific or area plans, such as those underway for the downtown Westminster and Westminster Station focus areas. The city will also continue to participate in inter-jurisdictional planning with neighboring cities and counties. Unless otherwise stated, the goals and policies of the Comprehensive Plan shall take precedence over specific and area plans, if a discrepancy should occur.

Transportation and Circulation Planning

The city maintains a Comprehensive Roadway Plan that evaluates levels of service and roadway capacity for vehicle travel, recommends improvements and identifies priorities for the Capital Improvement Plan. Additional planning for circulation in the city includes the Bicycle Master Plan, completed in 2010, and various streetscape plans and improvements.

Parks and Open Space Planning

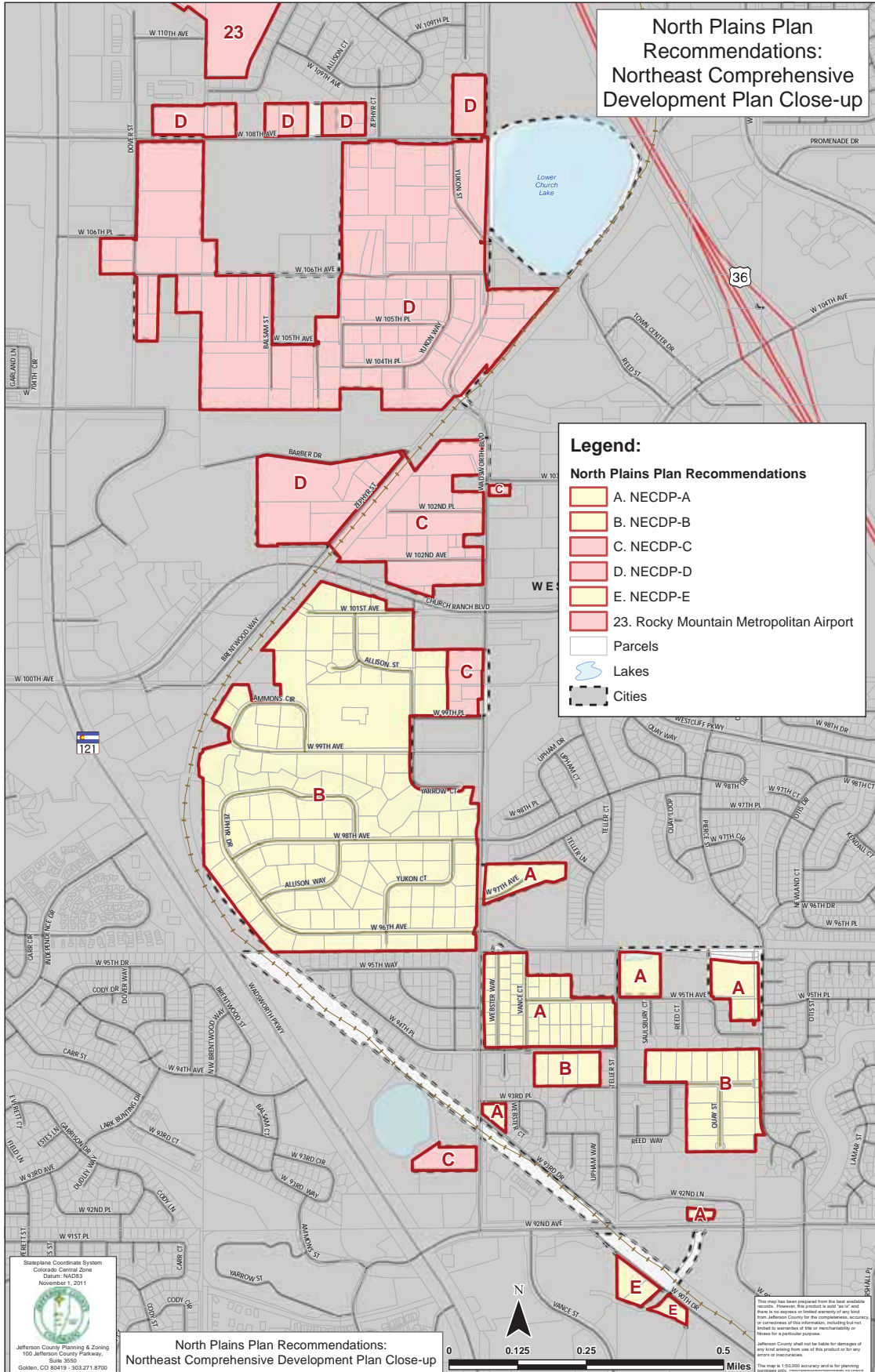
The Parks, Recreation and Libraries Plan provides guidance for improvements to existing city facilities and identifies potential new facilities and programs to serve the needs of the community. Park and facility types are described as well as performance measures. The city's Parks, Recreation and Libraries planning also includes periodic needs assessments and performance evaluations to best plan for future need. The city's Trails Master Plan serves as a guide for where improvements and new connections should be made within the overall trail network. Open space planning will be refined by completion of an Open Space Master Plan in 2014. This plan will focus on improvements, maintenance and operation of the city's extensive open space network.

Public Works Planning

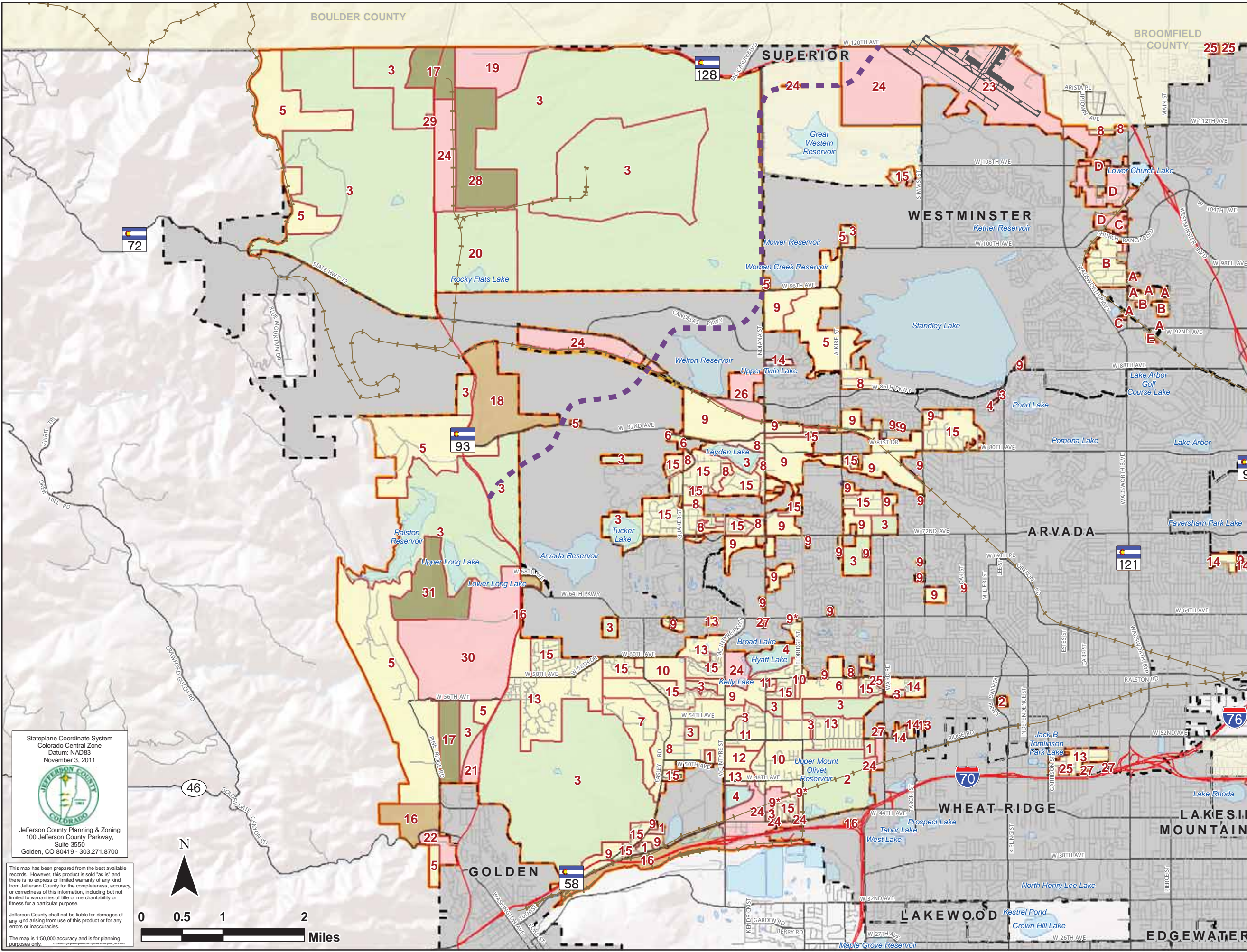
The Utilities Planning and Engineering Division of the city uses several master plans for long term planning of the city's water and wastewater infrastructure. These plans are written and periodically updated to be consistent with land use and development direction established by the Comprehensive Plan. These plans include the Comprehensive Water Supply Plan, Water Conservation Plan, Reclaimed Water Master Plan and Wastewater Master Plan. Additional master plans for infrastructure systems are also maintained.

APPENDIX A

Jefferson County North Plains Plan



North Plains Plan Recommendations



Legend:

North Plains Plan Recommendations

- 1. Schools/Museums
- 2. Cemetery
- 3. Open Space
- 4. Water
- 20. Section 16
- 5. Rural Residential
- 6. Special Character
- 7. 0.5 du/ac
- 8. 1 du/ac
- 9. 2 du/ac
- 9*. 2 du/ac/Equestrian
- 10. 2.5 du/ac
- 11. 3 du/ac
- 12. 3.5 du/ac
- 13. 4 du/ac
- 14. 5-12 du/ac
- 15. Fully Platted - Compatible Lot Size
- A. NECDP-A
- B. NECDP-B
- E. NECDP-E
- 16. Utilities
- 18. Sanitary Landfill
- 17. Mineral Extraction
- 28. Mineral Extraction
- 31. Mineral Extraction
- 19. NREL Wind Farm
- 21. Office/Light Industrial/R&D
- 22. Neighborhood Commercial
- 23. Rocky Mountain Metropolitan Airport
- 24. Industrial
- 25. Limited Commercial
- 26. Neighborhood Commercial/Mixed Use
- 27. Office/Light Industrial/R&D
- 29. Restaurant
- 30. Activity Center
- C. NECDP-C
- D. NECDP-D
- North Plains Boundary
- Lakes
- Cities
- Proposed Beltway Alignment
- Adjacent Counties

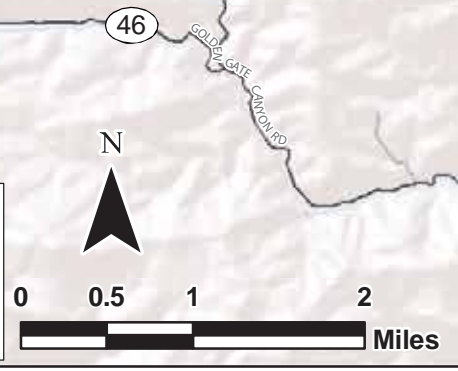
Stateplane Coordinate System
 Colorado Central Zone
 Datum: NAD83
 November 3, 2011

Jefferson County Planning & Zoning
 100 Jefferson County Parkway,
 Suite 3550
 Golden, CO 80419 - 303.271.8700

This map has been prepared from the best available records. However, this product is sold "as is" and there is no express or limited warranty of any kind from Jefferson County for the completeness, accuracy, or correctness of this information, including but not limited to warranties of title or merchantability or fitness for a particular purpose.

Jefferson County shall not be liable for damages of any kind arising from use of this product or for any errors or inaccuracies.

The map is 1:50,000 accuracy and is for planning purposes only.



North Plains Plan Recommendations

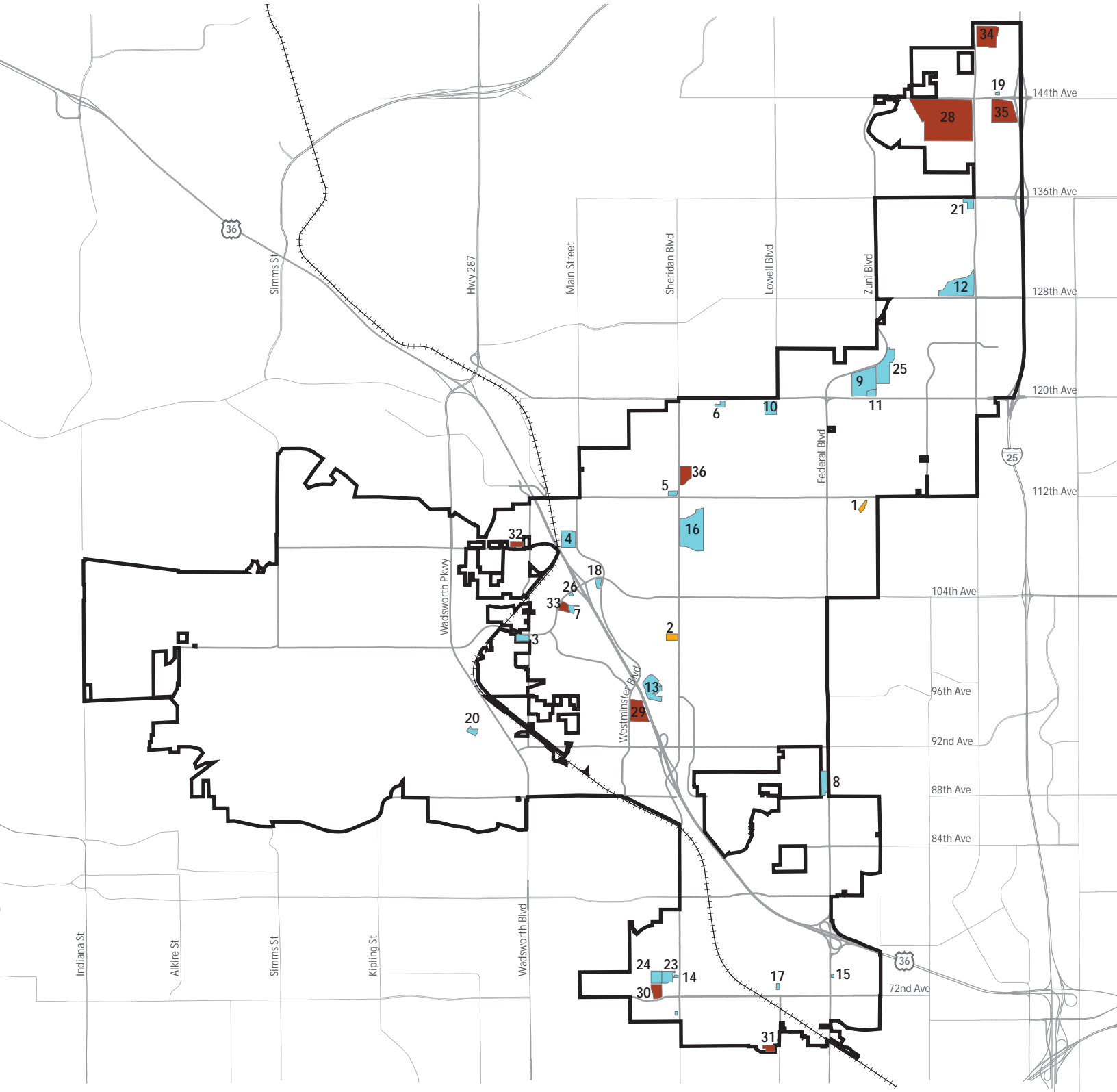
APPENDIX B

Table B-1: Current Development Projects as of October 2013

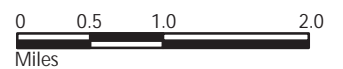
	<i>Development Name</i>	<i>Acres</i>	<i>Land Use</i>	<i>Dwelling Units</i>	<i>Building Area (sqft.)</i>
Approved Projects					
1	Cedar Bridge (Fatch Enterprises)	2.8	Residential R-5	3	
2	Amberwood Estates (NCF Construction & Design, LLC)	4.8	Residential R-3.5	13	
Proposed Projects					
3	Anthem Group Care Facility (Anthem)	4.9	Residential R-18	60	
4	Axis (Urban Pacific)	14.9	Residential R-36	465	
5	Benton Park (HCA-Healthone, LLC)	2.3	Office		9,352
6	Bradburn Commercial Building (Continuum)	2.9	TMUND		37,371
7	Church Ranch Home Place Filing No 9	2.9	Retail Commercial		
8	Cottonwood Village (Fairfield Homes)	8.7	Residential R-18	62	
9	Country Club Highlands (Century Homes)	36.8	Residential R-3.5	102	
10	East Bradburn (Century)	10.4	TMUND	62	
11	First Citizens Bank (First Citizens Bank)	3.8	Office		27,400
12	Huron Plaza (HEC Land Investments, LLC)	36.8	Residential R-2.5	83	
13	Hyland Village (New Town Builders)	37.0	TMUND	146	
14	Jiffy Lube (Terraform Companies)	0.6	Retail Commercial		3,500
15	LaConte (Costa Gallegos)	0.6	Retail Commercial		1,753
16	Legacy Ridge West Filing 08 (Ryland Homes)	47.0	Residential R-3.5	152	
17	Lowell Plaza (Everwood Development LLC)	1.2	TMUND	48	6,000
18	Northpoint Center Filing 01 (24 Hour Capital Ventures)	3.1	Office/R&D Low		39,379
19	Panera (Breads of the World, LLC)	0.7	Retail Commercial		4,639
20	Parkside Trails (Golden Development Company)	3.6	Residential R-8	23	
21	Quail Crossing Commercial, Lots 3,4,and 5	10.5	Retail Commercial		16,266
22	Shoenberg Farms (Walmart Real Estate Business Trust)	0.6	Retail Commercial		4,500
23	Shoenberg Farms Commercial, Tract A (Berkely Homes)	6.1	Residential R-8	52	
24	Shoenberg Farms Residential	2.7	Residential R-8	24	
25	The Registry / LongsView (Corum)	25.4	Residential R-18	312	
26	Westminster Gateway	0.7	Retail Commercial		5,000
Projects Under Construction					
27	East Bay #2 (East Bay LLC)	4.2	Residential R-18	54	
28	Huntington Trails (various)	140.1	Residential R-2.5	64	
29	Legacy Villas at Green Acres (Nuszer - Kopatz)	6.5	Residential R-18	64	
30	Marriott Hotel (Etkin Johnson)	5.0	Retail Commercial		159,500
31	My Business Park at Mandalay (My Reality LLC)	4.4	Flex/Light Industrial		46,905
32	Saint Anthony's North Health Campus	33.0	Office/R&D Low		349,972
33	Shoenberg Farms (Century)	8.5	Residential R-18	78	
34	The Orchard (McWhinney)	27.0	Residential R-18	384	
35	Westfield ODP, PUD Parcel C (Standard Pacific)	20.3	Residential R-5	2	
Total		520.8		2,269	711,537

Source: City of Westminster, October 2013

Figure B-1: Current Developments (10/13)



- Approved Project
- Proposed Project
- Under Construction



APPENDIX C

The Comprehensive Plan Land Use Diagram, shown in Figure 2-2, is enlarged and separated into four areas of the city: Central, Northeast, Southeast and West. These four areas are shown in the key image below.

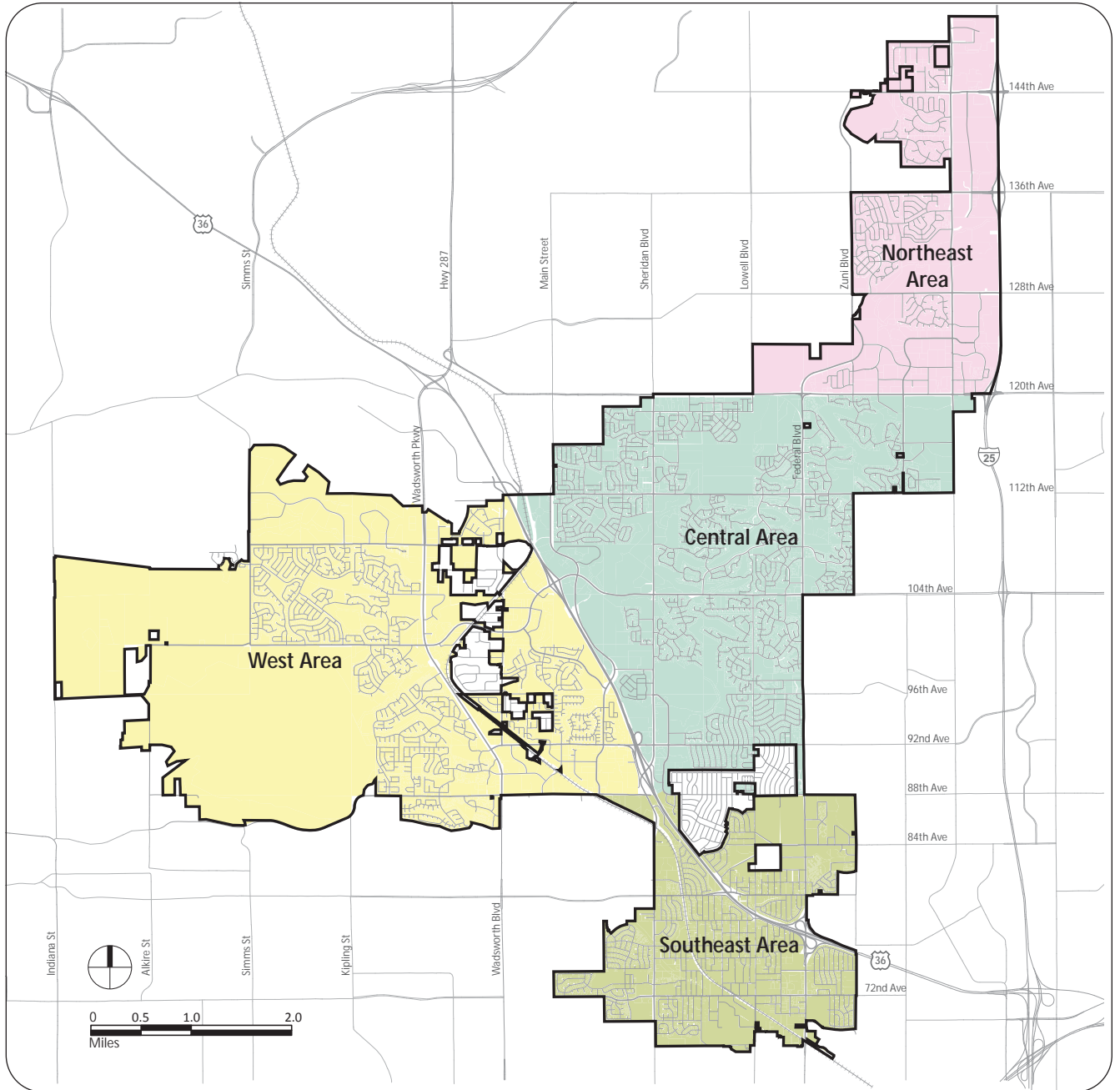
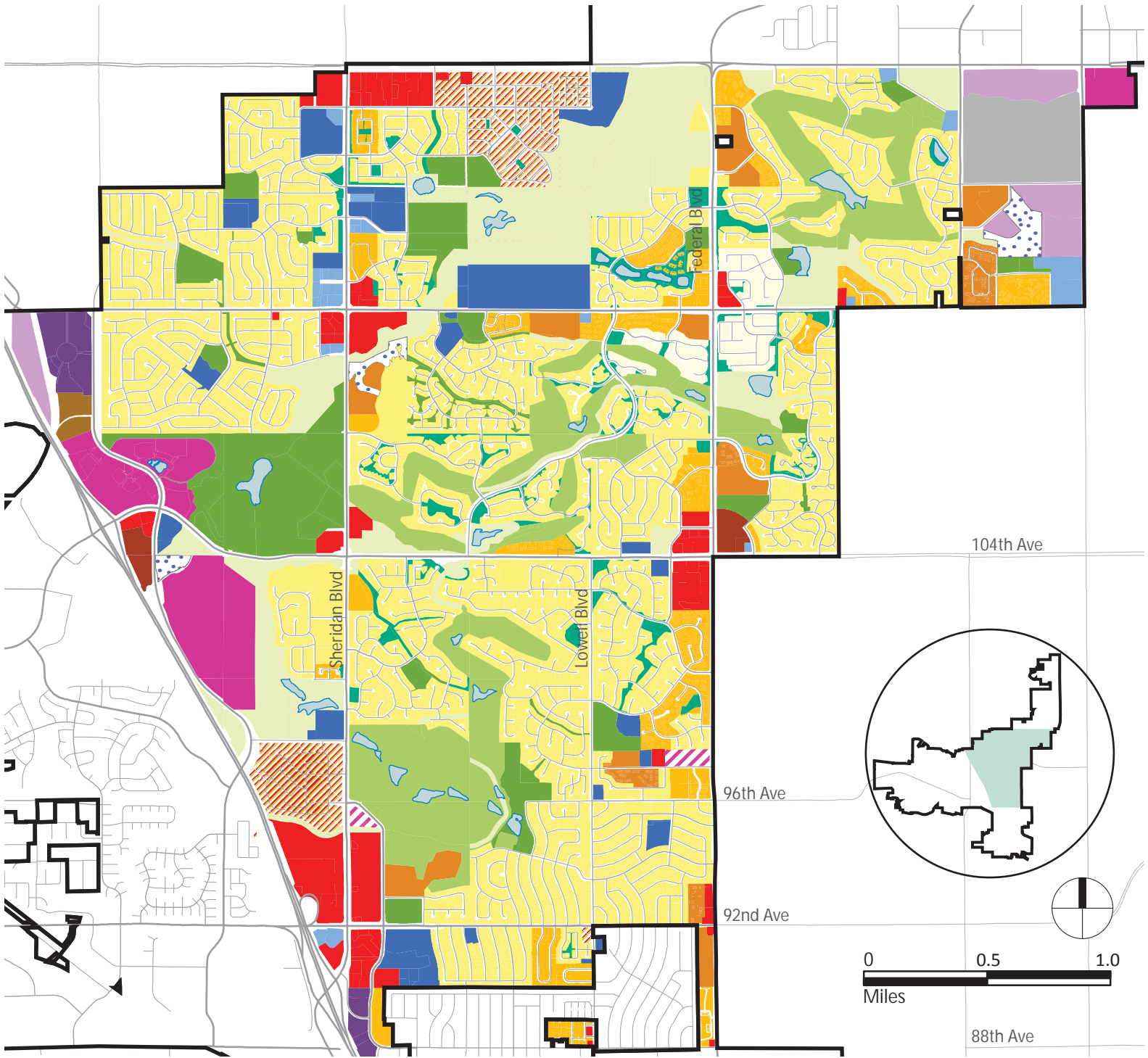


Figure C-1: Central Area Land Use Diagram



























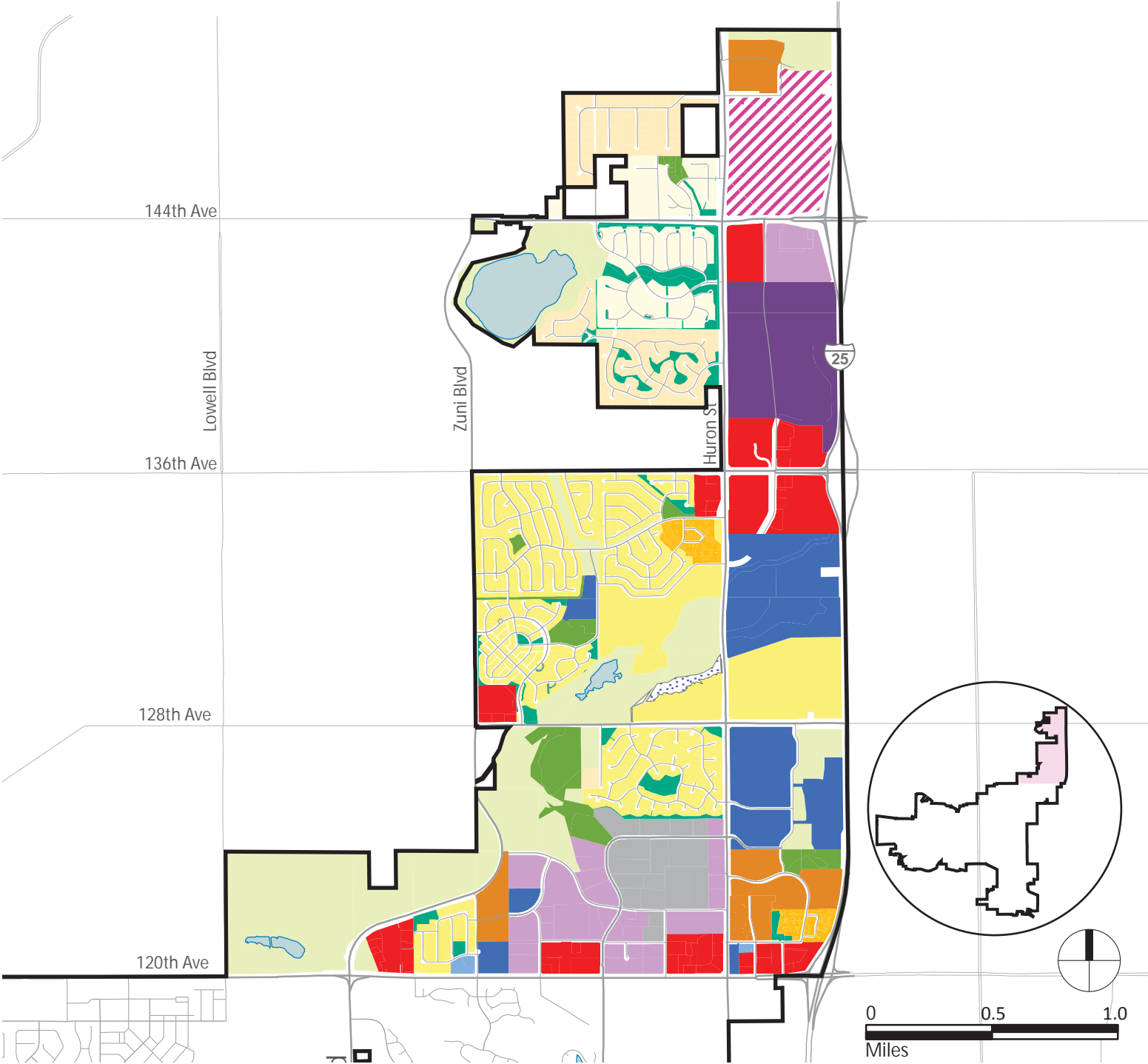
- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Figure C-2: Northeast Area Land Use Diagram



























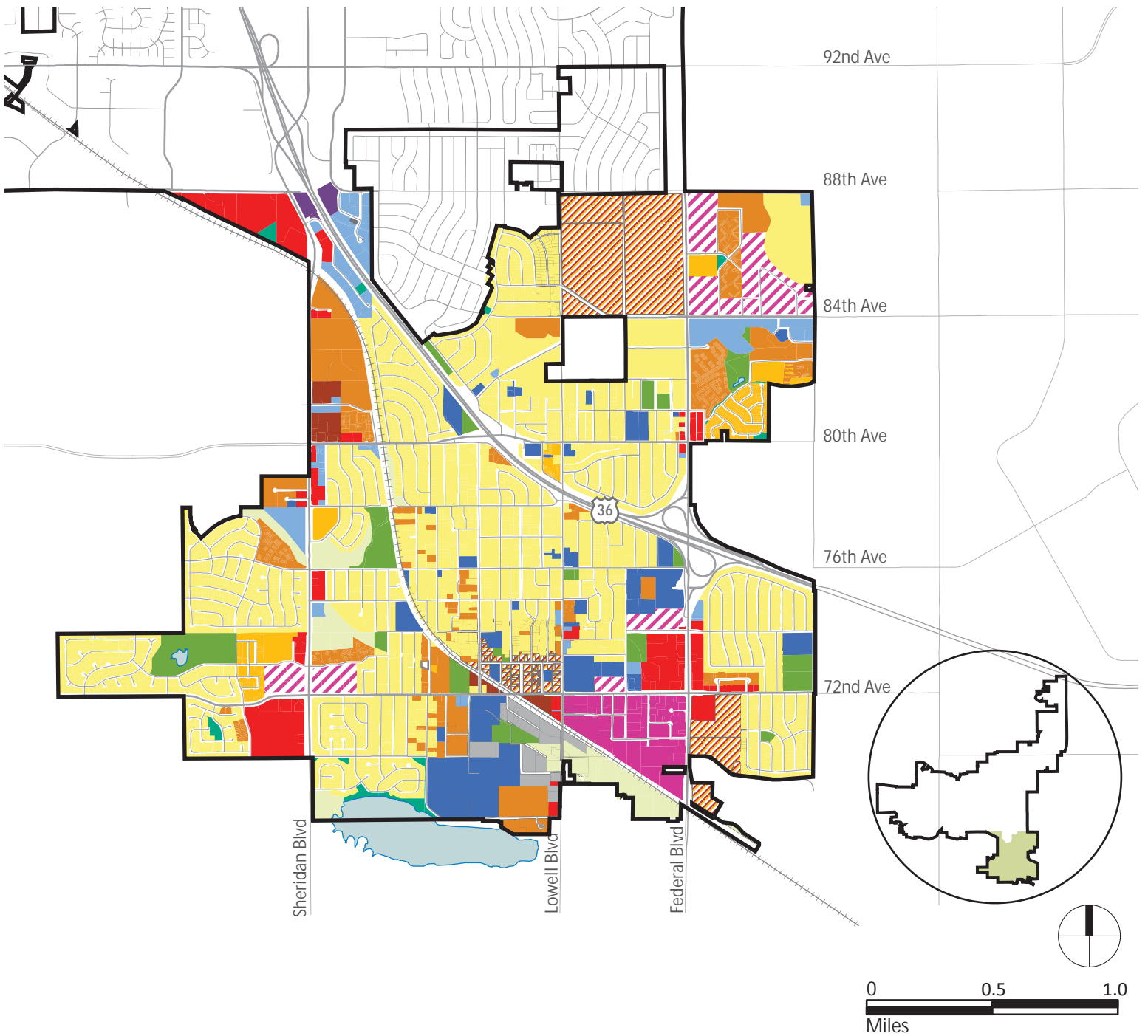
- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Figure C-3: Southeast Area Land Use Diagram



























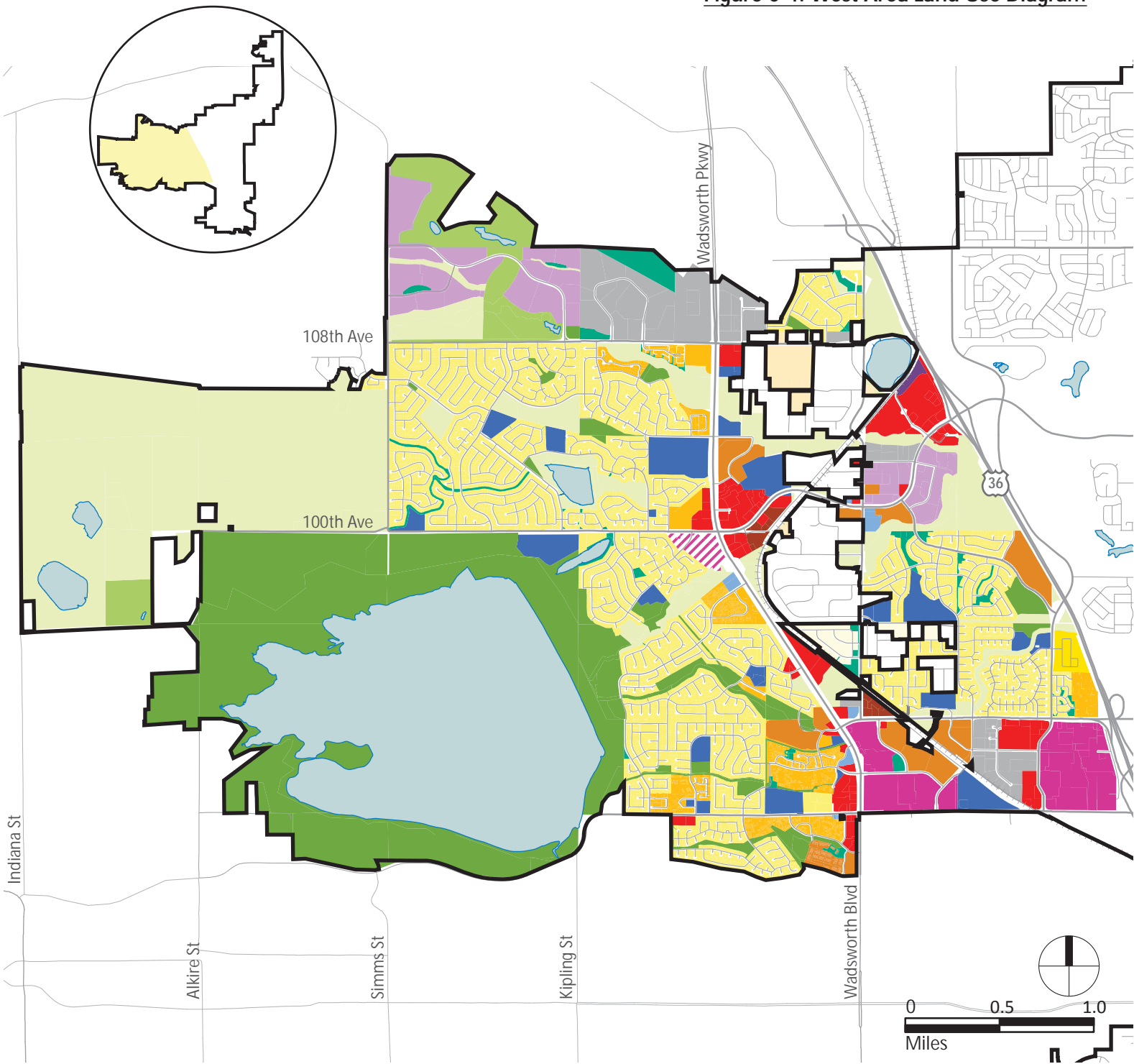
























- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Figure C-4: West Area Land Use Diagram



- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

WESTMINSTER



Comprehensive Land Use Plan Update Initial Outreach Summary December 2012



WESTMINSTER

The City of Westminster has commenced an update to the 2004 Comprehensive Land Use Plan (CLUP). The first phase of this update includes a combination of public outreach and analysis to help develop and refine key issues to be addressed as part of the Plan Update. Earlier this year, in April 2012, the City conducted a Citizen Survey that measured residents' perception of city services, quality of life and image. In November 2012, a more focused round of public outreach was conducted with over 40 community stakeholders. This summary provides an overview of the input gathered from these efforts and highlights key issues for consideration in the Plan Update process.

Westminster Citizen Survey

In the spring of 2012, the City conducted its 11th Citizen Survey. The survey asked residents to rate their satisfaction with the city's quality of life, amenities and local government. While the survey was broad in scope, many of the questions asked of the community are directly applicable to the Comprehensive Plan Update. Responses to these questions, which range from quality of life issues to service provision, are summarized below. A complete summary with tabulated results of the Westminster Citizen Survey can be found on the City of Westminster website at www.ci.westminster.co.us/CityGovernment/CityManager/CitizenSurvey.aspx.

Quality of Life

Overall, the vast majority of Westminster residents have a positive view of the city's quality of life. Lower ratings for the overall quality of life were provided by residents living in South Westminster, with 10 to 15 percent fewer residents (as compared to other areas in the city) responding with a positive rating. Residents also weighed in on specific aspects of quality of life, including whether the city is a good place in which to live, raise children and retire. In general, residents

considered Westminster a “very good” or “good” place in which to live and raise children, with fewer believing the city was a good place to retire. These results are similar to other jurisdictions in the nation and Front Range, although Westminster has higher than average ratings as a good place to retire.

Residents were also asked to evaluate the importance of different physical attributes and amenities as they relate to the City’s quality of life. A sense of safety and the quality/variety of neighborhoods were of highest importance to residents. Additional attributes rated as highly important included the physical appearance of development, services provided by the City, convenience of shopping, open space/trails and parks/playgrounds. Respondents from the South Westminster area, as well as those living in attached homes, were more likely to rate access to transit, convenience of employment and other city services as “highly important” than residents in other areas and household types in the city.

The city was also rated as a place of employment. Ratings for the city as a place to work were similar to the national benchmark but below that of the Front Range, although the majority of residents viewed it favorably. Job opportunity was viewed by about a third of residents as being “good” or “very good”, with the remaining majority citing it as neither good or bad. However, in comparison to the rest of the country and Front Range, job opportunity in Westminster was rated much higher than the benchmarks.

City Services and Amenities

Westminster’s ratings for the overall quality of city services were also much above the benchmarks for the nation and the Front Range. Over 80 percent of respondents rated the City’s quality of services positively. When queried about the quality of specific City services and amenities, residents rated the appearance and maintenance of parks and recreation facilities and fire protection as having the highest quality. Those services with the lowest rating included street repair and economic development. Some services displayed a decrease in perceived quality, including police protection, snow removal and emergency preparedness. Services that rated below the national and/or Front Range benchmarks included libraries, emergency medical/ambulance service, trails and sewer services.

In addition to rating the quality of services, residents were asked to rank services and amenities by importance. Those that were ranked of greatest importance to the community included police and fire protection and preparedness, drinking water quality, street maintenance and economic development.

City Image and Physical Environment

Survey respondents were asked the extent to which they agreed or disagreed with a number of statements that potentially described their image of the City of Westminster. “Beautiful parks/open space” and “environmentally sensitive” topped the lists of phrases that best described the city. Slightly fewer residents agreed that they would describe the City’s image as “innovative and progressive” and as having “vibrant neighborhoods”. Additionally, over 80 percent of residents rated the physical attractiveness of the city as “very good” or “good”.

Residents were also asked to rate the quality of their neighborhoods. The majority rated their neighborhoods positively. Households with lower incomes tended to be more critical of the overall quality of their neighborhoods than those with higher household incomes. Residents in the South Westminster and northeast portion of the city were most likely to rate their neighborhoods as having declined in overall quality over the past 12 months, although the majority of residents reported that their neighborhood quality had remained stable or improved.

Stakeholder Interviews Summary

Over 40 stakeholders were interviewed as part of the CLUP Update's first round of public outreach. Participants were selected by City staff with the intent to capture a wide cross-section of the Westminster community. The selection included business, property, development and service representatives within the community, as well as neighboring jurisdictions and County planning agencies. A full list of stakeholders is included in Appendix A.

Stakeholders were interviewed individually or in groups of two and three, depending on availability and comparable representation. Each interview included specific questions about the city's general quality of life, infrastructure and physical planning efforts, development and business opportunity and land use mix. Participants were also asked to contribute any additional opportunities or challenges they thought might impact future planning efforts. The following summary is organized by the topics addressed by the interviews, each with a discussion of the main themes and sentiments expressed by stakeholders. It is important to note that the information presented below represents the opinions of the stakeholders.

Perception of the City

Stakeholders were asked to describe their overall perception of the city, as a place to live, work and/or visit. The range of responses touched on issues of quality of life such as amenities, the built environment and schools, as well as how the city is perceived by the development and business communities.

"The open space, trails, and recreation opportunities are why a lot of people are here."

Recreation and Amenities

Overall, stakeholders agreed that the City of Westminster is a great place in which to live and work, with excellent recreation opportunities being its greatest asset. For many, the city's connected network of parks, trails and open spaces was a primary reason for locating in Westminster. The city's golf courses also provide an additional amenity for both residents and businesses. Cultural events like the outdoor concerts at the Orchard Town Center, as well as destinations like the Butterfly Pavilion and historic Harris Park were described as assets for the city. Stakeholders emphasized the importance of maintaining and expanding these amenities as a way to continue to attract residents and businesses to the city. One participant warned of the overall cost of maintaining these amenities over time and how the citywide sales tax rate—currently one of the highest in the entire metro area—would be impacted.

Built Environment

Stakeholders generally view the city as well-maintained with high quality development and strong leadership. Many lauded the city's proactive efforts for neighborhood enhancement in South Westminster; infrastructure improvements and new development along the I-25 corridor including the Orchard Town Center; and pursuing redevelopment opportunities like Westminster Center (the former mall site). Many city services were also highly valued by stakeholders, including tree limb and leaves drop-off, street repair and maintenance, and assistance with home improvements and neighborhood tree maintenance. While some stakeholders wanted to see additional services either reinstated (such as large-item pick-up in South Westminster) or more frequent (residential street repair), others emphasized the need to find a balance between tax increases and services provided.

Schools

Finally, several stakeholders noted that school quality is an important factor of overall quality of life and perception of the city. Westminster is competing with other communities like Broomfield and Thornton in attracting new residents and families—the presence of families with school age children has a significant impact on the city's school districts and their ability to grow and offer high quality educational services in the city. The balance and variety of housing types by location in the city also impacts the school districts in that the majority of affordable housing opportunity in the city is located in South Westminster, placing pressure on schools and social services in the area. Several stakeholders wanted to see more market rate housing options in South Westminster in order to create a more balanced distribution of housing in the city.

City Image

While stakeholders commended the city for its open space and recreational amenities, many said that the city as a whole is overlooked in the metro area as an employment center and place to work or visit. This lack of knowledge of what Westminster has to offer impacts the city in several ways—from residents of the city and surrounding areas shopping elsewhere for lack of familiarity with the City's offerings, to businesses looking to locate in the Denver metro area not being familiar with opportunities in the city and its wide range of housing and recreational amenities. Several stakeholders underlined the necessity of marketing the city to a wide audience, particularly with respect to attracting jobs within a competitive but growing technology job market along the US 36 corridor. Potential groups or entities upon which the City could focus marketing efforts included the State and Metropolitan economic development councils, leasing agents and location specialists for out-of-state businesses.

“We get lost in the rest of the metro area with other cities taking the limelight. People don't know what we have to offer either in or near the city.”

Connectivity and Access

Stakeholders were asked to describe specific physical improvements to infrastructure or circulation in the city. While most respondents found the city to be easily navigable by vehicle, bicycle and foot, especially in the north and east portions of the city, a few areas in the city were identified as needing significant improvement.

Vehicular Connectivity

Most participants felt that overall, Westminster is easy to access and navigate with its multiple freeway corridors and major arterials. East-west connectivity in the city was cited as being more challenging, with the area between Wadsworth Parkway and Sheridan Boulevard being the most problematic area, with 108th and 112th avenues described as circuitous and a “disaster” during peak hours. Increased traffic along arterials like Sheridan Boulevard was also mentioned as problematic for the city. Likewise, area-wide and regional traffic “bottlenecks” that impact the city were also viewed as issues that the city should try to address, particularly for accessibility to major employment areas like Westmoor and Park Centre. These included Wadsworth Parkway, with its lack of signal synchronization and the bottleneck along I-25 between 84th and 120th avenues (generally within Northglenn).

Pedestrian and Bicycle Connectivity

Overall, stakeholders agreed that the city’s network of open space and trails, parks and recreation opportunities were well-devised and a key attraction for living and working in the city. In terms of pedestrian connectivity, stakeholders generally wanted to see the sidewalk system completed or improved. Specific improvements desired included the need for wider, separated sidewalks for 92nd Avenue west of Federal Boulevard and throughout the South Westminster area, and sidewalk connections and bus facilities along the west side of Federal Boulevard.

Many stakeholders were active users of the city’s bicycle and trail system and emphasized the extensive connectivity that allowed them to traverse almost the entire city without using streets. A few areas were cited as needing connections or improved street facilities, including along the North I-25 corridor, connecting over 120th Avenue, and trail/street connections from the US 36 area over to Wadsworth Parkway. Bicycle access within the latter area was cited as “treacherous”, particularly with respect to crossing the railroad corridor.

Transit

Access to transit was important to many. Several stakeholders emphasized the need to support and prepare for increased demand and use of alternative forms of transportation in the city. Key issues mentioned included the Church Ranch US 36 station as needing an improved location that would be easier to access; vehicular access to the planned FasTracks Westminster Station; and the lack of bus stop improvements and facilities along Federal Boulevard between 84th and 96th avenues. Several stakeholders cited the increased opportunity for development that could be had if the FasTracks rail connection could be extended to the Westminster Center site or further north.

Infrastructure

Overall, stakeholders felt that the city has worked to provide good infrastructure throughout the city, particularly in response to accommodating new development. Specific areas highlighted include interchange improvements along I-25, streetscape improvements in South Westminster, the reclaimed water system and fiber optic network. Stakeholders underlined the importance of maintaining all infrastructure in order to attract and retain new development and business. Some areas that were cited as needing improvement include residential collector streets and street medians that show deferred maintenance.

In addition to streets and infrastructure, many stakeholders expressed concern over water resources and conservation. They applauded the City's efforts in expanding access to the reclaimed water system and supported the expansion of its use. They also encouraged the City to support water conservation measures through guidelines and regulations, particularly with respect to balancing the high water requirement for green grass during drought conditions.

Development Opportunity

Development potential within the city was discussed with stakeholders, with a focus on identifying locations for redevelopment or infill opportunities. Overall, there was a general consensus that the City has limited land area such that most new development would occur as redevelopment or infill.

Redevelopment Opportunities

Stakeholders agreed that the City has done well in encouraging redevelopment and revitalization in the city, particularly around the future Westminster Station area and the Westminster Center site. Residential development at both sites was seen by many as an important component in supporting and driving complementary commercial development. The mall site in particular was seen

“The city’s lynchpin for the future is the redevelopment of the mall.”

as a great redevelopment opportunity, especially if it were to be connected to Denver by rail. Concerns for both efforts were expressed, however, with respect to implementation and attaining a synergistic level of commercial development that would not usurp commercial activity from other areas in the city.

US 36 and I-25 Corridors

The US 36 and I-25 corridors were viewed as key opportunities for new development, although much of it would be infill within already developed areas. The city's limited supply of land along the US 36 corridor was identified as having potential for a mix of commercial, office and residential uses. Development opportunity would depend on competition with development-ready sites in Arista and Interlocken areas to the north. Significant development opportunity was also identified for the I-25 corridor, where a mix of uses (primarily office and residential with ancillary specialty retail and restaurants) was emphasized. The Orchard Town Center and St. Anthony's North medical center in the area were seen as key assets for new development in this area.

Other Opportunities

The Wadsworth Parkway/Westmoor and 120th Avenue/Park Centre areas were seen as opportunities for office development, but issues of access and visibility, low demand for office/warehouse space and competition with areas like Arista and Interlocken make redevelopment less likely in the immediate future. To the south, Federal Boulevard was cited as a key opportunity for redevelopment, although the potential for significant change would take a concerted effort towards land assembly, acquisition and fostering public-private development opportunities. Several stakeholders expressed interest in re-envisioning Federal Boulevard as a regional transportation corridor and boulevard, which would help improve development opportunity and create a new identity for the corridor.

Enclaves in the city were also mentioned as an opportunity to expand the city's business presence and identity near Church Ranch and US 36. Stakeholders also underlined the need to address what will happen in other enclaves, as well as potential areas for annexation.

Finally, neighboring jurisdictions and counties supported future opportunities for partnership in redevelopment and joint ventures in economic development and planning efforts. Potential areas identified for collaborative planning include the Federal Boulevard corridor, Wadsworth Parkway and the Wagon Road Park and Ride.

Employment

Within the business and development community, many viewed the city's strategic location between Denver and Boulder as its greatest asset. Businesses in Westminster are able to tap into and attract talent from the entire metro area (Denver/Boulder/Fort Collins markets) to obtain the right workforce. Along the US 36 and Wadsworth Parkway corridors, the synergy and proximity of business parks and campuses such as the Walnut Creek Business Park, Westmoor and Interlocken were also seen as helpful in attracting, supporting and retaining business. Additional drivers for locating and staying within the city included access from US 36 and I-25, proximity to the Rocky Mountain Metropolitan Airport, access to amenities like restaurants and services (like the Shops at Walnut Creek or 120th Avenue) and recreational opportunities (golf courses and trails).

Key industries that stakeholders saw the city being able to attract include high tech, software development and bio tech/medical device industries. With the city's location between Boulder and Denver's Anschutz Medical Campus, the city has a strategic advantage for attracting new bio tech companies in particular. However, several stakeholders cited competition with other surrounding communities with more readily-developable land will be an issue.

Business Retention

While most stakeholders from the business community envisioned remaining and expanding within the city, many felt that the city's built and business environment could improve. The city's range of housing types and affordability was cited as a key driver for attracting new businesses. Likewise, providing a 24-hour live/work/play environment with unique shopping, dining and entertainment venues would help attract a younger demographic and higher-skilled labor pool. In terms of interaction with the City, many businesses expressed concern over the application of the city's use tax on items used for product development, which was a concern for engineering and high tech businesses in particular. Additionally, stakeholders emphasized the importance of providing incentives and streamlining permit and development processes for tenant improvements and on-site expansion.

“Activity gets activity gets activity.”

“The city has been exemplary on business and offering business incentives.”

“It's important to have a city where you can go in and get a building permit quickly. Having a fast-track process is important to owners.”

Land Use Mix

Stakeholders felt that in general the city's mix of land uses was good, but could benefit by a wider range of use types and affordability.

Residential

Overall, stakeholders described the city as having a wide range of housing options—however, the perception of availability of certain housing types depended on where participants lived or worked within the city. Businesses in the city cited the need for more executive housing (like Legacy Ridge) to attract businesses and more affordable housing to attract employees. Residents in the city felt the housing stock provided ample high quality housing north of 92nd Avenue, but not enough market rate, higher end housing to the south. A few stakeholders also mentioned the need to focus on housing that would serve an aging demographic from empty nest ranch-style homes to senior housing and facilities—both market rate and affordable options. Others underlined the need for housing at all income levels, dispersed throughout the city.

"I'm looking forward to the redevelopment of the mall so that I don't have to go to Flatirons to shop."

Retail

Stakeholders generally believed that the city has an oversupply of mid-sized retail space and not enough boutique or higher-end shopping and restaurants. The Flatirons Mall in Broomfield was mentioned by many to be significant competition to shopping choices within the city. Additionally, almost all of the stakeholders agreed that the choice of restaurants in the city should include higher-end, non-chain establishments. Denver and Boulder were often the preferred destinations for a nice meal out, although the restaurant choices in the city along 120th Avenue and in the Shops at Walnut Creek were cited as serving businesses in the area well.

Several shopping centers and areas within the city were described as thriving, including the Shops at Walnut Creek, Orchard Town Center and retail along 120th Avenue. Other centers were described as "dead" or in need of invigoration—primarily "super centers" with mid and large-box anchors and few small-scale tenants. These centers included Brookhill and Standley Lake shopping centers on Wadsworth Parkway and the Promenade at Westminster and Church Ranch boulevards. The centers were characterized as having significant vacancy, visibly deferred maintenance and having outlived their economic and/or physical viability. Stakeholders felt that activating or rethinking these super centers would be a key challenge for the city in the future.

Whether the city could reactivate these centers would depend on the residential growth of the city, as stated by many—“residential drives retail.” In that light, several stakeholders looked forward to the proposed mix of residential and retail planned for the Westminster Center (former mall) site. However, some did express concern over the type of retail that would be located there and whether it would have an impact on the viability of retail in nearby centers like the Shops at Walnut Creek or the Promenade.

Office and Industrial

Many stakeholders felt that there was ample space for office/warehouse and R&D space in the city in business parks like Park Centre, Church Ranch and Walnut Creek. All of these business parks still have vacant land with additional entitled office/warehouse space. However, several participants noted a deficit of pure office space, such as office campuses or company headquarters. Potential locations cited for the latter include Westmoor, off of Wadsworth Parkway, and the 120th Avenue and I-25 area near Park Centre. Stakeholders also noted that the city did not have many manufacturing uses, such as metal fabrication or similar uses that would serve high tech engineering firms in the city. Businesses in the city said they had to outsource specialty manufacturing to communities like Fort Collins and Colorado Springs.

Other Issues

In addition to land use and other physical planning issues, an additional issue identified by stakeholders was that of the city’s development entitlement process. A common theme from stakeholders in the business and development community was that the development entitlement process in the city was challenging, and had a reputation for being so. Many felt that the process needed greater clarity and predictability up front, especially for office and industrial projects that are reviewed under the City’s retail commercial design guidelines. On the other hand, several stakeholders commented that the extended review timeline and detailed design guidelines resulted in greater clarity, a more streamlined building timeline, and ensured high quality development and a beautiful city. However, most agreed that the length of time and investment during the entitlement process with the city was an impediment to new development and redevelopment. Additionally, several stakeholders cited the City’s standards and regulations were not consistent with current market conditions and feasibility, which could make projects cost prohibitive.

“Westminster has a reputation of a long, arduous process which translates into cost. Development in the city is not seen as being very business friendly.”

“The City is tough on the development side, but all cities are. I used to have frustration with the city’s strong hand in design of products. But you end up with a beautiful city.”

Conclusions

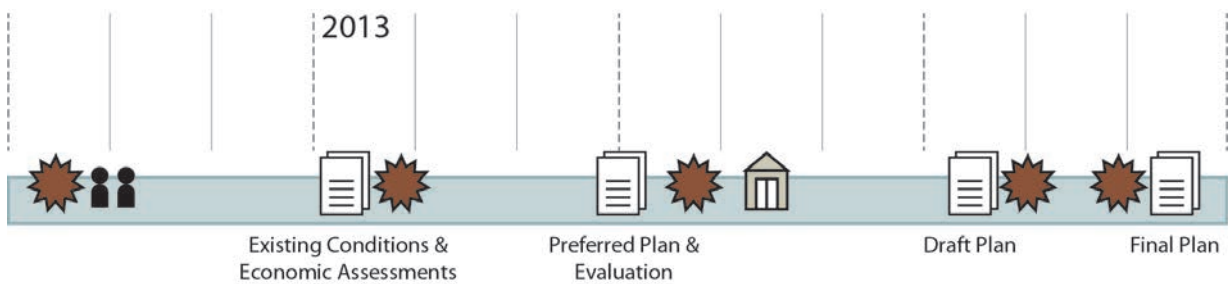
The input received by the Citizen Survey and stakeholder outreach is an important part of the CLUP Update process. Key issues identified by community members in this first round of outreach are highlighted below. These issues will be used to further help refine and focus the planning process for the Comprehensive Plan:

- *Enhanced City Image.* Many stakeholders expressed the need for the city to have a greater presence in the Denver Metro area. While the city has excellent infrastructure, natural and community amenities and services, these aspects are not well known. Additionally, opportunities for enhancing the city's physical presence along major transportation corridors like US 36 and I-25 should be pursued, through redevelopment of the former Westminster mall, build out of the Orchard Town Center area and transit-oriented development in the Westminster Station area.
- *Cohesive multimodal circulation network.* Community members value the ability to traverse the city by vehicle, bicycle and foot. Improvements to the city's circulation system are primarily needed between Sheridan Boulevard and Wadsworth Parkway, where both vehicular and bicycle connectivity is challenging.
- *Transit Access and Availability.* Many community members and stakeholders agreed that transit access will continue to be highly desirable for higher density residential, mixed-use and office development. Connections to transit should be emphasized and additional transit service should be pursued including bus and rail service.
- *Revitalization of South Westminster.* Efforts to revitalize and pursue redevelopment opportunities in South Westminster were encouraged by community members. Physical and aesthetic improvements and redevelopment of older properties, particularly on Federal Boulevard, should be considered. Finally, the housing mix in the area should be more diversified to include both market rate and affordable residences.
- *Diversified Economic Environment.* Community members felt that opportunities to expand the city's employment and retail base should be pursued. Many expressed concern over the retail market and how redevelopment of the Westminster mall site in particular would impact existing centers.
- *Business Retention and Competitiveness.* The City will need to identify opportunities to enhance its competitive advantage in attracting employment and development opportunities to the city. Some stakeholders underlined the need to streamline the development process. Others emphasized the need to improve marketing and branding of the city, and to ensure that high quality infrastructure and amenities are available.

Next Steps

The survey and stakeholder interviews are part of the first step in the CLUP Update process. An analysis of existing conditions and citywide economic market will also be completed as a part of this first phase. These analyses and the results of this public outreach will be presented to City Council and the Planning Commission for additional input in early 2013.

Following decision-maker input, a Preferred Plan will be drafted and evaluated. The Preferred Plan will be vetted through an extensive public outreach process that will include study sessions with the City Council and Planning Commission, an interactive community open house and online survey. The input gathered will help to refine the Preferred Plan and develop a final Comprehensive Plan for the city. The graphic below shows the expected timing of each portion of the planning process.



Appendix A: Stakeholder Participants

City of Westminster Planning Commission	Etkin Johnson
Metro North Chamber of Commerce	Church Ranch Corporate Park
Metro Denver Economic Development Corporation	Walnut Creek Business Park
Jefferson County School District	Pillar of Fire
Adams County School District 12	Progressive HOA
Adams County School District 50	Legacy Ridge HOA
Hyland Hills Park and Recreation District	Avaya
Adams County Housing Authority	Synconess
US 36 Commuting Solutions	Ball Corporation
Crestview Water & Sanitation District	Gayeski & Company
RTD FasTracks	Country Club Village Enterprises, LLC
RTD Bus Operations Department	Corum Real Estate Group, Inc.
City of Federal Heights	Cassidy Turley
City of Arvada	Laramie Group
City of Thornton	Colorado Group
City of Northglenn	CBRE
City of Broomfield	
Adams County Planning Division	
Jefferson County Planning Division	
Butterfly Pavilion	
Hawn Hewit Properties	
Gittelman Properties	
Jim Sullivan, Developer	
Centura/St. Anthony's Medical Center	
JUSA Development	

Concept Plan Outreach

CITYWIDE OPEN HOUSE

The citywide open house was held on August 8, 2013, at City Park Recreation Center. Approximately 35 people attended the open house event. No comment cards were filled out.

WESTYCONNECT ONLINE COMMENT PERIOD

The online portion of the Concept Plan outreach was conducted between August 8 and 15, 2013.

No comments were provided. However, the information was viewed with the following frequency:

- Concept Plan: 140 views
- Land Use Designations: 23 views
- Focus Area: North I25: 14
- Focus Area: Church Ranch: 34
- Focus Area: Westminster Center: 52
- Focus Area: Brookhill: 17
- Focus Area: Westminster Station: 24
- Redevelopment Opps: 30
- Key Considerations: 13

PROPERTY OWNER MEETING

Held on August 15th, this meeting had attendance of approximately 65 people. Most attendees were able to speak with a staff member during the meeting. However, some community members left their contact information or comments on comment cards available at the meeting. All property owners who contacted staff were called, emailed or spoken with in person to address questions and concerns. Comment cards from this meeting follow the open house comments.



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Please contact me about my specific
property:

JOELLE JOYCE

7348 BRADBURN BND

WESTMINSTER, CO

80030

(720) 272-5389

EX CLUP to TMUND

R-3.5

Zone R-2



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

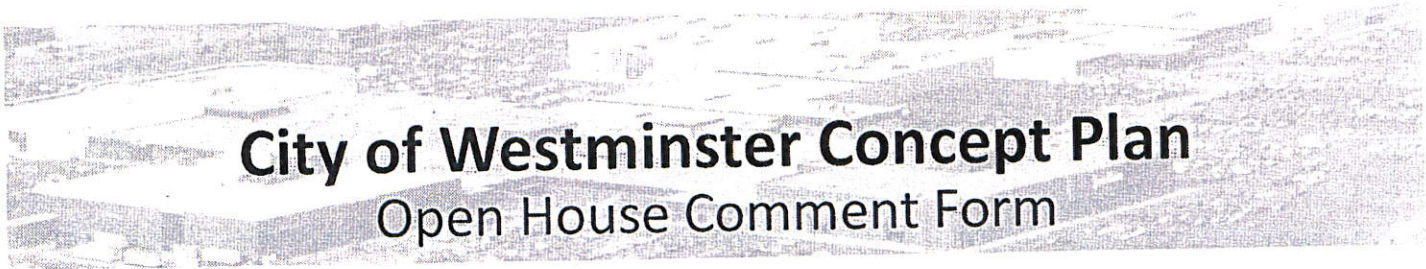
Please call me about property located AT
10090 Garrison Street Westminster, CO 80021
My name is Kevin Coffey 303-818-9627



District Change to R-8

zoned PUD

Crown Point - commercial office



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Please call 303-522-9708 ✓

We live at Highlands @ westburn and it will be rezoned from residential to industrial/office.

↳ going from office/Residential to Residential R-1B

We have questions how this will affect us.

Sincerely,
Deb & JW



City of Westminster Concept Plan

Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Please contact me regarding the proposed new Land Use Designation for 41005 Dover Street (within the Walnut Creek Business Park). I have questions.

Sincerely,

Gabe Carter

going from Bus. Park
to Flex/Light Ind.

(303) 460-1411 Ext. 501
gabe@superiormedicalsupply.com

Thanks!
2



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Carolyn Love kebaya@msn.com - add to TOD
Property location: 3380 W 72nd Ave email +
Phone 303-438-0953 or Cell 303-601-4439 CUR.

Interested in TOD plan for area.



City of Westminster Concept Plan

Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Bill Evans

303 951 7000



6050 W. 92nd

6050 - 6080

Westminster Center project ??

92nd + Harlan Rds ?

RTD Extracets ?

- SW corner of Harlan + 92nd.
- going from District Center
to Retail Cor.

bill@madisonrealtyinvestors.com

Add to WURP email list



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

<i>Linda Coulter</i>	<i>303-650-6312</i>	<i>change from</i>
<i>Benson + Benson Metals</i>		<i>Industrial to</i>
<i>6885 Lowell Blvd</i>		<i>Flex/Light Ind.</i>
<i>linda@bensonrolloff.com</i>	<i>✓</i>	

If property sold does new owner have to meet new land use or can it remain as currently used before sale



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

We are concerned what is going to happen to 3959 W. 72ND Ave.

3959 → Retail Com. Adams County is District
zoned → C-1 as Residential



Jack & Joyce Schofield 7202 Bradburn Blvd. 303-427-2337



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

7055 Federal - Arby's - No In Favor
of the plan, want to be able to build
A new Restaurant with a Drive thru. on
Sell Land to another Fast Food Concept.

Pat Klondar
303-384-1508



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

George Smith 303 333 0948
martigeo @ comcast.net

10061 N. Wadsworth Parkway ✓

District Center to Retail Com.

PDP → 7/5 lots have been developed



City of Westminster Concept Plan

Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Gerald James 7181 Julian way
720-435-6282
patti.lague@yahoo.com



B-1, R-3.5 to MU Center

Did not have comment card ✓

please call Steve Bennett re:

Property

10180 Wodsworth Blvd.

(Kneitl)

residential
house directly
designated as
Bus. Park +
now office/RED
Low



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Juan and Lisa Garcia ✓

720-937-6942 or 720-275-6911

lisathoutt@yahoo.com

3120 W. 71st AVE Westminster, CO
80030

» ACHT had talked to them about buying their property

» can call Tony re: potential development on adjacent property



City of Westminster Concept Plan

Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Please contact me about my specific property:

JOELLE JOICE
1348 BRADBURN BLVD
WESTMINSTER, CO
80030

EX. CUUP to TMUND
R-3.5
Zone R-2

(720) 272-5389



City of Westminster Concept Plan Open House Comment Form

Your input in the Comprehensive Land Use Plan Update process for the City of Westminster is valuable. Please provide any additional thoughts you have regarding a specific station or the project in general.

Please call me about property located AT
10090 Garrison Street Westminster, CO 80021

My name is Kevin Coffey 303-818-9627



District Center to R-8

Zoned PUD

Crowner Point - commercial office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ENACTING THE 2013 WESTMINSTER
COMPREHENSIVE LAND USE PLAN

Whereas, City Council finds the City Charter and state statute authorize City Council to adopt a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, City Council further finds the proposed Plan was preceded by an extensive community outreach effort, progressive reviews and consultations with the Planning Commissions and City Council, and an extensive analysis by City Staff of existing land use and proposals for future development; and

Whereas, City Council further finds the Planning Commission conducted a public hearing on October 22, 2013 and has considered the Plan and recommended its adoption to the City Council.

Whereas, City Council further finds that the proposed 2013 Plan addresses the needs and demands created by the increasing urbanization of the City and the Denver Metropolitan area, and it will serve as a guide for the future development of the City, the wise use of limited water supplies and municipal services, establishing a suitable mixture of land uses for the City's remaining undeveloped property, protecting the public health, safety and welfare, and guiding and accomplishing the coordinated, adjusted, and harmonious development of the City, and meets all of the stated objectives of Section 11-4-16, W.M.C., related to the adoption of a comprehensive land use plan for the City.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Comprehensive Land Use Plan, dated June 2, 2004, as amended, is hereby repealed.

Section 2. The Westminster Comprehensive Plan, dated October 16, 2013 is hereby adopted.

Section 3. Compliance with said Plan, as provided in Westminster Municipal Code Chapter 4-16 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 4. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 5. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

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

Section 7. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 11th day of November, 2013.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Item 10 E-G

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Public Hearing and Councillor’s Bill No. 42 re Downtown Westminster Planned Unit Development Rezone & Preliminary Development Plan

Prepared By: Walter Patrick, Planner II

Recommended City Council Action

1. Hold a public hearing.
2. Approve Councillor’s Bill No. 42 on the first reading for the rezoning of the site of the former Westminster Mall to downtown Westminster Planned Unit Development. This is based on a finding that the criteria as set forth in section 11-5-3 and 11-5-14 of the Westminster Municipal Code have been considered and satisfied.
3. Recommend that the City Council approve the Preliminary Development Plan for the downtown Westminster Planned Unit Development. This is based on a finding that the criteria as set forth in section 11-5-10(7) and 11-5-14(A) of the Westminster Municipal Code have been considered and satisfied.

Summary Statement

- The Westminster Economic Development Authority (WEDA) has submitted a Rezoning request to allow Planned Unit Development (PUD) zoning across the entire site and a Preliminary Development Plan (PDP) for the 108 acres located to the southeast of 92nd Avenue and Harlan Street. Key components of the PDP include allowed land uses, public parks and plazas, and multi-modal circulation.
- The proposed rezoning is a City initiated rezoning authorized by W.M.C. section 11-5-3. The proposed rezoning ordinance would establish the Downtown Westminster Planned Unit Development, rezone the entire 108 acre site to Planned Unit Development, and amend the existing zoning from a combination of Planned Unit Development and C-1 zoning to exclusively Planned Unit Development.
- This Preliminary Development Plan has been initiated by the City in cooperation with the Westminster Economic Development Authority pursuant to W.M.C. section 11-5-9(A) (2) (b) and C.R.S. 31-25-112. The purpose of this Preliminary Development Plan is to aid the Authority in connection with the planning and undertaking of the Authority’s urban renewal project previously designed by the Authority as the Westminster Urban Center Reinvestment Project.
- C.R.S. section 31-25-112 of the Colorado Urban Renewal Law specifically authorized the City to cooperate with the Westminster Economic Development Authority in connection with the planning and undertaking of the Authority’s plans and projects, including assistance in the form of planning and zoning proposed for redevelopment by the Authority.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

- Should the City Council approve the creation of the downtown Westminster Planned Unit Development, merge the existing C-1 zoned areas with the existing PUD zoned areas to create one unified PUD, and establish PUD zoning for the overall site?
- Should the City Council approve the Preliminary Development Plan (PDP) for the Downtown Westminster Planned Unit Development?

Alternatives

Approve only one or none of the proposed requests. These options are not recommended as both the rezoning and the proposed PDP are necessary for the former Westminster Mall site to develop as a vibrant mixed-use development.

Background Information

Project Vision

An initial vision for the former Westminster Mall site was developed in concert with City staff and the consulting firm of Van Meter Williams Pollock and presented to City Council in early 2008. The concept for the site envisioned a mix of retail, residential, and office uses. Development principles emphasized higher intensity, transit-supportive development with a walkable, pedestrian-oriented building scale and vibrant public realm. Key assumptions and design concepts for the site included maintaining four mall anchors on the site at that time (Macy, JC Penney, Dillard's, and Sears) and maximizing the internal views to the mountains with taller buildings (primarily office) lining the eastern portion of the site. Since the 2008 vision was produced, some underlying assumptions and circumstances have changed that will affect the overall design and planning for the site. The City has acquired 95% of the former mall property, with the exception of Brunswick Bowling property and the McMurtry & Bench dental office. The City owns the land on which Penney sits; however, Penney owns its building. The City also owns the land on which the Olive Garden restaurant and US Bank building are located. While the bowling alley, dentist office, and JC Penney will likely remain in their existing locations, there will be greater flexibility in planning the remainder of the site. Anchor retail locations, as part of a mixed-use district, will be located to best serve and shape the public realm and activity within the site. The existing traffic signal locations will also influence planning of the site. Building on the initial vision for a new downtown, design concepts that encourage urban, walkable, mixed-use development have been drafted by City staff to help guide further refinement of the vision. These concepts encourage a:

- Vibrant mix of land uses;
- Urban district with active frontages;
- Visual and physical center of Westminster;
- Pedestrian-oriented environment;
- Walkable, interconnected vehicular circulation network;
- Multi-faceted open space, trail and park network;
- Direct, convenient access to transit; and
- Convenient, integrated parking.

Many of these design concepts are evident in the design and public realm of successful downtowns and urban centers throughout the state of Colorado and the country. Some examples of these types of urban districts include:

- Cherry Creek North
- Portions of LoDo and Platte River Valley
- Downtown Boulder
- Pearl District in Portland, OR
- Country Club Plaza in Kansas City, MO
- Columbia Heights in Washington, D.C.
- Carlyle Neighborhood in Alexandria, VA
- Downtown Walnut Creek in CA
- Clarendon in Arlington, VA

Public Outreach and Plan Process

Staff held a visioning session with the City Council early in 2012 to mark the beginning of public outreach and the plan development phase of the planning process. Four community-wide visioning meetings have followed that meeting: two at the end of March, 2012, and two in September, 2013. Both meetings focused on refining the vision and identifying citizen concerns for the site with interactive opportunities for input and discussion with City staff. The project website, City website, Westy Connect and the City's social networking sites have also played an important role in providing ongoing opportunities for public input throughout the planning process.

Proposed Downtown Plan

Earlier in the summer, the WEDA Board authorized staff to enter into a contract with Torti Gallas, a nationally recognized urban planning and design firm, with principal offices located in Washington DC and Los Angeles, California. In July, a three-day design charrette was held involving City departments to put together the "bones" of the plan. This was an intensive process, where different ideologies of development types and patterns were discussed. Many iterations of the plan were not used and left on the "cutting room floor." However, out of this process, and many subsequent refinements, Staff believes the proposed site plan accomplishes the implementation of the vision outlined by Council and the public through the engagement meetings held to date.

Plan Assumptions and Intent

The plan itself is composed in a way that will allow development, and more importantly "redevelopment," to occur over time. The hallmark of great cities, in Staff's opinion, is that they grow and evolve over time. For most successful downtowns and urban places, project development occurs one block at a time, or even a portion of one block at time, but the street grid and public spaces remain constant. For example, individual buildings or projects that are constructed in Cherry Creek North, LoDo, or downtown Boulder enhance the overall area, but none completely "define" the downtown or urban spaces. It is the sum total of those projects that define the downtown, that make it a place. Individual projects built over time also allow for creativity, change and architectural variety, all of which can be lost within a single, large homogenous development. One defining characteristic of great downtowns, either within a central core (e.g. Denver) or mid-sized city (e.g. Boulder) is that they are built by many different land owners, with many different ideas, over time, in a very organic fashion, and not dominated by one type of vision. The blocks and street grid are structured to accommodate continued operation and/or be adaptive reuse or redevelopment to occur over time.

Block Structure and Street Grid

The proposed grid structure and public realm framework is the “skeleton” from which great urban spaces and places will evolve. This “skeleton” is critical to the implementation of a new downtown, creating the bones upon which new development will orient and remain vibrant and connected. To that end, Staff has proposed a street grid and block pattern that gives preference to pedestrian movement and is more indicative of a “downtown” block structure than a “lifestyle” or “retail-oriented” shopping center. Blocks are generally in the range of 360 feet by 285 feet long, which is roughly the size of a downtown Boulder block, and similar in scale to parts of LoDo in Denver as well. Alleys are also contemplated at mid-block locations for “back of house” functions, and will also help break up the massing of the area, thereby creating a more fine grain urban scale. Additionally, the majority of blocks are sized such that a parking structure could be accommodated with development surrounding all sides.

There are several new streets and organizing factors in the new street grid being proposed. One of the key elements of the plan is the continuation of Westminster Boulevard into downtown to act as a spine of activity and the public realm. Westminster Boulevard, as the namesake roadway of the City, will be realigned to run through the western portion of downtown, anchored at one end by a 4-acre public park facility (more below) and on the other by the future commuter train station at the southern edge of the site at 88th Avenue. Along Westminster Boulevard, one might find shopping and restaurants, offices and residential uses. The angles of the street will frame views to key public spaces and allow for “terminated views” with signature building design. Following a similar alignment, a new north-south street on the eastern side of downtown is proposed with a linear park (again, more below) to connect 88th Avenue and 92nd Avenue at the existing traffic signals. This street is intended to create an active urban boulevard that will serve as its own unique setting and address within downtown.

In addition to capturing new connections through downtown, the proposed street grid is oriented to existing view corridors to Denver, Mt. Evans and Longs Peak. The organization of the grid allows for terminated views (a la 17th Street in Denver that terminated at Denver Union Station on one end and angled at Broadway at the other) in multiple locations, while retaining a relatively straightforward rectilinear block structure. As a result, this block structure retains flexibility for private development while also creating opportunities for interesting public spaces and building designs, particularly where streets intersect or bend.

Public Realm and Development Setting

As part of the “skeleton” of the project, Staff spent considerable time contemplating the public gathering spaces and public realm needed to create a true downtown for the City. Downtowns throughout America have historically been defined by some central cultural organizing mechanism; some had courthouses and City Hall buildings, some had “town square” park facilities like Santa Fe, New Mexico; some had a “Main Street” of retail like Pearl Street in Boulder. However, all were the cultural “core” of the community, where residents and businesses gathered and energy was focused. One of the comments Staff repeatedly heard throughout the public outreach process, and more recently in the Comprehensive Land Use Plan update process, was that the City of Westminster residents and business community want and desire this kind of cultural “core” where civic events, concerts, farmers markets, and the like, can be held. The feedback has been that the City wants and needs a “true downtown” for future generations.

As Staff laid out the “building blocks” of the plan and created the street grid network, significant thought was given to land use and the needs of the future development community, as well as the need for the cultural gathering locations described above. The public realm, comprising the streets, sidewalks, parks and plazas of downtown, is contemplated to be as large a driving force in

the implementation of this plan over time as any retail or private development and is critical to establishing a sense of “place” and community ownership, and thus the cultural core “downtown” that the City envisions. To that end, Staff has designed private development block sizes that will accommodate a wide variety of land uses, and has the flexibility to be “morphed” from one use to another over time, i.e. retail to office, office to residential, etc. The block sizes are sized appropriately for this variety of uses and will allow the City to market any one block to a wide “net” of potential developers after platting. The public spaces are located on the plan in a way that will allow them to be “anchors” of the plan, and not an afterthought, or too programmed toward just the retail interests, which can be a “hallmark” of lifestyle retail centers (i.e. some of the open spaces at the Orchard for example, which are well-designed spaces, but not necessarily indicative of a downtown park or open space).

Staff is proposing the Planning Commission make a recommendation to the City Council to approve the plan as proposed, which will include several types of open space/park facilities to help tie the entire downtown for the public to use; all interconnected by active streetscapes. Along the eastern and southern edges, respectively, Staff is proposing to use the existing terrain and slope, as well as the Allen Ditch, for linear park facilities that include bike and trail connections, passive use areas, and along the Allen Ditch, areas for outdoor active uses that relate to development. This will set the framework for a beautiful urban edge against US 36 and 88th Avenue, with taller buildings rising above the trees and landscape areas. In the northeast corner of the site, Staff is proposing a park facility to be accessed by the future US 36 bike trail, which is at the highest portion of the site, and will offer spectacular views to the southeast and westerly directions, affording beautiful views of the downtown Denver skyline as well as the Flatirons and Front Range.

Interior to the site, three park facilities are contemplated to serve the needs of both the Westminster community as a whole as well as the potential addition of 2,200 new housing units to the site. The largest proposed facility is located at the northwestern portion of downtown where Westminster Boulevard turns into the site. This urban park will provide a large venue for public gathering and will serve as the primary neighborhood park for new residents in downtown. To the east, a smaller urban park will connect to the eastern linear parkway and provide an intimate setting for new development in the northeastern part of downtown. Finally, at what is likely to be the retail core of the downtown, a plaza or piazza open space is proposed to focus energy and retail activity around a central public core. In addition to these park spaces, a linear boulevard park space is proposed along a new street, generally running north and south, connecting 88th Avenue and 92nd Avenue. This urban boulevard will be a significant address in the City; with taller buildings lining both sides with a wonderful, varied active and passive linear green space in the interior. It is Staff’s hope that this boulevard can be implemented and recognized regionally as a vibrant and inspiring activity space and public realm.

Project Phasing

There are many pros and cons to starting on one side of the downtown versus the other. Staff is just now beginning to evaluate what types of public improvements should be constructed in the first phase to set the “right tone” and give the indication that the City of Westminster wants a true “downtown.” A key consideration of the creation of a new downtown is holding to the vision and being firm over time as new development interests come to the City to participate, especially if those interests are not consistent with the City’s vision for the downtown. In addition, the visions for great downtowns are re-evaluated on an ongoing basis, and many cities update their downtown plans every 5 or 10 years. This would be a good practice for the City to consider.

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
North: Franklin Square & Madison Hill	PUD & R-4	Private Open Space, R-3.5, & R-8	Single Family Residential
West: Bivins, Lake Arbor, & Harlan Commercial Center	PUD & C-1	District Center	Commercial
East: Sheridan Park, Westminster Restaurant Plaza, & Hyland Office Park	PUD	Retail Commercial, Business Park, & Public-Quasi Public	US 36 & Commercial
South: Westminster Village & Lowe's	PUD & M-1	Retail/ Commercial	Commercial

Applicant

Westminster Economic Development Authority (WEDA)
 4800 W. 92nd Avenue
 Westminster, CO 80031

Service Commitment Category – not applicable at this time.

Referral Agency Responses – Outside agency review comments were received from Jefferson County R-1 School District and Allen Ditch Company.

Jefferson County Schools responded that, based on the information available at this time, “applied capacities for Adams Elementary, Mandalay Middle and Standley Lake High schools are sufficient to house students from this development. These numbers are subject to change upon receipt of additional information regarding housing structures. This development will be further evaluated as a part of the Jeffco School’s overall review of the north area development picture.”

The Allen Ditch Company responded that “generally, no stormwater inflows should be allowed to enter the ditch” and “Any new crossings of the ditch, or modifications of the existing easement, should receive approval of the ditch company to ensure that they do not impact the ditch’s ability to deliver water to downstream shareholders.”

Municipal Code Criteria

Section 11-5-14 of the Westminster Municipal Code lists the standards for approval of PUDs, PDPs, and PDP Amendments. Staff has reviewed each of the relevant standards and finds the proposed PDP to be in compliance with these standards.

The proposed plan exhibits creative development principles that emphasize higher intensity, transit-supportive development with a walkable, pedestrian-oriented building scale and public realm. Staff has proposed a street grid and block pattern that gives preference to clear circulation and pedestrian movement. In addition to establishing a clear hierarchy of circulation, the proposed street grid is oriented to existing view corridors.

W.M.C. 11-5-3 (B) authorizes the City to initiate a rezoning of any property in the City without the consent of the property owner, when the City Council determines that the current zoning is inconsistent with one or more of the goals or objectives of the City’s Comprehensive Land Use Plan, or that surrounding development is or may be adversely impacted by the current zoning. Staff believes that the current zoning of the property as a regional mall, bowling alley and stand-alone office is inconsistent with the redevelopment goals and objectives of the City as set forth in

the City's Comprehensive Land Use Plan and the Westminster Urban Reinvestment Center Plan (WURP) that the City Council has previously approved, and that the surrounding development is currently adversely impacted by the current zoning, as evidenced by the demise and subsequent demolition of the former Westminster Mall.

W.M.C. 11-5-9 provides that an Amended Preliminary Development Plan may be initiated by the city, when the City Council determines that (1) approved land uses for a Planned Unit Development are no longer appropriate, due to change conditions, revisions to the City's Comprehensive Plan, incompatibilities between existing land uses in surrounding zoning or development, or that the PDP no longer meets the requirements of W.M.C. section 11-5-15, (2) public facilities are inadequate or do not meet current standards, or (3) natural hazards or other environmental problems exist that threaten the public health, safety or welfare. Staff believes that all of these conditions exist within the existing site, which the Authority's proposed redevelopment plan is designed to address.

The project vision, discussed under the background section of this document, provides additional details on the innovative planning principles demonstrated in the plan.

Public Notification

Westminster Municipal Code Section 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing. Notice was published in the Westminster Window on October 10, 2013.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Four signs were posted on the property on October 10, 2013.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowners' associations registered with the City within 300 feet of the subject property. The required notices were mailed on October 10, 2013.

Strategic Plan Goals

Staff considers the development of a cohesive vision and plan for the new downtown as furthering all of the City Council's Strategic Plan goals. These include a Strong, Balanced Local Economy; Financially Sustainable City Government Providing Exceptional Services; Safe and Healthy Community; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City; all of which encourage the development of an active, livable, transit-oriented and urban environment within the heart of the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Zoning Ordinance
- Exhibit A – Legal Description
- Exhibit B – Zoning Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING
OF THE DOWNTOWN WESTMINSTER PLANNED UNIT DEVELOPMENT
PROPERTY, A 107.261-ACRE PARCEL LOCATED AT 92ND AVENUE AND HARLAN STREET,
JEFFERSON COUNTY, COLORADO, FROM PUD TO C-1 TO EXCLUSIVELY PUD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. The Westminster Economic Development Authority (WEDA) has requested that the City rezone the property described in Exhibit A attached hereto from a combination of PUD and C-1 zoning to exclusively PUD in order to facilitate the redevelopment of this approximately 108 acre site pursuant to the Westminster Center Urban Reinvestment Plan.

b. WEDA is the owner of a substantial majority of the subject property. All of the subject property is included in the Westminster Center Urban Reinvestment Plan that has been previously approved by the City Council.

c. C.R.S. section 31-25-112 of the Colorado Urban Renewal Law specifically authorizes the City to cooperate with the Westminster Economic Development Authority in connection with the planning and undertaking of the Authority's plans and projects, including assistance in the form of planning and zoning property proposed for redevelopment by the Authority.

d. W.M.C. 11-5-3 (B) authorizes the City to initiate a rezoning of any property in the City without the consent of the property owner when the City Council determines that the current zoning is inconsistent with one or more of the goals or objectives of the City's comprehensive land use plan, or that surrounding development is or may be adversely impacted by the current zoning.

e. The current zoning of the property as a regional mall, bowling alley and stand-alone office is inconsistent with the redevelopment goals and objectives of the City as set forth in the City's Comprehensive Land Use Plan and the Westminster Urban Reinvestment Center Plan (WURP) that the City Council has previously approved, and that the surrounding development is currently adversely impacted by the current zoning, as evidenced by the demise and subsequent demolition of the former Westminster Mall.

f. The notice requirements of W.M.C. §11-5-13 have been met.

g. The proposed rezoning has been referred to the Planning Commission, which body held a public hearing thereon on October 22, 2013, and has recommended approval of the requested amendment.

h. Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. section 11-5-3 and 11-5-14.

i. Based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of Westminster Municipal Code, including, but not limited to, the provisions of W.M.C. 11-5-3 and 11-5-14.

j. The creation of a unified Downtown Westminster Planned Unit Development will further the redevelopment goals and objectives on the City and the Westminster Economic Development Authority as set forth in the City's Comprehensive Land Use Plan and the Westminster Center Urban Reinvestment Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in Exhibit A, to Planned Unit Development (PUD), as depicted on Exhibit B, attached hereto and incorporated by reference.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of November 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

WESTMINSTER MALL REDEVELOPMENT
OVERALL BOUNDARY

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92ND AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
- 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
- 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
- 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
- 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
- 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;
- 6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;
- 7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;
- 8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;
- 9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;
- 10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;
- 11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;
- 12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 1476.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N00°39'31"E A DISTANCE OF 2.10 FEET;

2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;

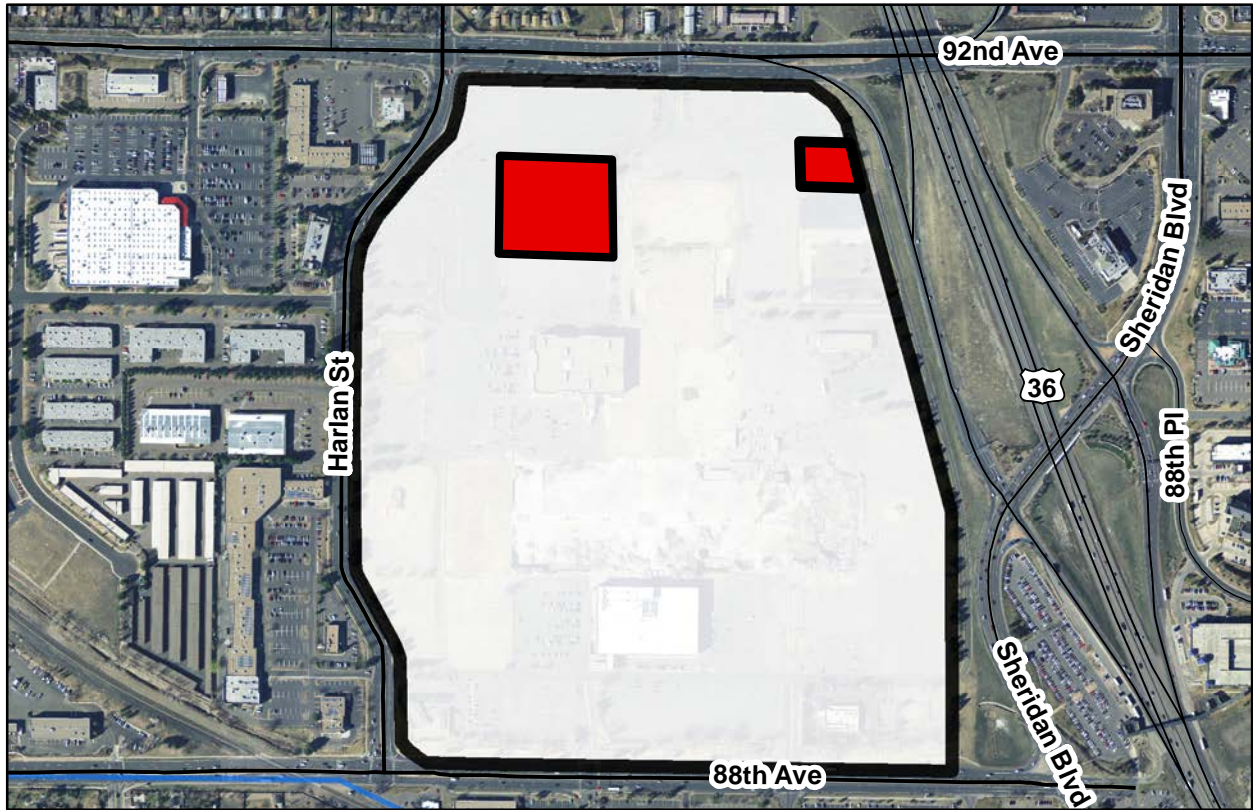
3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 107.261 ACRES (4,672,310 SQ. FT.), MORE OR LESS.

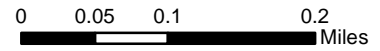
BASIS OF BEARINGS














BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

PREPARED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO. 80215
(303) 431-6100
(303) 431-4028 FAX
September 25, 2013



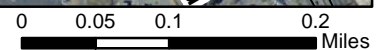
Current Zoning PUD & C-1



Legend									
	B-1		O-1		R-1		R-5		T-1
	C-1		PUD		R-2		R-A		
	M-1		R-3		R-4		R-E		



Proposed Zoning PUD





Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor's Bill No. 43 re Pension Plan Amendments

Prepared By: Kim McDaniel, Retirement Administrator

Recommended City Council Action

Pass Councillor's Bill No. 43 on first reading amending the Westminster Municipal Code concerning the General Employee and Police Pension Plans in order to comply with changes required by applicable federal pension laws and U.S. Treasury regulations.

Summary Statement

- The IRS requires qualified pension plan documents to be amended for changes in federal pension laws and filed with the IRS in order to retain their tax-qualified status. The initial cycle as applied to the General Employee and Police Pension Plans ends on January 31, 2014.
- Pension staff received Council approval on July 23, 2013, to hire Brownstein Hyatt Farber Schreck, LLP to (i) revise the pension plan documents to reflect federal pension law requirements and (ii) prepare and submit legal documents to the IRS in order to obtain favorable letters of determination with respect to the amendments. It is anticipated that the pension plans will be filed with the IRS in early January 2014.
- Staff recommends that Council approve the changes to the Pension Ordinance as submitted by Brownstein Hyatt Farber Schreck, LLP so the amended plan documents can be submitted to the IRS in a timely manner for favorable letters of determination.
- The changes proposed include an in-service distribution provision to allow active employees at age 59 ½ and 62, for the Police and General pension plans respectively, to withdraw up to 15% of their pension account balance at the time of the election with the understanding that employment would not exceed a period of five years beyond the distribution election.
- In addition, the pension ordinance includes changes to recognize Civil Unions and a change to the administrative practice for the reversion of the Retiree Medical Savings Account (RMSA) assets to the City so that the City would distribute the RMSA assets as a death benefit to the heirs of the employee. The other proposed changes are primarily technical and administrative clarifications.
- A change to the in-service distribution is substantive in nature and will require approval by a vote of the members of the Police Pension Plan.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should Council approve the changes as proposed by Brownstein Hyatt Farber Schreck, LLP to amend the pension plan documents to comply with applicable federal pension laws and related IRS regulations?

Alternatives

1. Do not approve the proposed amendments. Staff does not recommend this option. If the amendments are not passed and the plan documents are not filed with the IRS by January 31, 2014, the plans may lose their federal tax exempt status and, as a result, the participants may be taxed on the benefit amounts thereunder, even though not yet payable.
2. If more time is needed to review the amendments, the City has two alternatives: (a) the City may be able to elect to file under "cycle E," which will have a January 31, 2016, deadline or (b) the plans' ongoing tax exempt status may be secured by filing through the IRS's voluntary correction program (estimated filing fee per plan of \$5,000).

Background Information

At the June 17, 2013, Study Session, Staff proposed adding a new option under the In-Service Distribution provision with a DROP feature and recommended modifying the Pension Ordinances to acknowledge recent State legislative action recognizing Civil Unions. Staff proposed hiring outside legal counsel that specializes in pension law to review these two proposed amendments.

The Pension Plans' most recent determination letter from the IRS is dated April 13, 2011, and is based on the Plans as amended and restated effective December 2008. Since that time, Congress passed legislation that affects tax-qualified retirement plans.

Effective 2006, the IRS requires qualified pension plan documents be amended for changes in federal pension laws and filed every five years with the IRS in order to retain their tax-qualified status. The initial cycle as applied to the General Employee and Police Pension Plans ends on January 31, 2014. Those plans that do not timely and properly amend their plan documents and submit the amended documents to the IRS by the applicable IRS filing deadline potentially could lose their "tax-qualified" status.

On July 23, 2013, City Council approved the hiring of Brownstein Hyatt Farber Schreck., LLP to review the plan documents for any necessary amendments and file the correct legal documents with the IRS. The attached amendments were prepared by Brownstein Hyatt Farber Schreck, LLP based on their pension law experience.

The Pension Plan documents were amended in 2007 to allow in-service distributions to employees who met certain reasonable and non-discriminatory conditions. These conditions were defined as a reduction in compensation of at least 25% and reaching age 62, which was defined as a "Safe Harbor" by the IRS.

At the request of some employees who wish to access their pensions while still fully employed, Staff is recommending to add another in-service distribution option that includes a Deferred Retirement Option Plan (DROP) feature. The DROP feature would allow the employee to continue employment for a period of time not to exceed five years instead of terminating employment in order to request a distribution. Since in-service distributions are not exempt from the 10% penalty tax until age 59½, the required age for the in-service distribution DROP option was set at 59½ for employees in the Police Pension Plan and 62 for the employees in the General Employee Pension Plan. The General Employee Pension Plan age requirement was originally proposed at age 60, but Brownstein Hyatt Farber Schreck recommended increasing the age to 62 because age 60 does not fall within the "Safe Harbor" established by the IRS. Given the City's pension plan is a retirement plan and not a savings account, the new added in-service

distribution option will allow employees to only withdraw up to 15% of their pension account balance at the time of election. The 15% limit will alleviate significant withdrawals from the pension plan, which in turn will help avoid increases in operating costs for the entire pension plan as a whole. Employees have expressed a desire to utilize their pension assets in order to put themselves in a better position for retirement. For those who have an interest in taking greater control of their retirement planning, the added in-service distribution option would provide employees more flexibility. However, there is nothing that would prohibit employees from taking the money and just spending it. For some employees, the City's pension plan may be the employee's sole source of retirement income. In addition, if an employee depleted their entire pension account balance and therefore, the employee elected to work longer, there could be long-term implications for the City's workforce. In order to protect the City, if an employee chooses to access their pension, they agree to the DROP provision.

A change to the In-Service Distribution is substantive in nature and will require approval by a vote of the members of the Police Pension Plan. Approval of 65% of those members of the Police Pension Plan who vote is required in order to implement the modification.

In order to acknowledge recent State legislative action recognizing Civil Unions, the proposed amendments expand the definitions to include parties in a civil union and protection from discrimination related to sexual orientation.

In addition, the proposed amendments include a change to the administrative practice of the Retirement Medical Saving Account (RMSA) regarding the reversion of the assets to the City. With respect to any individual RMSA, if there is any balance remaining upon the death of the last to die of the employee and the employee's spouse, the remaining balance is to be returned to the City to be used to offset the City's contributions to the RMSA. When the RMSA was first established in 1999, the City represented that any reversions from the RMSA would be passed to the estate, heirs or beneficiaries of the deceased employee and employee's spouse. Therefore, the City's practice has been that any reversions of the RMSA assets have been transferred to the deceased employee's 401(a) portion of the Pension Plan and then paid to the employee's estate as a taxable benefit. It has been suggested that the administrative practice of the RMSA be changed so that once an employee and spouse die, any balance remaining in the employee's RMSA be returned to the City. The City would then issue a death benefit out of its general assets to the beneficiary(s) of the deceased participant in an amount equal to the deceased employee's RMSA balance net of any tax requirements.

The remaining proposed amendments are recommended clarification of terms and are not substantial in nature. Staff believes the proposed changes can be relied on as necessary and acceptable.

The City's Pension Plans are an attractive employee benefit that directly impacts the ability to meet the City's Strategic Goal of a Financially Sustainable City Government Providing Exceptional Services. The proposed amendments provides an opportunity to maintain quality retirement plans and enhance employee opportunities.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **43**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF TITLE 14
OF THE WESTMINSTER MUNICIPAL CODE CONCERNING
POLICE AND GENERAL EMPLOYEE PENSION PLANS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 14-1-1, W.M.C., is hereby AMENDED to read as follows:

14-1-1: NAME AND PURPOSE OF THE PLAN; HISTORY: (2464 3319 3447)

(A) The City of Westminster (the "City" or the "Employer") does hereby establish its Police Pension Plan (the "Plan"), which is a qualified ~~deferred~~ money purchase pension plan. The Plan is created for the exclusive benefit of the City's eligible ~~employees~~Employees who qualify as Participants and their Beneficiaries. The Plan is intended to qualify under Code Section 401(a) and the Trust created pursuant to the Plan is intended to be exempt under Code Section 501(a), and all provisions of ~~this~~the Plan shall be construed in accordance with this intention. Since this is a governmental plan, it is not the intention of the City to have the Plan comply with the provisions of the Code after the enactment of the Employee Retirement Income Security Act of 1974, except to the extent that changes to the Code apply to governmental plans.

(B) ~~Prior Coverage Under the Participant's Other City Funded Pension Plans.~~PRIOR COVERAGE UNDER OTHER CITY-FUNDED PENSION PLANS: Upon the approval of ~~this~~the Plan by at least sixty-five percent (65%) of the Participants, any ~~employee~~Employee who was formerly a ~~Participant~~participant in the Employee's Pension Plan and Trust Agreement, General Employee Pension Plan or the Police and Fire Pension Plan shall automatically have such interest in such plan, whether held by investment agents, the Trustee, or the City, transferred to ~~this~~the Plan upon becoming eligible to be a Participant in ~~this~~the Plan. Upon transfer of the ~~employee's~~Employee's interest without a break in municipal service, the ~~employee~~Employee shall have the same Participant status as the ~~employee~~Employee had under the other plan. Any contributions due from the City, or withheld from the ~~employee~~Employee for the pay period ending January 5, ~~1986~~1986, will be paid directly into ~~this~~the Plan.

(C) On September 1, 2004, the City transferred the assets of the Firefighter's Pension Plan to the Fire and Police Pension Association ("FPPA") of Colorado defined benefit system and the Firefighter's Pension Plan was terminated. Participants in the Firefighter's Pension Plan became ~~Participants~~participants in the FPPA defined benefit system. Assets in the retirement medical savings account (~~RMSA~~) in the Firefighter's Pension Plan were transferred to the General Employee's Pension Plan for use as defined in Section 14-1-~~7(C)(4)~~8, W.M.C.

Section 2. Section 14-1-2, W.M.C., is hereby AMENDED to read as follows:

14-1-2: DEFINITIONS: (2464 3319 3360 3447 3584) ~~When used herein, the~~The following words, terms and phrases, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise and further provided that the masculine gender shall include the feminine, and the singular shall include the plural:

~~BENEFICIARY: Any~~“Beneficiary” shall mean any person or entity ~~who~~that, pursuant to Section 14-1-6(B), W.M.C., becomes entitled to receive all or any part of a Participant's ~~interest~~Interest upon the Participant's death.

~~BOARD: The~~“Board” shall mean the Police Pension Plan Board established in this Chapter.

~~CITY: The~~“City” shall mean the City of Westminster, Colorado. The City ~~may~~also may be referenced in ~~this~~the Plan as the “Employer.”

“Civil Union Partner” shall mean an Employee’s lawful civil union partner, as determined by the laws of the jurisdiction where the union occurred until the entry of a dissolution of the union.

~~CODE: The~~“Code” shall mean the Internal Revenue Code of 1986, as it may be amended, or re-enacted or replaced. Reference to a specific section of the Code shall mean the section in effect at the date of adoption of ~~this~~the Plan, or any successor section to such section.

~~COMPENSATION: The~~“Compensation” shall mean the base pay of a Participant for services rendered to the City, excluding overtime pay, bonuses, insurance premiums, pension and retirement benefits, and all contributions by the City to ~~this~~the Plan, to any health, accident or welfare fund or plan, or any similar benefit. Compensation shall be computed prior to any salary reduction for mandatory contributions picked up by the City or amounts deferred under a deferred compensation plan or a salary reduction plan or pre-tax medical plan. Compensation for part-time employees is the pay earned for the amount of ~~full time equivalents (“FTE’S”)~~FTEs budgeted for their positions. For purposes of determining the ~~Compensation~~compensation applicable to the limitations on annual contributions in Section 14-1-5, W.M.C., Compensation shall be as defined in Section 14-1-5(B)(5), W.M.C.

Effective January 1, 2009, (A) an individual receiving a differential wage payment (as defined by Code Section 3401(h)(2)) shall be treated as an Employee of the Employer making the payment, (B) the differential wage payment shall be treated as compensation for purposes of Code Section 415 and any other Code section that references the definition of compensation under Code Section 415, and (C) the Plan shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

~~CONTRIBUTING PARTICIPANT: Any~~“Contributing Participant” shall mean any Employee who is making contributions to ~~this~~the Plan, whether or not the City is contributing to the Plan on behalf of such Employee.

“C.R.S.” shall mean the Colorado Revised Statutes.

~~CURRENT ANNUAL BASE SALARY: Compensation~~“Current Annual Base Salary” shall mean compensation annualized for the current calendar year.

“Direct Rollover” shall mean a payment by the Plan to the Eligible Retirement Plan specified by the Distributee.

“Distributee” shall mean an Employee or former employee. In addition, the Employee’s or former employee’s surviving spouse and the Employee’s or former employee’s spouse or former spouse who is the alternate payee under a QDRO are Distributees with regard to the interest of the spouse or former spouse.

~~ELIGIBLE RETIRED PUBLIC SAFETY OFFICER:~~ A “Eligible Retired Public Safety Officer” shall mean a Police Officer who is separated from service with the City as a public safety officer by reason of disability or is separated from service with the City as a public safety officer and separated from service after normal retirement age, as defined in Section 14-1-6(A)(1), W.M.C.

“Eligible Retirement Plan” shall mean (A) an individual retirement account described in Code Section 408(a), (B) an individual retirement annuity described in Code Section 408(b), (C) an annuity plan described in Code Section 403(a), (D) a qualified trust described in Code Section 401(a), (E) an eligible plan under Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, (F) an annuity contract described in Code Section 403(b) and (G) a Roth IRA described in Code Section 408A(b). The preceding definition of Eligible Retirement Plan shall also apply in the case of a distribution from the Plan to a surviving spouse or to a spouse or former spouse who is the alternate payee under a QDRO. In the case of an Eligible Rollover Distribution from the Plan to a non-spouse beneficiary, an Eligible Retirement Plan shall mean an individual retirement account described in Code Section 408(a), individual retirement annuity described in Code Section 408(b), or a Roth IRA described in Code Section 408A(b).

“Eligible Rollover Distribution” shall mean any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: (A) any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee’s designated Beneficiary, or for a specified period of ten (10) years or more; (B) any distribution to the extent such distribution is required under Code Section 401(a)(9); and (C) the portion of any distribution that is not includable in gross income. A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income; provided that such portion is transferred in a direct trustee-to-trustee transfer (1) to a qualified trust or to an annuity contract described in Code Section 403(b) and such trust or contract agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable or (2) to an individual retirement account or annuity described in Code Section 408(a) or 408(b).

~~EMPLOYEE: Any person~~ “Employee” shall mean any individual who fills a City-authorized position of Police Officer as defined in this Chapter that is in a .5 full time equivalency (FTE) 0.5 FTE or greater, excluding individuals employed as temporary employees, elected officials, independent contractors, volunteers and non-benefited full -time and part-time employees. The determination of whether an individual is an Employee, an independent contractor or any other classification of worker or service provider and the determination of whether an individual is classified as a member of any particular classification of employees shall be made solely in accordance with the classifications used by the Employer and shall not be dependent on, or change due to, the treatment of the individual for any purposes under the Code, common law or any other law, or any determination made by any court or government agency.

“Employer” shall mean the City.

“FTE” shall mean full-time equivalents.

~~FULL PARTICIPANT: Any~~ “Full Participant” shall mean any Employee who is qualified to receive Employer contributions under ~~this~~the Plan.

~~HIGHEST ANNUAL BASE SALARY: The~~ “Highest Annual Base Salary” shall mean the largest amount of compensation as calculated for any calendar year of employment.

~~INACTIVE PARTICIPANT: Any~~ “Inactive Participant” shall mean any person who has been a Contributing Participant to ~~this~~the Plan or a preceding pension plan of the City and who is no longer an Employee, but who has not received full distribution of all respective ~~interest in the Plan~~Interest.

~~INTEREST: The~~ “Interest” shall mean the amount of a Participant's share in the Trust Fund, including City contributions, Employee contributions, and earnings thereon.

“Investment Advisor” shall have the meaning ascribed to it in Section 14-1-10(B)(1), W.M.C.

“OASDI” shall mean old age survivors and disability insurance.

~~PARTICIPANT: Any~~ “Participant” shall mean any Contributing Participant or Inactive Participant.

~~THE PLAN: The~~ “Plan” shall mean the Police Pension Plan established in this Chapter and all subsequent amendments thereto.

~~PLAN ADMINISTRATOR: The~~ “Plan Administrator” shall mean the person appointed by the City Manager to administer the Plan.

~~PLAN YEAR: The~~ “Plan Year” shall mean the City's fiscal year, which is the calendar year, and which shall also be the fiscal year of the Trust Fund established pursuant to ~~this~~the Plan.

~~POLICE OFFICER: Any~~ “Police Officer” shall mean any person who is employed by the City as a Police Officer, as defined by Title III of ~~this Westminster Municipal Code~~W.M.C., and who either is the Chief of Police or reports to the Chief of Police.

~~QUALIFIED HEALTH INSURANCE PREMIUMS: “QDRO” shall mean a qualified domestic relations order as defined in Code Section 414(p).~~

“Qualified Health Insurance Premiums” shall mean premiums for coverage of the eligible retired public safety officer, their spouse, and dependents, by an accident or health insurance plan or qualified long-term care insurance contract as defined in Code Section 7702B(b).

“Qualified Military Service” shall mean service in the uniformed services of the United States (as defined in Chapter 43 of Title 38 of the United States Code) by any individual if, such individual is entitled to re-employment rights with respect to such service.

“Retirement Medical Savings Accounts” shall have the meaning ascribed to it in Section 14-1-8(A)(1), W.M.C.

~~TERMINATION OF EMPLOYMENT: The~~ “Termination of Employment” shall mean the cessation of a person's status as an ~~“Employee”~~ as defined in this Section. If the person, upon ~~termination of employment~~Termination of Employment, becomes eligible to participate in the City's General Employees' Employee Pension Plan, without a break in municipal service, ~~that~~that person's ~~interest~~Interest shall be transferred to that plan and the person shall retain status as a Participant~~participant~~. Termination due to dismissal shall become effective on the date after the employee's grievance rights, if any, have lapsed or, if a grievance is filed, on the date of the final decision by the City.

~~TOTAL DISABILITY: A~~ “Total Disability” shall mean a disability ~~which that~~ permanently renders a Contributing Participant unable to perform satisfactorily the Participant’s usual duties of employment with the City, as determined by the ~~Board, City~~ and ~~which that~~ results in the Participant’s ~~termination of employment~~ Termination of Employment with the City.

~~TRUST FUND: The~~ “Trust Fund” shall mean the assets of the trust established pursuant to ~~this the~~ Plan, out of which the benefits under ~~this the~~ Plan shall be paid, including all income of whatever nature earned by the Trust Fund and all increases in fair market value.

~~TRUSTEE: The~~ “Trustee” shall mean the trustee of the Trust Fund established pursuant to ~~this the~~ Plan, who shall always be the current acting Finance Director of the City of Westminster, and any duly qualified corporate co-trustee appointed pursuant to Section 14-1-~~1011, W.M.C.~~ and any duly appointed and qualified successor trustees.

“W.M.C.” shall mean the Westminster Municipal Code.

Section 3. Section 14-1-3, W.M.C., is hereby AMENDED to read as follows:

14-1-3: PARTICIPATION OF EMPLOYEES: (2464 3319 3447)

(A) ~~Participants.~~ PARTICIPANTS.

(1) Contributing Participant. Each Employee hired on or after January 6, ~~1986~~1986, shall become a Contributing Participant in the Plan on the date the Employee becomes a regular or qualified part-time employee and has attained the age of eighteen (18). By accepting employment with the City, each Employee shall be deemed to have consented to the terms and provisions of ~~this the~~ Plan.

(2) Full Participant. No matter when an Employee becomes a Contributing Participant, each Employee shall become a Full Participant, eligible to receive Employer contributions, on the first day of the pay period coinciding with or immediately following the date on which the Employee has completed twenty-two (22) months of service with the City and has attained the age of eighteen (18), provided such Employee is still employed as an Employee on such date and has not severed employment (as provided in subsection (4)(d) of this Section) during such twenty-two (22) month period.

(3) Last Ppay Pperiod of Ccontribution. The City shall not make any contribution for the account of a Full Participant for the pay period in which such Participant’s employment ~~with by~~ the City shall terminate for any reason, unless such Participant is employed by the City on the last date of such pay period. No Participant may make contributions to the Plan pursuant to Sections 14-1-4, W.M.C., other than changes in the valuation of, or earnings on, the Participant’s undistributed Interest, after Termination of Employment or loss of status as an Employee as defined in this Chapter.

(4) Determination of Sservice. For the purpose of determining eligibility to become a Full Participant, service shall be determined in accordance with the following rules:

(a) ~~_____ — An Employee who completes twenty two (22) months of continuous municipal service as defined in Chapter 24 of Title I of this Westminster Municipal Code, shall be eligible as a Full Participant on the first day of the pay period coinciding with or immediately following the date on which the Employee has completed twenty two (22) months of service with the City and has attained the age of eighteen (18), provided such Employee is still employed as an Employee on such date and has not severed employment (as provided in subsection (d) of this Section) during such twenty two (22) month period.~~ Service shall include the continuous period

of time an individual is employed by the City as an Employee, commencing on the date the individual is categorized as an Employee.

(b) _____—A leave of absence without pay, other than for military service, shall be considered a break in continuous municipal service, unless municipal service is extended, ~~pursuant to Section 1-24-10(V) of this Westminster Municipal Code.~~ Neither the City nor the Employee shall be required to contribute to the Participant's account during a leave of absence without pay.

(c) —Any Employee who has entered or enters the armed forces of the United States shall be presumed to be on a leave of absence, regardless of the length of such service, and such leave of absence shall not be considered as a break in continuity of service or a ~~termination of employment~~ Termination of Employment, provided the individual returns to the employ of the City within ninety (90) days (or such other length of time required by applicable law) of the date on which the individual shall have the right to release from military service or from the hospital in the event of service-caused disability, without intervening employment elsewhere.

(d) —Dismissal or voluntary ~~termination~~ Termination of ~~employment~~ Employment with the City shall be considered as a break in continuity of service; regardless of the length of the break in continuity of service, subsequent re-employment shall be deemed to be new employment, and the Employee will be subject to the eligibility requirements as if such Employee were a new Employee, whether or not such Employee was formerly a Full Participant. However, if the City reinstates an Employee subsequent to dismissal, this paragraph shall not apply.

_____ (e)
The provisions of this paragraph (4) shall be applied to all Employees and Participants in a like manner.

(B) ~~Board to Determine Participants.~~ BOARD TO DETERMINE PARTICIPANTS:

(1) Obligations of the City. The City shall deliver to the Board in writing such information from the City's records with respect to Employees and their Compensation as the Board may require, in order to determine the identity and interests of the Participants, and otherwise to perform its duties hereunder.

(2) Information Pprovided by the City. Any information given by the City to the Board pursuant to subsection (B) of this Section shall, for all purposes of this Chapter, be binding on all parties in interest; provided that, whenever any Employee proves to the satisfaction of the City that such Employee's period of employment with the City or such Employee's Compensation as so given is incorrect, the City shall correct such information and so advise the Board.

(3) Determination of the Board. The determination of the Board as to the identity of the respective Participants and as to their respective interests shall be binding upon the City and Trustee, all Employees, all Participants and all Beneficiaries.

_____ Section 4. Section 14-1-4, W.M.C., is hereby AMENDED to read as follows:

14-1-4: CONTRIBUTIONS BY THE CITY, THE STATE OF COLORADO AND PARTICIPANTS: (2464 3319 3360 3447)

(A) ~~Contributions by the City.~~ CONTRIBUTIONS BY THE CITY:

(1) Determination of Ccontribution by the City. On and after January 6, 1986, each pay period the City shall contribute to the credit of each Full Participant's account, ten and one-quarter percent (10.25%) of each Full Participant's Compensation for that pay period; provided

that, during any period in which the City is required to make contributions on behalf of Participants under the Federal Insurance Contributions Act or the Social Security Act, the contribution to ~~this~~the Plan for each Participant shall be offset by the amount of the ~~old age survivors and disability insurance ("OASDI")~~OASDI portion of the Social Security taxes paid by the City for such Participant. This offset shall not exceed the City contribution.

(2) ~~Time and Method of Payment of Contribution by the City.~~ The contributions of the City shall be made every pay period and shall be credited to the Plan each pay period.

(B) ~~Contributions by State of Colorado.~~CONTRIBUTIONS BY STATE OF COLORADO: All monies from the State of Colorado contributed on behalf of Police Officers each year will be credited to the account of each Police Officer in the ratio that such Police Officer's full months of service as a Police Officer for the City relates to the full months of service of all other Police Officers who are Participants in the Plan for that year.

(C) ~~Contributions by Contributing Participants.~~CONTRIBUTIONS BY CONTRIBUTING PARTICIPANTS:

(1) ~~Mandatory Employee Contributions.~~

(a) _____—Each Contributing Participant must contribute to the Trust Fund a percentage of such Participant's Compensation for each pay period as follows: for the pay periods commencing January 1, 1997, eight percent (8%) and for the pay periods commencing January 1, 1998, and thereafter, ten percent (10%) or, if greater, the percentage at least equal to the OASDI tax rate. During any period in which the Contributing Participant is required to make contributions under the Federal Insurance Contributions Act or the Social Security Act, the mandatory contribution to ~~this~~the Plan by each Contributing Participant shall be offset by the OASDI taxes paid by the Participant, except that no offset for OASDI taxes shall reduce the mandatory contribution to ~~this~~the Plan for a Participant to less than two and one half percent (2.5%) of that Contributing Participant's Compensation for that pay period.

(b) _____—For the pay period commencing December 21, 1987, and thereafter, the contribution provided by this paragraph shall be picked up and paid by the City, as Employer, as provided in Code Section 414(h), and the Participant's gross income shall be reduced by the amount of the contributions picked up by the City.

(c) _____—Each Participant, as a condition to such Participant's employment with the City, shall be deemed to have authorized the City to reduce the Participant's Compensation by such amount from each paycheck and to transmit such amount directly to the Plan custodian, according to the provisions of this Chapter.

(d) _____—Separate accounts shall be maintained for the mandatory contributions of the Employees, prior to the pick up of such contributions by the City and the contributions picked up by the City.

(2) ~~Voluntary Contributions.~~

(a) Subject to the provisions of Section 14-1-5(B), W.M.C., each Contributing Participant may elect to contribute to the Trust Fund an amount that, when combined with the mandatory contributions required in paragraph (1) of this ~~Subsection~~subsection (C), does not exceed the amount described in Section 14-1-5(B)(1), W.M.C.

(b) The amount, if any, which a Contributing Participant voluntarily contributes to the Trust Fund, must be contributed through payroll deductions on an after tax basis. A Contributing Participant may have the option of increasing, decreasing, or terminating voluntary contributions at any time. No Participant shall have any obligation to make any voluntary contribution.

(c) For purposes of this Section, amounts representing the Participant's interest in another qualified pension plan transferred in accordance with Section 14-1-124(AG), W.M.C., shall not be considered voluntary contributions.

(3) Payment of Participant Contributions. The contributions of the Employee shall be withheld every pay period and shall be credited to the Plan each pay period.

~~(D) — Retirement Medical Savings Accounts:~~

~~(1) — Each Participant shall have the option of designating up to twenty five percent (25%) of the Participant's combined mandatory and City contributions to be used for future medical expenses as provided for in Code Section 401(h). Contributions to the medical savings accounts will not be taxed at separation from service nor upon use for medical expenses after separation from service. The retirement medical savings accounts will be subject to the rules and requirements issued by the City Manager.~~

~~(2) — Contributions designated for future health benefits under Code Section 401(h) as described in Subsection D(1) of this Section shall be maintained in separate accounts.~~

~~(E) — City's Obligations: (D)~~

~~RETIREMENT MEDICAL SAVINGS ACCOUNTS: See Section 14-1-8 for the terms and conditions relating to Retirement Medical Savings Accounts.~~

(E) CITY'S OBLIGATIONS:

(1) No Contract of Employment. The adoption and continuance of the Plan, as set forth in this Chapter, shall not be deemed to constitute a contract between the City and any Employee or Participant, nor to be consideration for, or an inducement or condition of, the City's employment of any person. Nothing in this Chapter shall be deemed to give any Employee or Contributing Participant the right to be retained in the employ of the City, or to interfere with the right of the City to discharge any Employee or Contributing Participant at any time, nor shall it be deemed to give the City the right to require the Employee or Contributing Participant to remain in its employ, nor shall it interfere with the right of any Employee or Contributing Participant to terminate employment at any time.

(2) No Liability. The City shall not incur any liability whatsoever to the Trust Fund, any Participant or any Beneficiaries, the Trustee, or any other person, for anything done or omitted by the Trustee, or for the loss or depreciation, in whole or in part, of the Trust Fund.

(F) ~~Contributions for Periods of Qualified Military Service~~CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE: The Employer shall make all contributions to the Plan required by Code Section 414(U) ~~which that~~ are attributable to periods of ~~qualified military service~~Qualified Military Service. In addition, the Employer shall allow any Participant to make mandatory Employee contributions and voluntary contributions for periods of ~~qualified military service~~Qualified Military Service as required by Code Section 414(U). The Employer may elect to make additional contributions based upon such ~~qualified military service~~Qualified Military Service, based upon Employer contributions made during the applicable period, provided such election by the Employer is made on a nondiscriminatory basis applicable to all similarly-

situated Employees who have ~~qualified military service~~Qualified Military Service. Any contributions made under this ~~Subsectionsubsection~~ shall be subject to the provisions of Code Section 414(~~Uu~~) and the provisions of ~~this~~the Plan shall be applied considering any such contributions as having been made during the Plan Year to which the contributions relate. ~~For the purposes of this Section, "qualified military service" means service in the uniformed services of the United States (as defined in Chapter 43 of Title 38 of the United States Code) by any individual if such individual is entitled to re-employment rights with respect to such service.~~

(G) ROLLOVER CONTRIBUTIONS: A Participant may transfer to the Participant's Interest all or any portion of the Participant's vested interest in the assets, including after-tax employee contributions, held under any other Eligible Retirement Plan (but excluding Roth IRAs described in Code Section 408A), subject to acceptance of such rollover contribution by the Board. The rollover contribution must be transferred to the Plan either (1) in a direct trustee-to-trustee transfer from the other Eligible Retirement Plan or (2) by the Participant within sixty (60) days after the Participant has received the vested interest from such other Eligible Retirement Plan. In such event, the assets so received shall be (a) fully vested, (b) held in a separate account and (c) administered and distributed pursuant to the provisions of the Plan concerning Employer contributions. No rollover contribution shall (x) include assets from any plan that the Board determines, in its sole discretion, would impose upon the Plan requirements as to form of distribution that would not otherwise apply hereunder or (y) contain nondeductible contributions made to such other Eligible Retirement Plan by the Participant unless the transfer to the Participant's interest is directly from the funding agent of such other Eligible Retirement Plan. An Inactive Participant may make a rollover contribution from an Eligible Retirement Plan that is a Code Section 457(b) plan only if it is the City's Code Section 457(b) plan.

Section 5. Section 14-2-5, W.M.C., is hereby AMENDED to read as follows:

14-1-5: DETERMINATION AND VESTING OF PARTICIPANTS' INTERESTS: (2464 3319 3447 3584)

(A) Allocation of Employer ContributionsALLOCATION OF EMPLOYER CONTRIBUTIONS: The contributions made by the Employer to the credit of the account of each Full Participant shall be allocated to the account of each such Participant as of the end of each pay period. Any allocation shall be subject to the limitations set forth in subsection (B) of this Section.

(B) Limitations on Allocations.LIMITATIONS ON ALLOCATIONS:

(1) General Rrule. In no event may a Participant receive an allocation for any Plan Year ~~which~~that, when combined with contributions allocated to the Participant's Retirement Medical Savings Account (if any) and a Participant-related allocation under any other defined contribution plan established by the City, exceeds the lesser of (a) one hundred percent (100%) of the Participant's Compensation for such year or \$40,000; (b) fifty-one thousand dollars (\$51,000) (for the 2013 Plan Year), provided that such figure shall be adjusted as provided in Code Section 415(~~D~~). ~~For limitation years beginning before January 1, 2002, the foregoing percentage limitation is 25% and the foregoing dollar limitation is \$30,000, as adjusted pursuant to Code Section 415(D)d.~~ For purposes of clarification, the compensation limit referred to in clause (a) in the preceding sentence shall not apply to any contribution allocated to the Participant's Retirement Medical Savings Account, which is otherwise treated as an annual addition. For the purpose of applying the foregoing limitation, the limitation year shall be the Plan Year. If a short limitation year is created as a result of a change in the limitation year, the dollar limitation for such short limitation year shall be the dollar limitation set forth in this ~~Subsectionsubsection~~ multiplied by a fraction, the numerator of which is the number of months in such short year and the denominator of which is twelve (12).

(2) ~~_____~~—Allocations. For the purpose of applying the limitations of this ~~S~~section, the allocation to the Participant shall include the following amounts allocated to the account of a Participant for a limitation year: Employer contributions, forfeitures, and nondeductible contributions made by the Participant, provided that, for years beginning before 1987, only nondeductible contributions in excess of six percent

(6%) of the Participant's Compensation for the year, or one-half (1/2) of the nondeductible contributions made by the Participant, whichever shall be less, shall be counted as an allocation. Except that, for the Plan Years beginning on or after January 1, 1994, allocations may not be based on ~~compensation~~Compensation in excess of the annual limitation of ~~\$150,000, two hundred fifty-five thousand dollars (\$255,000) (for the 2013 Plan Year)~~, subject to adjustment as provided for by law or regulation, for the account of any individual Participant. For the purpose of applying the limitations of this Section, compensation from and allocations received under any retirement plan maintained by any other employer ~~which~~that is a common member with the Employer of either a controlled group of businesses or an affiliated service group, as prescribed by law or regulation, shall be counted.

(3) Excluded Aamounts. Any amount not mentioned in paragraph (2) of this ~~Subsections~~subsection shall not be considered an allocation. The amounts not considered as allocations include deductible Participant contributions, rollover contributions and transfers from other qualified plans allocated to the account of a Participant.

(4) Treatment of Eexcess. ~~In~~With respect to any limitation year beginning on or after July 1, 2007, in the event an allocation would otherwise exceed the limitations of this ~~S~~section, ~~any non-deductible voluntary contribution by the Participant which is counted as part of such allocation shall be returned to such Participant to the extent necessary to reduce such allocation on a level in compliance with the limitations of this Section.~~

~~If after such return of contributions there still remains an excess, the excess over such limitations shall be held in a suspense account until such amount can be applied to reduce the next contribution by the Employer. If the Employer maintains more than one qualified defined contribution plan, the excess shall be considered to have first occurred in the Plan to which the contribution of the Employer is discretionary and, if there is no such plan, the excess shall be treated as having occurred in all defined contribution plans on a pro rata basis based upon the Employer contribution to each of the Plans. If this Plan is terminated when there is an amount held in such a suspense account, the amount held in such account, which cannot be allocated to Participants without exceeding the foregoing limits, shall be returned to the Employer. This Section 141-5(B)(4) shall not apply in any limitation year beginning on or after July 1, 2007. With respect to any limitation year beginning on or after July 1, 2007, if there is an excess allocation (an "excess allocation") with respect to a Participant, the Plan shall only correct the excess allocation in accordance with the Employee Plans Compliance Resolution System ("EPCRS"), as set forth in Revenue Procedure ~~2008-50~~2013-12 or any superseding guidance, including, but not limited to, the preamble of the final Section 415 Regulations.~~

(5) Compensation. For the purposes of applying the limitations of this ~~Subsections~~subsection (B), Compensation means the total amount paid by the Employer to a Participant for services rendered to the Employer ~~which~~that are included in the taxable income of the Participant, including any amounts paid to the Participant by the later of (x) two and one-half ~~(2-1/2)~~ months after the Participant's separation from employment or (y) the end of the limitation year that includes such date of the Participant's separation from employment if, absent such separation from employment, such amounts would have been paid to the Participant while the Participant continued in employment with the Employer. For limitation years beginning after December 31, 1997, Compensation for the purposes of this Section shall not be reduced by voluntary salary deferrals or reductions for a Participant under a plan established under Code Section 125, 132(f)(4), 402(g)(3), 457, 401(k), or 403(b). The "Annual Compensation" of each Participant taken into account in determining allocations for any Plan Year beginning after

December 31, ~~2001,2012,~~ shall not exceed ~~\$200,000,two hundred fifty-five thousand dollars (\$255,000),~~ as adjusted for cost-of-living increases in accordance with Code Section 401(A)(17)(b). ~~For limitation years beginning prior to January 1, 2002, the dollar amount in the foregoing sentence is \$150,000.a)(17)(b).~~ “Annual Compensation” means Compensation during the Plan Year or such other consecutive ~~twelve- (12-)~~ month period over which Compensation is otherwise determined under the Plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

(C) ~~Allocation of Earnings, Losses, Charges and Changes in Fair Market Value of the Net Assets of the Trust Fund.~~ALLOCATION OF EARNINGS, LOSSES, CHARGES AND CHANGES IN FAIR MARKET VALUE OF THE NET ASSETS OF THE TRUST FUND: Earnings and losses of the Trust Fund and changes in the fair market value of the net assets of the Trust Fund shall be allocated under the direction of the Trustee at least quarterly to the Participants as of each regular evaluation date, in the ratio that the total dollar value of the ~~interest~~Interest of each such Participant ~~in the Trust Fund~~ bears to the aggregate dollar value of all of such ~~interests~~Interests of all such Participants. Third party and administrative charges shall be allocated in the ratio that the total dollar value of the ~~interest~~Interest of each such Participant ~~in the Trust Fund~~ bears to the aggregate dollar value of all of such interestsInterests of all such Participants or equally to all Participants.

(D) ~~Participant's Accounts.~~PARTICIPANT'S ACCOUNTS: The Board shall maintain, or cause the City or Trustee to maintain, an account for each Participant showing the dollar value of such Participant's current ~~interest in the Trust Fund~~Interest resulting from any contributions made by the City, which account shall be known as the City contributions account. Separate accounts to be known as Participants' contributions accounts shall also be kept, showing the contributions of each Participant and the earnings, losses and changes in fair market value thereof.

(E) ~~Evaluation Dates.~~EVALUATION DATES: The regular evaluation dates of the Trust Fund shall be at least the last bank business day of each calendar quarter, at which time the Board shall determine, or cause the Trustee to determine, the value of the net assets of the Trust Fund, i.e., the value of all of the assets of the Trust Fund at fair market value thereof, less all liabilities, both as known to the Trustee, including the value of the ~~Contributions~~contributions of the City, the State, and the Participants for that quarter. If an event described in Section 14-1-7(A), W.M.C. occurs between regular evaluation dates requiring a distribution of any part of a Participant's ~~interest in the Trust Fund's Interest,~~ the dollar value of such Participant's ~~interest~~Interest shall be adjusted to reflect the contributions made after the last evaluation date without any earnings, losses or other changes. The dollar value of a Participant's ~~interest~~Interest as so adjusted shall be the amount ~~which~~that shall be distributed to such Participant or such Participant's Beneficiary.

(F) ~~Vesting of Participants' Interests.~~VESTING OF PARTICIPANTS' INTERESTS:

(1) ~~Fully Vested.~~ Fully Vested. A Participant's ~~interest~~Interest in the contributions made by him, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. The ~~interest~~Interest of a Participant in the contributions made by the City, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. ~~Upon attaining normal retirement age, a Participant's interest in the contributions made by the Participant and the contributions made by the City, and the earnings losses and changes in the fair market value thereof, shall be fully vested.~~

(2) ~~Any interest in the Trust Fund~~Distribution of a Participant's Interest. Any Interest shall be and become payable to a Participant or such Participant's Beneficiaries only as and to the extent provided in this Chapter; and a Participant who dies having designated a Beneficiary shall cease to have any interest hereunder or in the Participant's separate trust account, and the

Participant's Beneficiary shall become entitled to distribution thereof as herein provided by virtue of the terms of this Chapter and not as a result of any transfer of said ~~interest~~Interest or account.

(G) ~~Vesting Upon Termination of Plan or Discontinuance of Contributions.~~VESTING UPON TERMINATION OF PLAN OR DISCONTINUANCE OF CONTRIBUTIONS: Notwithstanding the provisions of subsection (F) of this Section, upon the termination of the Plan or upon the complete discontinuance of contributions under the Plan to the Trust Fund, the ~~interest~~Interest of all Participants shall become fully and completely vested and nonforfeitable for all purposes.

(H) ~~Investment of Participant's Account.~~INVESTMENT OF PARTICIPANT'S INTEREST: A Participant's ~~account~~Interest shall be invested in the investment options in accordance with the investment elections specified by the Participant. A Participant may change the investment of contributions and may reallocate amounts in ~~the such~~ Participant's ~~account~~Interest among the investment options in a manner determined by the Plan custodian and subject to such provisions as the Plan Administrator may adopt. Allocation of assets among investment options is solely the responsibility of each Participant. The fact that an investment option is available for investment to Participants under the Plan shall not be construed as a recommendation for investment in that investment option.

Section 6. Section 14-1-6, W.M.C., is hereby AMENDED to read as follows:

14-1-6: RETIREMENT DATE; DESIGNATION OF BENEFICIARY: (2464 3319 3360 3447 3584)

(A) ~~Retirement Date.~~RETIREMENT DATE:

(1) ~~Normal Retirement.~~ For the purposes of Section 14-1-7(L), Payment for Qualified Health Insurance Premiums, ~~t~~The normal retirement age for each Participant shall be age fifty-five (55) and, on the last day of the month in which the Participant attains normal retirement age, the Participant shall be entitled to retire voluntarily. ~~The City may, if it so desires, continue a Contributing Participant in active service after the Participant has attained normal retirement age with the consent of such Participant and, at any time thereafter the City may, at its option, retire such Participant or such Participant may voluntarily retire. Until actual retirement, a Contributing Participant shall continue to participate in the Plan.~~

(B) ~~Beneficiaries.~~BENEFICIARIES:

(1) Designation of Beneficiaries. Each Participant shall have the right to designate one or more Beneficiaries and one or more contingent Beneficiaries to receive the Participant's ~~interest in the Trust Fund~~Interest upon the Participant's death, such designation to be made in the form prescribed by and delivered to the Board. The Participant shall have the right to change or revoke any such designation from time to time by filing a new designation or notice of revocation with the Board, and no notice to any Beneficiary nor consent by a Beneficiary shall be required to effect any such change or revocation. Any Beneficiary designation shall be effective when received by the Board.

(2) Determination of a Beneficiary ~~When There Is No Designated Beneficiary.~~ If a Participant shall fail to designate a Beneficiary before the Participant's death, or if all designated Beneficiaries or contingent Beneficiaries should die, cease to exist before the Participant's death, or if all designated Beneficiaries or contingent Beneficiaries disclaim their interests or die prior to distribution, the Board shall direct the Trustee to pay the Participant's entire ~~interest in the Trust Fund~~Interest to the Participant's surviving spouse or Civil Union Partner (as applicable), if any, or, if none, then to the personal representative of the Participant's estate. If, however, no personal representative shall have been appointed, and no actual notice thereof has

been given to the Board within one hundred twenty (120) days after the Participant's death, the Board may direct the Trustee to pay the Participant's entire ~~interest~~Interest to such person or persons as may be entitled thereto under the intestate laws of Colorado and, in such case, the Board may require such proof of right or identity from such person or persons as the Board may deem necessary.

(3) Insurance Ppolicies. The Beneficiary of any insurance on a Participant's life shall be determined and designated as provided in Section 14-1-89(A), W.M.C.

Section 7. Section 14-1-7, W.M.C., is hereby AMENDED to read as follows:

14-1-7: DISTRIBUTION FROM THE TRUST FUND: (2464 3319 3360 3447 3584)

(A) ~~When Interests Become Distributable and Effect Thereof.~~WHEN INTERESTS BECOME DISTRIBUTABLE AND EFFECT THEREOF: When a Participant dies, suffers Total Disability, retires or ~~terminates employment~~experiences a Termination of Employment for any other reason, the Participant's ~~interest in the Plan~~Interest shall thereupon become distributable. When a Participant's ~~interest~~Interest shall have become distributable, such Participant's ~~interest~~Interest shall remain a part of the Trust Fund until it is distributed.

(B) ~~Information to Be Furnished to the Board.~~INFORMATION TO BE FURNISHED TO THE BOARD: For the purpose of enabling the Board to determine the Participant's distributable ~~interest in the Trust Fund~~Interest, the Board shall be entitled to rely upon information provided to the Board by the City with respect to the date of the Participant's ~~termination of employment's~~ Termination of Employment and other such information as is needed and requested.

(C) ~~Distribution of Interests.~~DISTRIBUTION OF INTERESTS:

(1) Insurance. If there has been an investment in life insurance for the benefit of any Participant whose interest becomes distributable for any reason other than death, such Participant may, subject to any limitation set forth elsewhere in ~~this~~the Plan, obtain an absolute assignment of any such life insurance by informing the Board of such election. If said election is not exercised within thirty (30) days after the Participant's ~~termination of employment,~~Termination of Employment and the conversion election provided for is not made, the Board shall cause said contract to be surrendered no later than the end of the policy year and shall add the proceeds of such surrender to the interest of said Participant. After December 31, 1996, no new life insurance contracts may be adopted as pension investments under the Plan.

(2) Election to Ddefer Bbenefits. A Participant may elect to defer the commencement of distribution of the Participant's benefit, but in no event shall the commencement of distribution be later than the required distribution commencement date specified in subsection (F) of this Section.

(3) Distribution of Participant's AeeountsInterest. Any other provision of this ~~Subsectionsubsection~~ (C) to the contrary notwithstanding, a Participant, in the event of ~~termination of employment~~a Termination of Employment for any reason, shall be entitled to receive payment in one lump sum of the Participant's ~~interest in the Trust Fund~~Interest, provided the Participant makes written demand therefor upon the Board. Notwithstanding any provision of the Plan to the contrary, if the amount of a Participant's Interest (including any rollover contributions that were made to the Plan pursuant to Section 14-1-4(G). W.M.C.) does not exceed one thousand dollars (\$1,000) at the time of a Participant's Termination of Employment for any reason, such Participant's Interest shall be automatically distributed in a cash lump sum as soon as administratively practicable after the Participant's Termination of Employment for any reason. For

purposes of this subsection (C)(3), if such amount is zero, the Participant will be deemed to have received a distribution of such amount.

~~(4) — Benefits Payable from the 401(h) Account.~~

~~(a) — Benefits are payable from the retirement medical savings account only upon retirement, separation of service, death or Total Disability.~~

~~(b) — Benefits payable from a 401(h) account shall include only payments or reimbursements for medical care, as defined in Code Section 213(d)(1).~~

~~(c) — Medical care payments shall only be paid pursuant to a reimbursement application.~~

~~(d) — No refunds of contributions shall be made. All contributions remain in the 401(h) account until used for medical care payments.~~

~~(e) — Reimbursements may not be made for any expense for which the retired Participant or the Participant's spouse or dependents receive, or are eligible to receive, payment or reimbursement from another source.~~

~~(f) — In order to receive benefits from the 401(h) account, the retired Participant must agree to provide appropriate documentation of the medical care expenditure.~~

~~(D) Transfers TRANSFERS Between Qualified Plans, FROM THE PLAN INTO AN ELIGIBLE RETIREMENT PLAN:~~

~~(1) — In General The Trustee and the Plan custodian, upon their mutual agreement, are authorized to receive and add to the interest of any Participant the Participant's vested interest in the assets held under any other qualified employee retirement plan or individual retirement account such transfer satisfies the requirement under law for transfers between qualified plans or rollover contributions. In such event, the assets so received shall be fully vested and shall be held in a separate account and shall be administered and distributed pursuant to the provisions of this Plan and Trust, concerning Employer contributions. The Trustee is also authorized, at the direction of the Plan custodian and at the request of the Participant, to transfer the portion of such Participant's vested ~~interest which~~Interest that is an Eligible Rollover Distribution and has become distributable under Subsections~~subsection~~ (A) hereof, of this Section directly to another ~~qualified plan or an individual retirement account~~Eligible Retirement Plan for the benefit of such Participant, provided such transfer satisfies the requirements under law for such transfers and rollover contributions and the transferee plan accepts the Participant's Eligible Rollover Distribution from the Plan.~~

~~(2) — For Distributions Made On or After January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.~~

~~(3) — For Distributions Made After December 31, 2001. An eligible retirement plan, as defined in subsection (4) below, shall also mean an annuity contract described in Code Section 403(b) and an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Code Section 414(p). The Plan shall be permitted to accept rollovers from any type of eligible retirement plan except to the extent limited in this Section 14-1-7.~~

~~(4) — Definitions.~~

~~(a) — Eligible Rollover Distribution. — An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible~~

~~rollover distribution does not include: (I) any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; (II) any distribution to the extent such distribution is required under Code Section 401(a)(9); (III) any hardship distribution as described in Code Section 401(k)(2)(b)(I)(iv) (applicable only to distributions after December 31, 1999); and (IV) the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to Employer securities). Any amount that is distributed on account of hardship shall not be an eligible rollover distribution and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan. A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after tax employee contributions which are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Code Section 408(a) or (b) of the code, or to a qualified defined contribution plan described in Code Section 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable. The Plan shall accept a rollover of after tax employee contributions.~~

~~(b) — Eligible Retirement Plan. An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), an annuity plan described in Code Section 403(a), or a qualified trust described in Code Section 401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.~~

~~(c) — Distributee. A distributee includes an employee or former employee. In addition, the Employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.~~

~~(d) — Direct Rollover. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.~~

~~(E) Withdrawals While Employed **WITHDRAWALS WHILE EMPLOYED:** A Participant may elect to receive a distribution while still employed by the City as follows:~~

~~(1) Age 62 Withdrawal. A Participant who has attained age sixty-two (62) may elect to begin distributions from the Trust Fund according to the rules described in this Section 14-1-77, W.M.C., while employed by the City, if the Participant's current annual base salary at the time of election is at least twenty-five percent (25%) less than the Participant's highest annual base salary.~~

~~(2) Age 59-1/2 Withdrawal. Effective January 1, 2014, a Participant who has attained age fifty nine and one half (59-1/2) may elect to receive a distribution of up to fifteen percent (15%) of the Participant's Interest according to the rules described in this Section 14-1-7, W.M.C., provided that the Participant irrevocably agrees to terminate employment with the City within five (5) years from receipt of this distribution.~~

~~(F) Required Distribution Commencement Date. **REQUIRED DISTRIBUTION COMMENCEMENT DATE:** Distribution of a Participant's interest in the Plan's Interest must begin no later than the April 1 of the calendar year following the later of the year the Participant attains the age of seventy and one-half (70-1/2) or the year the Participant retires.~~

~~(G) Spendthrift Provisions. **SPENDTHRIFT PROVISIONS:**~~

(1) ~~General Rule~~. Except as otherwise provided in this Chapter, all amounts payable pursuant to this Chapter by the Trustee shall be paid only to the person or persons entitled thereto, and all such payments shall be paid directly into the hands of such person or persons and not into the hands of any other person or corporation whatsoever, and such payments shall not be liable for the debts, contracts or engagements of any such person or persons, or taken in execution by attachment or garnishment or by any other legal or equitable proceedings; nor shall any such person or persons have any right to alienate, anticipate, commute, pledge, encumber or assign any such payments or the benefits, proceeds or avails thereof.

(2) ~~Qualified Domestic Relations Order~~ QDRO. Paragraph (1) of this ~~Subsection~~ shall not apply to the creation, assignment or recognition of a right to any benefit payable with respect to a Participant or alternate payee pursuant to a ~~qualified domestic relations order~~ ("QDRO") setting forth the agreement of the parties with respect to the division of benefits in compliance with ~~26 U.S.C. Code~~ Section 414(p) and ~~Colorado Revised Statutes~~, Section 14-10-~~113, C.R.S.~~ The QDRO must specifically address the division of any ~~401(h)~~ Retirement Medical Savings Account, if applicable. A lump sum distribution will be made pursuant to such ~~an order~~ QDRO within one hundred twenty (120) days after the date on which a certified court order approving such an agreement permitting such a distribution has been submitted to and received by the Board. Procedures for submitting a QDRO may be obtained from the ~~City's Pension Administrator~~ Board or its delegate.

The Board shall establish such reasonable procedures as are necessary to determine the compliance of a domestic relations order with the requirements of ~~Colorado Revised Statutes~~, Section 14-10-~~113, C.R.S.~~, and to administer distributions under such qualified order. Such procedures may be at the discretion of the Board, including standardized forms to be used for such marital agreements and orders. A person who obtains a right to a benefit payable to a Participant pursuant to a qualified domestic relations order shall ~~not have any right~~ no rights to vote in elections held pursuant to ~~this~~ the Plan.

(H) ~~Manner of Distribution~~ MANNER OF DISTRIBUTION: A Participant's ~~interest in the Plan's Interest~~ may be distributed by one or more of the following methods:

(1) ~~Lump Sum Distribution~~. The Participant's ~~interest in the Plan's Interest~~ may be paid to the Participant or the Participant's Beneficiary by the distribution of the total balance of the Participant's ~~Plan account~~ Interest in one lump sum. The Participant, or the Participant's Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in a lump sum by filing a written election with the Trustee within such time as the Board shall prescribe.

(2) ~~Installments~~. The Participant's ~~interest in the Plan's Interest~~ may be paid to the Participant or the Participant's Beneficiary in substantially equal periodic installments over a period of time not to exceed the joint life expectancy of the Participant and the Participant's Beneficiary (or until the ~~account~~ Interest is exhausted) and not in installment frequency greater than monthly. This maximum period shall be determined under the applicable IRS Tables at the time the initial monthly installment payment becomes payable. The Participant, or the Participant's Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in this manner by filing a written ~~elective election~~ with the Trustee within such time as the Board shall prescribe.

(3) ~~Other Methods~~. Notwithstanding the foregoing provisions, any ~~interest which~~ Interest that has become distributable for any reason may be distributed at such time or times, in such amount or amounts, and in such manner, as the Board and the recipient of such distribution may mutually determine, including a transfer to another qualified plan or individual retirement account.

(I) ~~Limitation on Duration of Payments.~~ LIMITATION ON DURATION OF PAYMENTS:

(1) General Rule. No distribution shall be made over a period exceeding the joint life expectancy of the Participant and the Participant's Beneficiary. To the extent distribution is made after the Participant attains the age of seventy and one-half (70-1/2), if not paid in a lump sum, the distribution must be made in substantially equal periodic installments at least annually over the period prescribed in this ~~Subsectionsubsection~~ subject to a once yearly change that may accelerate payment at the election of the Participant or Beneficiary. The present value of the benefits payable solely to the Participant under any elected method must exceed fifty percent (50%) of the total benefits payable to the Participant and the Participant's Beneficiaries, unless distribution is in the form of a qualified joint and survivor annuity.

(2) Compliance with Code Section 401(a)(9). Notwithstanding anything in this Chapter to the contrary, all distributions from the Plan shall conform to the final regulations issued under Code Section 401(~~Aa~~)(9), including the incidental death benefit provisions of Code Section 401(~~Aa~~)(9)(G).

(J) ~~Withdrawals~~ WITHDRAWALS. Except as provided in Section 14-1-7(E), W.M.C., a Participant may not at any time withdraw any part of ~~his interest in the Trust Fund~~ the Participant's Interest, except upon death, ~~disability~~ Total Disability, retirement or ~~termination~~ Termination of ~~service~~ Employment as provided in this Chapter.

(K) ~~Special Rules for Distributions after the Participant's Death.~~ SPECIAL RULES FOR DISTRIBUTIONS AFTER THE PARTICIPANT'S DEATH:

(1) Distributions Commencing Prior to Death. If distribution of a Participant's ~~interest in the Plan's Interest~~ has commenced ~~prior to the Participant's death~~ in accordance with subsection (I) of this Section and the Participant dies before his or her entire Interest has been distributed to him or her, the remaining ~~interest~~ Interest of the Participant shall be distributed at least as rapidly as under the method of distribution being used as of the date of the Participant's death.

(2) Distributions Commencing After Death. If ~~distribution of a Participant's interest did not commence prior to the Participant's death~~ dies before his or her Interest commences, the entire ~~interest~~ Interest of the Participant shall be distributed within five (5) years after the death of the Participant, provided that a distribution commencing within one (1) year after the Participant's death to or for the benefit of a designated Beneficiary over the longer of the life or the life expectancy of the designated Beneficiary will be treated as having been distributed within such five (5) year period. If the surviving spouse of the Participant is the designated Beneficiary, distribution is not required to commence until the date on which the Participant would have attained the age of seventy and one-half (70-1/2) and, if distribution had not commenced as of the date of death of such surviving spouse, the provisions of this paragraph shall be applied as if such spouse were the Participant.

(3) Beneficiaries. If a Participant should die after receiving some part, but not all, of the Participant's ~~Plan account~~ Interest, the remaining balance thereof shall be distributed to the Participant's Beneficiary in a manner determined pursuant to this ~~Subsectionsubsection~~. If the Beneficiary of the Participant should die, cease to exist, or disclaim an interest in the Participant's ~~account~~ Interest prior to the completion of distribution of the Participant's ~~interest~~ Interest, the remaining distribution shall be made to the contingent Beneficiary designated by the Participant, if any. If any contingent Beneficiary should die or disclaim an interest in the Participant's ~~Plan account~~ Interest prior to the completion of distribution ~~of the remainder~~ of the Participant's ~~interest's Interest, the remaining distribution~~ shall be ~~distributed~~ made in a manner determined pursuant to this ~~Subsectionsubsection~~ to the recipient determined pursuant to Section 14-1-~~6-6~~, W.M.C.

(4) Distribution to IRA of Nnonspouse Bbeneficiary. A Participant's nonspouse Beneficiary may elect payment of the portion of the deceased Participant's ~~account~~Interest to which the Beneficiary is entitled in a direct trustee-to-trustee transfer to an individual retirement account ~~or described in Code Section 402(c)(8)(B)(i), an individual retirement~~ annuity described in Code Section 402(~~C~~)(8)(B)(~~I~~ ~~or~~ (~~H~~)ii), or a Roth IRA described in Code Section 408A that is established to receive the Plan distribution on behalf of the Beneficiary and such transfer shall be treated as an Eligible Rollover Distribution and such individual retirement account, annuity or Roth IRA shall be treated as an inherited individual retirement account, individual retirement annuity, or Roth IRA (within the meaning of Code Sections 408(d)(3)(C) and 408A). For purposes of this Section, a trust maintained for the benefit of one or more designated ~~beneficiaries~~Beneficiaries may be the Beneficiary to the extent provided in rules prescribed by the Secretary of Treasury. If the Participant dies after the Participant's required beginning date, as defined in Section 14-1-7(F), W.M.C., the required minimum distribution in the year of death may not be transferred according to this Section. The requirements of Code Section 402(~~C~~)(11) apply to distributions under this Section.

(L) ~~Payment for Qualified Health Insurance Premiums.~~PAYMENT FOR QUALIFIED HEALTH INSURANCE PREMIUMS: A Participant who has separated from service as a public safety officer with the City due to disability for attainment of normal retirement age, as defined in Section 14-1-6(A), W.M.C., may elect to have amounts not yet paid from the Plan paid directly to a provider of an accident or health insurance plan or a qualified long-term insurance contract to cover the cost of up to three thousand dollars (\$3,000) per year of "qualified health insurance premiums" for the Participant and the Participant's spouse and dependents, in accordance with Code Section 402(~~L~~). The requirements of Code Section 402(~~L~~) apply to payments under this Section.

Section 8. Section 14-1-8, W.M.C., is hereby AMENDED to read as follows:

14-1-8: ~~INSURANCE COMPANY CONTRACTS: (2464 3447)~~CONTRIBUTIONS TO RETIREMENT MEDICAL SAVINGS ACCOUNTS:

(A) CONTRIBUTIONS TO RETIREMENT MEDICAL SAVINGS ACCOUNTS:

(1) General. Each Participant shall have the option of designating up to twenty-five percent (25%) of the Participant's combined mandatory and City contributions made to the Trust Fund pursuant to Sections 14-1-4(A) and (C)(1), W.M.C., to be used for future medical care expenses as provided for in Code Section 401(h). Contributions designated by a Participant for future health benefits under Code Section 401(h) as described in this subsection (A)(1) shall be maintained in a separate account (the "Retirement Medical Savings Accounts").

(2) Subordinate; Taxation. It is intended that the benefits provided by the Retirement Medical Savings Accounts shall at all times be subordinate to the retirement benefits provided by the Plan. Contributions to the Retirement Medical Savings Accounts will not be taxed upon a Participant's retirement, Termination of Employment, death or Total Disability nor upon use for medical expenses upon a Participant's retirement, Termination of Employment, death or Total Disability.

(3) No Rrefunds. No refunds of contributions to a Participant's Retirement Medical Savings Account shall be made to the Participant or the Participant's spouse or dependents.

(4) Non-transferrable. Except as provided in subsection (B)(5) of this Section, all contributions to a Participant's Retirement Medical Savings Account shall not be transferred and

shall remain in the Retirement Medical Savings Account until such contributions are used for medical care expenses for the Participant and the Participant's spouse and dependents.

(5) Other Rules and Requirements. The Retirement Medical Savings Accounts will be subject to the rules and requirements issued by the City Manager, which can be changed from time to time.

(B) DISTRIBUTIONS FROM RETIREMENT MEDICAL SAVINGS ACCOUNTS:

(1) Contributions Upon Retirement, Termination of Employment, Death and Total Disability. Contributions to a Participant's Retirement Medical Savings Account may be distributed only upon the Participant's retirement, Termination of Employment, death or Total Disability.

(2) Exclusive Use. Contributions to a Participant's Retirement Medical Savings Account shall be used exclusively to pay or reimburse qualifying medical care expenses under Code Section 213(d)(1) for the Participant and the Participant's spouse and dependents.

(3) Reimbursement Application. Distributions from a Participant's Retirement Medical Savings Account shall only be paid pursuant to a reimbursement application, which contains the provisions for determining the amount of benefits that will be paid from the Retirement Medical Savings Account and specifies the time period with respect to which benefits will be paid.

(4) Other Sources. Distributions from a Participant's Retirement Medical Savings Account may not be made for any expense for which the Participant or the Participant's spouse or dependents receive, or are eligible to receive, payment or reimbursement from another source.

(5) Reversion to the Employer. If, with respect to a Participant's Retirement Medical Savings Account, there is any balance remaining upon the death of the last to die of the Participant or the Participant's spouse, if any, and the satisfaction of all liabilities under the Plan to provide benefits payable from the Retirement Medical Savings Account with respect to the Participant and the Participant's spouse, then any such balance shall be returned to the Employer to be used as determined by the Employer.

(6) Distribution. Any interest in a Participant's Retirement Medical Savings Account shall be and become payable to the Participant, the Participant's spouse, or the Participant's dependent only as and to the extent provided in this Chapter. In order to receive benefits from the Retirement Medical Savings Account, the Participant must agree to provide appropriate documentation of the medical care expenditures

(C) VESTING OF RETIREMENT MEDICAL SAVINGS ACCOUNTS: A Participant's interest in the contributions made by the Participant pursuant to Section 14-1-8(A), and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times, subject to reversion in accordance with Section 14-1-8(B)(5), W.M.C.

(D) INVESTMENT OF RETIREMENT MEDICAL SAVINGS ACCOUNTS: A Participant's Retirement Medical Savings Account shall be invested in the investment options in accordance with the investment elections specified by the Participant. A Participant may change the investment of contributions and may reallocate amounts in such Participant's account among the investment options in a manner determined by the Plan custodian and subject to such provisions as the Plan Administrator may adopt. Allocation of assets among investment options is solely the responsibility of each Participant. The fact that an investment option is available for investment to Participants under the Plan shall not be construed as a recommendation for investment in that investment option.

(E) TERMINATION OF THE PLAN: Upon the termination of the Plan, the interests of all Participants in the Retirement Medical Savings Accounts shall be returned to the Employer.

Section 9. Section 14-1-9, W.M.C., is hereby AMENDED to read as follows:

14-1-9: INSURANCE COMPANY CONTRACTS: (2464 3447)

(A) ~~Insurance Annuity Contracts.~~ **INSURANCE OR ANNUITY CONTRACTS:**

(1) ~~Previously Purchased Contracts.~~ If a Participant has, under the provisions of the prior City retirement plan, already purchased an ordinary life or retirement income insurance contract, the account of the Participant on whose life the contract is obtained shall be charged with the amount of all premiums thereon. The Trustee shall continue to have the right to receive each payment that may be due during the Participant's lifetime. Any death benefit shall be payable directly to the Beneficiary named in any such contract on the Participant's life and the Participant shall have the right, either directly or through the Trustee, to change the Beneficiary from time to time on any such contract and to elect settlement options thereunder for the benefit of the Beneficiary. The Trustee shall have the right to exercise all other options and privileges contained in the contract.

(2) ~~No Right to Purchase Contracts Through the Plan.~~ A Participant may not purchase any individual insurance or annuity contract through the Plan.

(3) ~~No New Group Contracts.~~ After December 31, 1996, the City shall not purchase any new group insurance or annuity contracts for pension Participants.

(B) ~~Limitations on Life Insurance or Annuity Contracts for Participants' Benefit.~~ **LIMITATIONS ON LIFE INSURANCE OR ANNUITY CONTRACTS FOR PARTICIPANTS' BENEFIT:** All investments in life insurance or annuity contracts (other than "key man insurance") shall be subject to the following limitations:

(1) The aggregate premiums for such life insurance or annuity contracts, in the case of each Participant, shall be no more than thirty-five percent (35%) of the aggregate of the City's contributions allocated to him at any particular time;

(2) The Board shall direct the Trustee to convert the entire value of any such life insurance contract at or before the Participant's actual retirement to provide either cash value or periodic income, or the Board may direct the Trustee to distribute the insurance contract directly to the Participant at retirement;

(3) In the event payment of any premium would cause aggregate premiums to exceed the limitation set forth in paragraph (1) of this ~~Subsection~~ subsection, then such payment shall not be made, but, on the contrary, each insurance or annuity contract pertaining thereto shall be thereupon converted to a paid up contract, or the face amount of such contract shall be reduced to a face amount, the premium payments on which would not exceed the limitation prescribed in paragraph (1) of this ~~Subsection~~ subsection; and

(4) If the Board directs the Trustee to invest any portion of the Trust Fund in such insurance or annuity contracts, such investment shall be made in such a manner that the operation of this Chapter shall be fair and equitable (and nondiscriminatory) in its application to all Participants.

(C) ~~Dividends.~~ **DIVIDENDS:** If dividends are paid on any contract issued by the Insurer, they shall, in the discretion of the Board, either be used to provide additional benefits under such contract or used and applied in reduction of the next premium due and payable thereon.

(D) ~~Limitation of Participant's Rights in Insurance or Annuity Contracts.~~LIMITATION OF PARTICIPANT'S RIGHTS IN INSURANCE OR ANNUITY CONTRACTS: The fact that any contract is issued or based on the life of a Participant shall not vest any right, title or interest in such contract in such Participant, except at the time or times and upon the terms and conditions especially set forth in this Chapter. Subject to the provisions of Section 14-1-89(A), W.M.C., the Trustee shall be the sole owner of all right, title and interest in and to each such contract, but the Board shall nevertheless direct the Trustee as to the exercise of all rights, options and privileges in each such contract.

(E) ~~Protective Provisions for Life Insurance Company.~~PROTECTIVE PROVISIONS FOR LIFE INSURANCE COMPANY: No life insurance company shall be deemed to be a party to the Plan nor shall it be responsible for the validity of the Plan. The certificate of the Trustee as to any matter may be relied upon by any life insurance company as conclusive evidence of any matters mentioned therein, and such company shall be fully protected in taking or permitting any action on the faith thereof and shall incur no liability or responsibility for so doing. No such company shall be required to examine the provisions of this Chapter or to question any act of the Trustee or the Board, nor shall such company be required to ascertain that any act of the Trustee or the Board is authorized by this Chapter.

Section 10. Section 14-1-10, W.M.C., is hereby AMENDED to read as follows:

14-1-910: POLICE PENSION BOARD: (2464 3319 3447)

(A) ~~Appointment of Board.~~APPOINTMENT OF BOARD:

(1) General Rule. The Board shall consist of five ~~(5)~~ members: one ~~(1)~~ shall be the current City Finance Director; one ~~(1)~~ shall be appointed by the City Manager to serve at the City Manager's pleasure; and three ~~(3)~~ shall be Contributing Participants, elected by a majority of the voting Participants. One of the three elected members shall be an unclassified exempt employee as defined in the City's Personnel RulesPolicies and RegulationsRules. The Trustee shall serve as Chairperson of the Board.

(2) Procedures for Electing the Tthree Mmembers. The three ~~(3)~~ members to be elected shall be elected for three (3) year staggered terms, with the term of one such member expiring in December of each year. The procedure to be followed in initially electing such members shall be established by the Trustee. After the first year of the election, procedures shall be established by the Board.

(B) ~~Duties and Powers of the Board.~~DUTIES AND POWERS OF THE BOARD: The Board shall be charged with the administration of ~~this~~the Plan and shall decide all questions arising in the administration, interpretation and application of the Plan, including all questions relating to eligibility, vesting and distribution, and to supply omissions and to resolve inconsistencies and ambiguities arising under the Plan. The decisions of the Board shall be conclusive and binding on all parties. In addition to the other duties and powers set forth elsewhere in the Plan, the Board also shall have the following duties and powers:

(1) Payments from and Investments of the Trust Fund; Investment Advisor. The Board shall, from time to time, direct the Trustee concerning the payments to be made out of the Trust Fund pursuant to this Chapter. The Board shall also have the power to direct the Trustee with respect to all investments and reinvestments of the Trust Fund, and shall have such other powers respecting the administration of the Trust Fund as may be conferred upon it in this Chapter. The Board may employ for the Trust Fund an ~~Investment Advisor~~investment advisor ("Investment Advisor") and may rely on such Investment Advisor's recommendations with respect to the

investment of all or a portion of the Trust Fund. If the Board shall employ an Investment Advisor, it shall execute any letters or agreements necessary for the employment of such Investment Advisor or it may direct the Trustee to execute any such letters or agreement. The fees of such Investment Advisor shall be paid from the Trust Fund as an expense of the Trust. The Trustee shall be fully protected from any action of such Investment Advisor and shall not be liable to any person or organization for any investments made by such Investment Advisor or for any acts or omissions made upon the direction or recommendation of such Investment Advisor.

(2) ~~Enter into, Execute, and Terminate Contracts.~~ The Board shall have the power to direct the Trustee to enter into and execute contracts as investment vehicles for the Trust Funds. The Board shall have the further power to direct the Trustee to terminate any such contract at any time, subject to the provisions of such contract.

(3) ~~Investment Options.~~ If the Trustee enters into a contract at the direction of the Board ~~which that~~ permits the right of Participants to direct the investment of their ~~interest in the Trust Fund~~ ~~Interest~~ in forms of investments offered, the Board shall provide the opportunity to Participants to make options as to investments. The Board shall adopt various investment options for the investment of contributions by the Participant and shall monitor and evaluate the appropriateness of the investment options offered by the Plan. The Board may remove or phase out an investment option, if the investment option has failed to meet the established evaluation criteria or for other good cause as determined by the Board. Neither the Trustee, the Board, the Plan Administrator nor the City shall be held liable for any losses or changes to a Participant's ~~interest~~ ~~Interest~~ that result from that Participant's choice of investment options.

(C) ~~Organization and Operation of Board.~~ ORGANIZATION AND OPERATION OF BOARD: The Board may adopt such rules and procedures as it deems desirable for the conduct of its affairs, appoint one of its own members chairman, and appoint a secretary or other agents, none of whom need be a member of the Board, but any of whom may be, but need not be, an officer or ~~employee~~ ~~Employee~~ of the City. It may delegate to any agent such duties and powers, both ministerial and discretionary, as it deems appropriate, excepting only that all matters involving investment of funds, interpretation of the Plan and settlement of disputes shall be determined by the Board. Any determination of the Board may be made by a majority of the Board at a meeting thereof, or without a meeting by a resolution or memorandum signed by all members, and shall be final and conclusive on the City, the Trustee, all Participants and Beneficiaries claiming any rights under this Chapter, and as to all third parties dealing with the Board or with the Trustee. All notices, directions, information and other communications from the Board to the Trustee shall be in writing.

(D) ~~Matters Affecting Board Members.~~ MATTERS AFFECTING BOARD MEMBERS: In any matter affecting any member of the Board in an individual capacity as a Participant under this Chapter, separate and apart from such individual's status as a member of the group of Participants, such interested member shall have no authority or vote as a member of the Board in the determination of such matter, but the Board shall determine such matter as if said interested member were not a member of the Board; provided, however, that this shall not be deemed to take from said interested member any rights as a Participant. In the event that the remaining members of the Board should be unable to agree on any matter so affecting an interested member because of an equal division of voting, the matter shall be deemed to have been defeated.

(E) ~~Compensation and Expenses of Board.~~ COMPENSATION AND EXPENSES OF BOARD: The members of the Board shall serve without compensation in addition to their regular City compensation. All members shall be reimbursed by the City for any necessary expenditures incurred in the discharge of their duties as members of said Board. Such reimbursement, and the compensation of all agents, counsel or other persons retained or employed by the Board, shall be fixed by the Board and shall be paid from the Trust Fund or, in the discretion of the City Manager, by the City.

(F) ~~Records of the Board.~~RECORDS OF THE BOARD: The Board shall keep a record of all of its proceedings and shall keep or cause to be kept all such books of account, records and other data as may be necessary or advisable in its judgment for the administration of this Chapter and properly to reflect the affairs thereof, and to determine the amount of vested and/or forfeitable ~~interests~~Interests of the respective Participants ~~in the Trust Fund~~, and the amount of all Plan benefits. As a part thereof, it shall maintain or cause to be maintained separate accounts for each Participant as provided for in Section 14-1-5(A)(3)D), W.M.C. Any person dealing with the Board may rely on, and shall incur no liability in relying on, a certificate or memorandum in writing signed by the secretary of the Board or by a majority of the members of the Board as evidence of an action taken or resolution adopted by the Board.

(G) ~~Immunity from Liability.~~IMMUNITY FROM LIABILITY: No bond or other security shall be required of any member of the Board, except as may be otherwise required by law. No member of the Board shall be liable or responsible to any person or party for any matter or thing whatsoever, except only for such member's own gross negligence or willful misconduct.

(H) ~~Resignation and Removal of Members; Appointment of Successors.~~RESIGNATION AND REMOVAL OF MEMBERS; APPOINTMENT OF SUCCESSORS:

(1) Resignation from the Board. Any member of the Board may resign at any time by giving written notice to the other members and to the City Manager, effective as therein stated, otherwise, upon receipt of such notice.

(2) Termination of Employment with the City. Whether or not the Board member remains a Participant, no Board member may remain on the Board if the individual terminates employment with the City for whatever reason.

(3) Ceasing to Hold a Designated Position. No appointed Board member may remain on the Board if the individual ceases to hold one of the positions designated.

(4) ~~_____~~Transfer. No elected Board member may remain on the Board as an elected member if the individual transfers, for whatever reason, to a department in which another elected Board member works.

(5) Successor Board Member. Upon the death, resignation or removal of any elected Board member, a successor to complete the Board member's term shall be elected within thirty (30) days in the manner set forth in subsection (A) of this Section.

(6) Removal from the Board. A member of the Board may be removed from the Board in the manner defined in ~~Section H(F)~~ of the City of Westminster Police and General Employee Pension Plan ~~By-laws~~Bylaws.

Section 11. Section 14-1-11, W.M.C., is hereby AMENDED to read as follows:

14-1-1011: POWERS AND DUTIES OF THE TRUSTEE: (2464 3319 3447 3584)

(A) ~~Investment of Trust Fund.~~INVESTMENT OF THE TRUST FUND:

(1) Duty of the Trustee. It shall be the duty of the Trustee to hold the funds from time to time received from the City and the Participants and, subject to the direction of the Board, to manage, invest and reinvest the Trust Fund and the income therefrom pursuant to the provisions of this Chapter, without distinction between principal and income. The Trustee shall be responsible

only for such sums as shall actually be received. The Trustee shall have no duty to collect any sums from the City or the Participants.

(2) Power of the Trustee. The Trustee shall have the power to invest and/or reinvest any and all money or property of any description at any time held by it and constituting a part of the Trust Fund without previous application to, or subsequent ratification of, the City Council, the City Manager, any court, tribunal or commission, or any ~~Federal~~federal or State governmental agency, in accordance with the following powers:

~~(a) _____~~ ~~(a) The Trustee may invest in real property and all interests therein, in bonds, notes, debentures, mortgages, commercial paper, preferred stocks, common stocks, or other securities, rights, obligations or property, real or personal, including shares or certificates of participation issued by regulated investment companies or regulated investment trusts, shares or units of participation in qualified common trust funds or qualified pooled funds, and in life insurance and annuity contracts. In making investments or reinvestments, the Trustee shall not be limited by the proportion to which the investments to be made, either alone or with any property of the same or similar character then held or acquired, may bear to the entire amount of the Trust Fund, and the Trustee shall not be bound as to the character of any investment provided by any constitutional provision, statute, rule of court or custom governing the investment of trust funds, providing only that the Trustee shall exercise the judgment and care, under the circumstances then prevailing, which that people of prudence, discretion and intelligence exercise in the management of their own affairs.~~

~~(b) _____~~ ~~(b) The Trustee, in the matter of the investment of the Trust Fund, shall be held harmless in every respect in exercising its discretion as to how much of the Trust Fund shall remain uninvested and in cash temporarily awaiting investment or for the expected cash distributions out of the Trust Fund in accordance with the provisions of this Chapter.~~

~~(c) _____~~ ~~(c) If directed by the Board, the Trustee shall enter into contracts as investment vehicles for the Plan, which contracts shall then become a part of this the Plan. The Trustee shall then be authorized to sign such other documents and take such other actions as might be necessary or appropriate to carry out the terms of such contracts. The Trustee may enter into such contracts as Trustee of this the Plan alone, or as Trustee of this the Plan and as trustee of the City's General Employee Pension Plan in which case the funds of the two plans may be co-mingled for investment purposes.~~

~~(d) _____~~ ~~(d) To the extent the Trustee is directed by the Board to make a particular investment, the Trustee shall be held harmless from any loss or other liability arising therefrom.~~

(B) ~~Administrative Powers of the Trustee.~~ ADMINISTRATIVE POWERS OF THE TRUSTEE: The Trustee shall have all powers necessary or advisable to carry out the provisions of ~~this the~~ Plan and all inherent, implied and statutory powers now or hereafter provided by law, including specifically the power to do any of the following:

(1) To cause any securities or other property to be registered and held in its name as Trustee or in the name of one or more of its nominees, without disclosing the fiduciary capacity, or to keep the same in unregistered form payable to bearer.

(2) To sell, grant option to sell, exchange, pledge, encumber, mortgage, deed in trust or use any other form of hypothecation, or otherwise dispose of the whole or any part of the Trust Fund on such terms and for such property or cash, or part cash and credit, as it may deem best, and it may retain, hold, maintain or continue any securities or investments ~~which that~~ it may hold as part of the Trust Fund for such length of time as it may deem advisable.

(3) To abandon, compromise, contest and arbitrate claims on ~~demands demand~~; to institute, compromise and defend actions at law (but without obligation to do so), all at the risk and expense of the Trust Fund.

(4) To borrow money for this Trust, with the approval of the Board, upon such terms and conditions as the Trustee shall deem advisable, and to secure the repayment thereof by the mortgage or pledge of any asset of the Trust Fund.

(5) To vote in person or by proxy any shares of stock or rights held in the Trust Fund; to participate in reorganization, liquidation or dissolution of any corporation, the securities of which are held in the Trust Fund and to exchange securities or other property in connection therewith.

(6) To pay any amount due on any loan or advance made to the Trust Fund, all taxes of any nature levied, assessed or imposed upon the Trust Fund, except for any taxes imposed with respect to any prohibited transaction, as defined in Code Section 4975(c), and all reasonable expenses and attorney fees necessarily incurred by the Trustee with respect to any of the foregoing matters.

(C) ~~Immunity of Trustee.~~IMMUNITY OF TRUSTEE: No bond or other security shall be required of the Trustee or any successor trustee, except as otherwise provided by law. The Trustee shall not be liable for any mistake of judgment or other action taken in good faith or for any loss to the Trust Fund, unless such loss results from its gross negligence, willful misconduct or bad faith.

(D) ~~Advice of Board or Counsel.~~ADVICE OF BOARD OR COUNSEL:

(1) ~~Advice or Direction of the Board.~~ If, at any time, the Trustee is in doubt concerning any action ~~which~~that it should take in connection with the administration of the Trust, it may request the Board to advise it with respect thereto and shall be protected in relying upon the advice or direction of the Board.

(2) ~~Advice of Counsel.~~ The Trustee may also consult with legal counsel, who may be counsel for the City, or Trustee's own counsel, with respect to the meaning or construction of this Chapter or Trustee's obligations or duties, and the Trustee shall be fully protected from any responsibility with respect to any action taken or omitted by the Trustee in good faith pursuant to the advice of such counsel.

(E) ~~Taxes, Expenses and Fees of the Trustee.~~TAXES, EXPENSES AND FEES OF THE TRUSTEE. The Trustee shall charge against and pay from the Trust Fund any taxes ~~which~~that may be imposed upon the Trust Fund or the income thereof, or upon or with respect to the interest of any person therein ~~which~~that the Trustee is required to pay; provided that the Trust Fund shall not pay or assume any taxes imposed with respect to any prohibited transaction as defined in Code Section 4975(c).

(1) ~~Reasonable Expenses; Attorney's Fees.~~ The reasonable expenses of the Trustee incurred in the administration of the Plan, including the fees of any corporate co-trustee ~~which~~that might be appointed as may be mutually agreed upon from time to time by the Trustee and the Board, and attorney's fees incurred by the Trustee, shall be chargeable to and paid by the Trust Fund, provided that the City may pay all or part of such expenses and fees in the discretion of the City Manager.

(2) All expenses incurred in the preparation and adoption of the Plan shall be paid by the City.

(F) ~~Records and Accounts of the Trustee.~~RECORDS AND ACCOUNTS OF THE TRUSTEE: The Trustee shall keep all such records and accounts ~~which~~that may be necessary in the administration and conduct of this Chapter. The Trustee's records and accounts shall be open to inspection by the City, the Board, and the Participant of the Participant's own accounts, during business hours.

(1) Commingled Trust Fund. All income, profits, recoveries, contributions, forfeitures, and any and all moneys, securities and properties of any kind at any time received or held by the Trustee shall be held for investment purposes as a commingled Trust Fund. Separate accounts or records may be maintained for operational and accounting purposes, but no such account or record shall be considered as segregating any funds or property from any other funds or property contained in the commingled fund, except as otherwise provided in this Chapter.

(2) Accounting of the Trust Fund. After the close of each year of the Trust, the Trustee shall render to the City and the Board an accounting of the Trust Fund for such year. If no objections to any such accounting are filed within a period of sixty (60) days after it has been delivered to the City and the Board, it shall be deemed to have been approved and shall constitute a full and complete discharge and release to the Trustees from the City and the Board and all other persons having or claiming any interest in the Trust Fund.

(G) ~~Resignation and Removal of Trustee.~~ RESIGNATION AND REMOVAL OF TRUSTEE: The City, by action of the City Manager, may, in its discretion, appoint an additional non-voting Trustee to act as co-trustee with the City Finance Director, which may, but need not, be a bank or trust company organized under the laws of Colorado or the United States authorized by law to administer trusts and maintaining and operating a full-time trust department.

(1) ~~Resignation.~~ Resignation. Any Trustee, other than the City Finance Director, may resign from serving as a Trustee at any time by filing with the City Manager ~~and an~~ appropriate written resignation. No such resignation shall take effect until thirty (30) days from the date thereof, provided that if a successor Trustee shall have been appointed prior to the expiration of said period, the resignation shall be effective immediately.

(2) ~~Removal.~~ Removal. Any Trustee, other than the City Finance Director, may be removed by the City, by action of the City Manager, at any time by giving thirty (30) days notice in writing to such Trustee. Such removal shall be effected by delivering to such Trustee written notice of removal, executed by the City Manager.

(3) All the provisions set forth in this Chapter with respect to the Trustee shall relate to all successor Trustees and if more than one Trustee is then acting, reference to the term "Trustee" shall mean "Trustees."

(4) ~~Corporate Co-Trustee.~~ Corporate Co-Trustee. In ~~any~~ event any corporate co-trustee at any time acting hereunder shall be merged, or consolidated with, or shall sell or transfer substantially all of its assets and business to another corporation, whether State or ~~Federal~~ federal, or shall be in any manner reorganized or reincorporated, then the resulting or acquiring corporation shall thereupon be substituted *ipso facto* for such corporate co-trustee hereunder without the execution of any instrument and without any action upon the part of the City, any Participant or Beneficiary of any deceased Participant, or any other person having or claiming to have an interest in the Trust Fund or under the Plan.

Section 12. Section 14-1-12, W.M.C., is hereby AMENDED to read as follows:

14-1-~~11~~12: CONTINUANCE, TERMINATION AND AMENDMENT OF PLAN: (2464 3447)

(A) ~~Continuance of the Plan Not a Contractual Obligation of the City.~~ CONTINUANCE OF THE PLAN NOT A CONTRACTUAL OBLIGATION OF THE CITY: It is the expectation of the City that it will continue ~~this~~ the Plan indefinitely, but the continuance of the Plan is not assumed as a contractual obligation by the City, and the right is reserved to the City by action of its City

Council to discontinue ~~this~~the Plan at any time. The discontinuance of ~~this~~the Plan by the City shall, in no event, have the effect of re-vesting any part of the Trust Fund in the City.

(B) ~~Termination of Plan. This~~TERMINATION OF PLAN: The Plan shall continue in full force and effect until terminated or discontinued by the City by action of its City Council. Notice of such termination shall be given to the Trustee by an instrument in writing executed by the City Manager pursuant to the action of its City Council.

(C) ~~Distribution of Trust Fund on Termination of Plan.~~DISTRIBUTION OF THE TRUST FUND ON TERMINATION OF PLAN: If the Plan shall, at any time, be terminated by the terms of this Section, the Trustee shall immediately convert the entire Trust Fund, other than insurance and annuity contracts, to cash. The value of the ~~interest~~Interest of each respective Participant or ~~interest of each respective~~ Beneficiary in the Trust Fund shall be vested in its entirety as of the date of the termination of the Plan. The Trustee shall, as soon as possible, distribute to each Participant or Beneficiary outright, in a lump sum cash payment, such Participant's entire Interest or Beneficiary's entire interest in the Trust Fund.

(D) ~~Amendments to the Plan.~~AMENDMENTS TO THE PLAN:

(1) General Rule. The City, by action of its City Council, may at any time amend this Chapter; provided, however, that no such amendment shall:

(a) Divert the Trust Fund to purposes other than for the exclusive benefit of the Participants and their Beneficiaries;

~~(a)~~(b) Divert or use any part of the corpus or income of the Retirement Medical Savings Accounts for any purpose other than paying medical benefits under Code Section 401(h) (other than as provided in Section 14-1-8(B)(5), W.M.C.);

~~(b)~~(c) Decrease any Participant's share of this Plan's Interest;

~~(e)~~(d) Discriminate in favor of employees Employees who are officers, persons whose principal duties consist in supervising the work of other ~~employees~~ Employees, or highly compensated employees; or

~~(d)~~(e) Fail to comply with State statutes for voting for Police Pension Plans police pension plans.

(2) No Participant Approval Required. Notwithstanding anything herein to the contrary, this Chapter may be amended, if necessary, without requiring the approval of the ~~Plan~~ Participants to conform to the provisions and requirements of the Code or any amendments thereto, and no such amendment shall be considered prejudicial to the interest of any Participant or Beneficiary hereunder.

Section 13. Section 14-1-13, W.M.C., is hereby AMENDED to read as follows:

14-1-~~12~~13: MISCELLANEOUS: (2464 3319 3447)

(A) ~~Benefits to be Provided Solely from the Trust Fund.~~BENEFITS TO BE PROVIDED SOLELY FROM THE TRUST FUND: All benefits payable under ~~this~~the Plan shall be paid or provided for solely from the Trust Fund, and the City assumes no liability or responsibility therefor.

(B) ~~Notices from Participants to be Filed with Plan Administrator, the Board or the Trustee.~~NOTICES FROM PARTICIPANTS TO BE FILED WITH THE PLAN ADMINISTRATOR, THE BOARD OR THE TRUSTEE: Whenever provision is made that a Participant may exercise any option or election or designate any Beneficiary, the action of each

Participant shall be evidenced by a written notice therefor signed by the Participant on a form furnished by the Plan Administrator, the Board or the Trustee, as may be applicable, for such purpose and filed with the Plan Administrator, the Board or the Trustee, as applicable, which shall not be effective until received by the Plan Administrator, the Board or the Trustee, as applicable.

(C) ~~Text to Control.~~TEXT TO CONTROL: The headings of sections and subsections are included solely for convenience or reference. If there be any conflict between such headings and the text of this Chapter, the text shall control.

(D) ~~Law Governing. This~~LAW GOVERNING: The Plan shall be construed under the laws of the State of Colorado and the Trustee shall be liable to account only in the courts of Colorado. All contributions received by the Trustee pursuant to this Chapter shall be deemed to have been received in Colorado.

(E) ~~Severability.~~SEVERABILITY: In the event any provision of this Chapter shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions. On the contrary, such remaining provisions shall be fully severable and this Chapter shall be construed and enforced as if said illegal or invalid provisions had never been inserted herein.

(F) ~~Plan for Exclusive Benefit of Participants; Reversion Prohibited. This~~PLAN FOR EXCLUSIVE BENEFIT OF PARTICIPANTS; REVERSION PROHIBITED: The Plan has been entered into for the exclusive benefit of the Participants and their Beneficiaries. ~~Under~~Other than as provided in Section 14-1-8(B)(5), W.M.C., under no circumstances shall any funds contributed to or held by the Trustee hereunder at any time revert to or be used by or enjoyed by the City, nor shall any such funds or assets at any time be used other than for the exclusive benefit of the Participants or their Beneficiaries.

Section 14. Section 14-2-1, W.M.C., is hereby AMENDED to read as follows:

14-2-1: NAME AND PURPOSE OF THE PLAN; HISTORY: (2464 3319 3447)

(A) The City of Westminster (the “City” or the “Employer”) does hereby establish its General Employee Pension Plan (the “Plan”), which is a qualified ~~deferred~~-money purchase pension plan. The Plan is created for the exclusive benefit of the City’s eligible ~~employees~~Employees who qualify as Participants and their Beneficiaries. The Plan is intended to qualify under Code Section 401(a) and the Trust created pursuant to the Plan is intended to be exempt under Code Section 501(a), and all provisions of ~~this~~the Plan shall be construed in accordance with this intention. Since this is a governmental plan, it is not the intention of the City to have the Plan comply with the provisions of the Code after the enactment of the Employee Retirement Income Security Act of 1974, except to the extent that changes to the Code apply to governmental plans.

(B) On October 1, 1977, the City merged the assets of the Police Pension Fund and the Firefighter’s Pension Fund into the restated Employee’s Pension Plan. Effective January 6, 1986, the City withdrew all employees who were not police officers or firefighters from the Employee’s Pension Plan by a transfer of their aggregate interest into the Plan created in this Chapter. The original plan, formerly known as the Employee’s Pension Plan and Trust Agreement, was then renamed the Police and Fire Pension Plan.

(C) ~~Prior Coverage Under Other City Funded Pension Plans. Any employee~~PRIOR COVERAGE UNDER OTHER CITY-FUNDED PENSION PLANS: Any Employee who was formerly a ~~Participant~~participant in the Employee’s Pension Plan and Trust Agreement or the Police and Fire Pension Plan shall automatically have such interest in such plan, whether held by investment agents, the Trustee, or the City, transferred to ~~this~~the Plan upon becoming eligible to be

a Participant in ~~this~~the Plan. Upon transfer of the ~~employee~~'Employee's interest without a break in municipal service, the ~~employee~~Employee shall have the same Participant status as the ~~employee~~Employee had under the other plan.

(D) On September 1, 2004, the City transferred the assets of the Firefighter's Pension Plan to the Fire and Police Pension Association ("FPPA") of Colorado defined benefit system and the Firefighter's Pension Plan was terminated. Participants in the Firefighter's Pension Plan became ~~Participants~~participants in the FPPA defined benefit system. Assets in the retirement medical savings account (~~RMSA~~)—in the Firefighter's Pension Plan were transferred to the General Employee's Pension Plan for use as defined in Section 14-2-7(~~C~~)(4)8, W.M.C.

Section 15. Section 14-2-2, W.M.C., is hereby AMENDED to read as follows:

14-2-2: DEFINITIONS: (2464 3319 3447 3584) ~~When used herein, the~~The following words, terms and phrases, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise; and further provided that the masculine gender shall include the feminine, and the singular shall include the plural.

~~BENEFICIARY: Any~~"Beneficiary" shall mean any person or entity ~~who~~that, pursuant to Section 14-2-6(~~AB~~), W.M.C., becomes entitled to receive all or any part of a Participant's ~~interest~~Interest upon the Participant's death.

~~BOARD: The~~"Board" shall mean the General Employee Pension Board established in this Chapter.

~~CITY: The~~"City" shall mean the City of Westminster, Colorado. The City ~~may~~also may be referenced in ~~this~~the Plan as the "Employer."

"Civil Union Partner" shall mean an Employee's lawful civil union partner, as determined by the laws of the jurisdiction where the union occurred until the entry of a dissolution of the union.

~~CODE: The~~"Code" shall mean the Internal Revenue Code of 1986, as it may be amended, or re-enacted or replaced. Reference to a specific section of the Code shall mean the section in effect at the date of adoption of ~~this~~the Plan, or any successor section to such section.

~~COMPENSATION: The~~"Compensation" shall mean the base pay of a Participant for services rendered to the City, excluding overtime pay, bonuses, insurance premiums, pension and retirement benefits, and all contributions by the City to ~~this~~the Plan, to any health, accident or welfare fund or plan, or any similar benefit. Compensation shall be computed prior to any salary reduction for mandatory contributions picked up by the City or amounts deferred under a deferred compensation plan or a salary reduction plan or pre-tax medical plan. Compensation for part-time employees is the pay earned for the amount of ~~full time equivalents ("FTE's")~~FTEs budgeted for their positions. For purposes of determining the ~~Compensation~~compensation applicable to the limitations on annual contributions in Section 14-2-5, W.M.C., Compensation shall be as defined in Section 14-2-5(B)(5)-, W.M.C.

Effective January 1, 2009, (A) an individual receiving a differential wage payment (as defined by Code Section 3401(h)(2)) shall be treated as an Employee of the Employer making the payment, (B) the differential wage payment shall be treated as compensation for purposes of Code Section 415 and any other Code section that references the definition of compensation under Code Section 415, and (C) the Plan shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

CONTRIBUTING PARTICIPANT:—Any “Contributing Participant” shall mean any Employee who is making contributions to this the Plan, whether or not the City is contributing to the Plan on behalf of such Employee.

“C.R.S.” shall mean the Colorado Revised Statutes.

“Direct Rollover” shall mean a payment by the Plan to the Eligible Retirement Plan specified by the Distributee.

“Distributee” shall mean an Employee or former employee. In addition, the Employee’s or former employee’s surviving spouse and the Employee’s or former employee’s spouse or former spouse who is the alternate payee under a QDRO are Distributees with regard to the interest of the spouse or former spouse.

“Eligible Retirement Plan” shall mean (A) an individual retirement account described in Code Section 408(a), (B) an individual retirement annuity described in Code Section 408(b), (C) an annuity plan described in Code Section 403(a), (D) a qualified trust described in Code Section 401(a), (E) an eligible plan under Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, (F) an annuity contract described in Code Section 403(b) and (G) a Roth IRA described in Code Section 408A(b). The preceding definition of Eligible Retirement Plan shall also apply in the case of a distribution from the Plan to a surviving spouse or to a spouse or former spouse who is the alternate payee under a QDRO. In the case of an Eligible Rollover Distribution from the Plan to a non-spouse beneficiary, an Eligible Retirement Plan shall mean an individual retirement account described in Code Section 408(a), individual retirement annuity described in Code Section 408(b), or a Roth IRA described in Code Section 408A(b).

“Eligible Rollover Distribution” shall mean any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: (A) any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee’s designated Beneficiary, or for a specified period of ten (10) years or more; (B) any distribution to the extent such distribution is required under Code Section 401(a)(9); and (C) the portion of any distribution that is not includable in gross income. A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income; provided that such portion is transferred in a direct trustee-to-trustee transfer (1) to a qualified trust or to an annuity contract described in Code Section 403(b) and such trust or contract agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable or (2) to an individual retirement account or annuity described in Code Section 408(a) or 408(b).

EMPLOYEE:—Any person “Employee” shall mean any individual who fills a City-authorized position or temporary intern position of Police Officer as defined in this Chapter that is in a .5 full time equivalency (FTE) 0.5 FTE or greater, excluding individuals employed as temporary employees, elected officials, independent contractors, volunteers and non-benefited full -time and part-time employees. The determination of whether an individual is an Employee, an independent contractor or any other classification of worker or service provider and the determination of whether an individual is classified as a member of any particular classification of employees shall be made solely in accordance with the classifications used by the Employer and shall not be dependent on, or change due to, the treatment of the individual for any purposes under the Code, common law or any other law, or any determination made by any court or government agency.

“Employer” shall mean the City.

“FTE” shall mean full-time equivalents.

~~FULL PARTICIPANT: Any~~ “Full Participant” shall mean any Employee who is qualified to receive City contributions under ~~this~~the Plan.

~~INACTIVE PARTICIPANT: Any~~ “Inactive Participant” shall mean any person who has been a Contributing Participant to ~~this~~the Plan or a preceding pension plan of the City and who is no longer an Employee, but who has not received full distribution of all respective ~~interest in the Plan~~Interest.

~~INTEREST: The~~ “Interest” shall mean the amount of a Participant’s share in the Trust Fund, including City contributions, ~~employee~~Employee contributions, and earnings thereon.

“Investment Advisor” shall have the meaning ascribed to it in Section 14-2-10(B)(1), W.M.C.

“OASDI” shall mean old age survivors and disability insurance.

~~PARTICIPANT: Any~~ “Participant” shall mean any Contributing Participant or Inactive Participant.

~~THE PLAN: The~~ “Plan” shall mean the General Employee Pension Plan established in this Chapter and all subsequent amendments thereto.

~~PLAN ADMINISTRATOR: The~~ “Plan Administrator” shall mean the person appointed by the City Manager to administer the Plan.

~~PLAN YEAR: The~~ “Plan Year” shall mean the City’s fiscal year, which is the calendar year, and which shall also be the fiscal year of the Trust Fund established pursuant to ~~this~~the Plan.

~~POLICE OFFICER: Any person who is employed by the City as a police officer as defined by Title III of this Westminster Municipal Code, and who reports to the Chief of Police.~~

~~“QDRO” shall mean a qualified domestic relations order as defined in Code Section 414(p).~~

“Qualified Military Service” shall mean service in the uniformed services of the United States (as defined in Chapter 43 of Title 38 of the United States Code) by any individual, if such individual is entitled to re-employment rights with respect to such service.

“Retirement Medical Savings Accounts” shall have the meaning ascribed to it in Section 14-2-8(A)(1), W.M.C.

~~TERMINATION OF EMPLOYMENT: The~~ “Termination of Employment” shall mean the cessation of a person’s status as an “Employee” as defined in this Section. If the person, upon ~~termination of employment~~Termination of Employment, becomes eligible to participate in the City’s Police Pension Plan, without a break in municipal service, ~~the employee's interest~~that person’s Interest shall be transferred to that plan and the person shall retain status as a ~~Participant~~participant. Termination due to dismissal shall become effective on the date after the employee’s grievance rights, if any, have lapsed or, if a grievance is filed, on the date of the final decision by the City.

~~TOTAL DISABILITY: A~~ “Total Disability” shall mean a disability ~~which~~that permanently renders a Contributing Participant unable to perform satisfactorily the Participant’s usual duties of employment with the City as determined by the Board~~City~~ and ~~which~~that results in the Participant’s ~~termination of employment~~Termination of Employment with the City.

~~TRUST FUND: The~~“Trust Fund” shall mean the assets of the trust established pursuant to ~~this~~the Plan, out of which the benefits under ~~this~~the Plan shall be paid, including all income of whatever nature earned by the Trust Fund and all increases in fair market value.

~~TRUSTEE: The~~“Trustee” shall mean the trustee of the Trust Fund established pursuant to ~~this~~the Plan, who shall always be the current acting Finance Director of the City of Westminster, and any duly qualified corporate co-trustee appointed pursuant to Section 14-2-~~10~~11, W.M.C., and any duly appointed and qualified successor trustees.

“W.M.C.” shall mean the Westminster Municipal Code.

Section 16. Section 14-2-3, W.M.C., is hereby AMENDED to read as follows:

14-2-3: PARTICIPATION OF EMPLOYEES: (2464 3319 3447)

(A) ~~Participants.~~PARTICIPANTS:

(1) Contributing Participant. Each Employee hired on or after January 6, ~~1986~~1986, shall become a Contributing Participant in the Plan on the date the Employee becomes a regular or qualified part-time employee and has attained the age of eighteen (18). By accepting employment with the City, each Employee shall be deemed to have consented to the terms and provisions of ~~this~~the Plan.

(2) Full Participant. No matter when an Employee becomes a Contributing Participant, each Employee shall become a Full Participant, eligible to receive CityEmployer contributions on the first day of the pay period coinciding with or immediately following the date on which the Employee has completed twenty-two (22) months of service with the City and has attained the age of eighteen (18), provided such Employee is still employed as an Employee on such date and has not severed employment (as provided in subsection (4)(d) of this Section) during such twenty-two (22) month period.

(3) Last Ppay Pperiod of Ccontribution. The City shall not make any contribution for the account of a Full Participant for the pay period in which such Participant’s employment by the City shall terminate for any reason, unless such Participant is employed by the City on the last date of such pay period. No Participant may make contributions to the Plan pursuant to Sections 14-2-4, W.M.C., other than changes in the valuation of, or earnings on, the Participant’s undistributed ~~interest in the Plan~~Interest, after ~~termination of employment~~Termination of Employment or loss of status as an Employee as defined in this Chapter.

(4) Determination of Sservice. For the purpose of determining eligibility to become a Full Participant, service shall be determined in accordance with the following rules:

(a) ~~An Employee who completes twenty two (22) months of continuous municipal service as defined in Chapter 24 of Title I of this Westminster Municipal Code, shall be eligible as a Full Participant on the first day of the pay period coinciding with or immediately following the date on which the Employee has completed twenty two (22) calendar months of service with the City and has attained the age of eighteen (18), provided such Employee is still employed as an Employee on such date and has not severed employment (as provided in subsection (d) of this Section) during such twenty two (22) month period.~~Service shall include the continuous period of time an individual is employed by the City as an Employee, commencing on the date the individual is categorized as an Employee.

(b) A leave of absence without pay, other than for military service, shall be considered a break in continuous municipal service, unless municipal service is extended ~~pursuant to Section 1-24-10(V) of this Westminster Municipal Code.~~ Neither the City nor the Employee shall be required to contribute to the Participant’s account during a leave of absence without pay.

(c) ~~_____~~—Any Employee who has entered or enters the armed forces of the United States shall be presumed to be on a leave of absence, regardless of the length of such service, and such leave of absence shall not be considered as a break in continuity of service or a ~~termination~~Termination of ~~employment~~Employment, provided the individual returns to the employ of the City within ninety (90) days (or such other length of time required by applicable law) of the date on which the individual shall have the right to release from military service or from the hospital in the event of service-caused disability, without intervening employment elsewhere.

(d) Dismissal or voluntary ~~termination~~Termination of ~~employment~~Employment with the City shall be considered as a break in continuity of service; regardless of the length of the break in continuity of service, subsequent re-employment shall be deemed to be new employment, and the ~~employee~~Employee will be subject to the eligibility requirements as if such ~~employee~~Employee were a new ~~employee~~Employee, whether or not such ~~employee~~Employee was formerly a Full Participant. However, if the City reinstates an ~~employee~~Employee subsequent to dismissal, this paragraph shall not apply.

(e) The provisions of this paragraph (4) shall be applied to all ~~employees~~Employees and Participants in a like manner.

(B) ~~Board to Determine Participants~~BOARD TO DETERMINE PARTICIPANTS:

(1) Obligations of the City. The City shall deliver to the Board in writing such information from the City's records with respect to Employees and their Compensation as the Board may require, in order to determine the identity and interests of the Participants, and otherwise to perform its duties hereunder.

(2) Information Pprovided by the City. Any information given by the City to the Board pursuant to subsection (B) of this Section shall, for all purposes of this Chapter, be binding on all parties in interest; provided that, whenever any Employee proves to the satisfaction of the City that such Employee's period of employment with the City or such Employee's Compensation as so given is incorrect, the City shall correct such information and so advise the Board.

(3) Determination of the Board. The determination of the Board as to the identity of the respective Participants and as to their respective interests shall be binding upon the City and Trustee, all ~~employees~~Employees, all Participants and all Beneficiaries.

Section 17. Section 14-2-4, W.M.C., is hereby AMENDED to read as follows:

14-2-4: CONTRIBUTIONS BY THE CITY AND PARTICIPANTS: (2464 3319 3360 3447)

(A) ~~Contributions by the City~~CONTRIBUTIONS BY THE CITY:

(1) Determination of Ccontribution by the City. On and after January 6, 1986, each pay period the City shall contribute to the credit of each Full Participant's account, ten and one-quarter percent (10.25%) of each Full Participant's Compensation for that pay period; provided that, during any period in which the City is required to make contributions on behalf of Participants under the Federal Insurance Contributions Act or the Social Security Act, the contribution to ~~this~~the Plan for each Participant shall be offset by the amount of the ~~old age survivors and disability insurance~~ (“OASDI”) portion of the Social Security taxes paid by the City for such Participant. This offset shall not exceed the City contribution.

(2) Time and Mmethod of Ppayment of Ccontribution by the City. The contributions of the City shall be made every pay period and shall be credited to the Plan each pay period.

(B) ~~Contributions by Contributing Participants.~~ CONTRIBUTIONS BY CONTRIBUTING PARTICIPANTS:

(1) ~~Employee~~ Contributions.

(a) Each Contributing Participant must contribute to the Trust Fund a percentage of such Participant's Compensation for each pay period as follows: for the pay periods commencing January 1, 1997, eight percent (8%) and for the pay periods commencing January 1, 1998, and thereafter, ten percent (10%) or, if greater, the percentage at least equal to the OASDI tax rate. During any period in which the Contributing Participant is required to make contributions under the Federal Insurance Contributions Act or the Social Security Act, the mandatory contribution to ~~this~~ the Plan by each ~~contributing~~ Contributing Participant shall be offset by the OASDI taxes paid by the Participant, except that no offset for OASDI taxes shall reduce the mandatory contribution to ~~this~~ the Plan for a Participant to less than two and one-half percent (2.5%) of that Contributing Participant's Compensation for that pay period.

(b) For the pay period commencing December 21, 1987, and thereafter, the contribution provided by this paragraph shall be picked up and paid by the City, as Employer, as provided in Code Section 414(h), and the Participant's gross income shall be reduced by the amount of the contributions picked up by the City.

(c) Each Participant, as a condition to such Participant's employment with the City, shall be deemed to have authorized the City to reduce the Participant's Compensation by such amount from each paycheck and to transmit such amount directly to the Plan custodian, according to the provisions of this Chapter.

(d) Separate accounts shall be maintained for the mandatory contributions of the Employees, prior to the pick up of such contributions by the City and the contributions picked up by the City.

(2) Voluntary ~~Employee~~ Contributions.

(a) Subject to the provisions of Section 14-2-5(B), W.M.C., each Contributing Participant may elect to contribute to the Trust Fund an amount that, when combined with the mandatory contributions required in paragraph (1) of this ~~Subsections~~ subsection (B), does not exceed the amount described in Section 14-2-5(B)(1), W.M.C.

(b) The amount, if any, which a Contributing Participant voluntarily contributes to the Trust Fund, must be contributed through payroll deductions on an after-tax basis. A Contributing Participant may have the option of increasing, decreasing or terminating voluntary contributions at any time. No Participant shall have any obligation to make any voluntary contribution.

(c) For purposes of this Section, amounts representing the Participant's interest in another qualified pension plan transferred in accordance with Section 14-2-~~12(A)~~ 4(F), W.M.C., shall not be considered voluntary contributions.

(3) Payment of ~~P~~ Participant ~~Employee~~ Contributions. The contributions of the Employee shall be withheld every pay period and shall be credited to the Plan each pay period.

(C) RETIREMENT MEDICAL SAVINGS ACCOUNTS: See Section 14-2-8 for the terms and conditions relating to Retirement Medical Savings Accounts.

~~(1) — Each Participant shall have the option of designating up to twenty five percent 25% of the Participant's combined mandatory and City contributions to be used for future medical expenses as provided for in Code Section 401(h). Contributions to the medical savings accounts will not be taxed at separation from service nor upon use for medical expenses after separation from service. The retirement medical savings accounts will be subject to the rules and requirements issued by the City Manager.~~

~~(2) Contributions designated for future health benefits under Code Section 401(h) as described in Subsection C (1) of this Section shall be maintained in separate accounts.~~

(D) ~~City's Obligations.~~ CITY'S OBLIGATIONS:

(1) ~~No Contract of Employment.~~ The adoption and continuance of the Plan, as set forth in this Chapter, shall not be deemed to constitute a contract between the City and any ~~employee~~ Employee or Participant, nor to be consideration for, or an inducement or condition of, the City's employment of any person.

Nothing in this Chapter shall be deemed to give any Employee or Contributing Participant the right to be retained in the employ of the City, or to interfere with the right of the City to discharge any ~~employee or contributing~~ Employee or Contributing Participant at any time, nor shall it be deemed to give the City the right to require the Employee or Contributing Participant to remain in its employ, nor shall it interfere with the right of any Employee or Contributing Participant to terminate employment at any time.

(2) ~~No Liability.~~ The City shall not incur any liability whatsoever to the Trust Fund, any Participant or any Beneficiaries, the Trustee, or any other person, for anything done or omitted by the Trustee, or for the loss or depreciation, in whole or in part, of the Trust Fund.

(E) ~~Contributions for Periods of Qualified Military Service.~~ CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE: The Employer shall make all contributions to the Plan required by Code Section 414(u) ~~which~~ that are attributable to periods of ~~qualified military service~~ Qualified Military Service. In addition, the Employer shall allow any Participant to make mandatory Employee contributions and voluntary contributions for periods of ~~qualified military service~~ Qualified Military Service as required by Code Section 414(u). The Employer may elect to make additional contributions based upon such ~~qualified military service~~ Qualified Military Service, based upon ~~employer~~ Employer contributions made during the applicable period, provided such election by the Employer is made on a nondiscriminatory basis applicable to all similarly-situated ~~employees~~ Employees who have ~~qualified military service~~ Qualified Military Service. Any contributions made under this ~~Subsection~~ subsection shall be subject to the provisions of Code Section 414(u) and the provisions of ~~this~~ the Plan shall be applied considering any such contributions as having been made during the Plan Year to which the contributions relate. ~~For the purposes of this Section, "qualified military service" means service in the uniformed services of the United States (as defined in Chapter 43 of Title 38 of the United States Code) by any individual if such individual is entitled to re-employment rights with respect to such service.~~

(F) ROLLOVER CONTRIBUTIONS: ~~A Participant may transfer to the Participant's Interest all or any portion of the Participant's vested interest in the assets, including after-tax employee contributions, held under any other Eligible Retirement Plan (but excluding Roth IRAs described in Code Section 408A), subject to acceptance of such rollover contribution by the Board. The rollover contribution must be transferred to the Plan either (1) in a direct trustee-to-trustee transfer from the other Eligible Retirement Plan or (2) by the Participant within sixty (60) days after the Participant has received the vested interest from such other Eligible Retirement Plan. In such event, the assets so received shall be (a) fully vested, (b) held in a separate account and (c) administered and distributed pursuant to the provisions of the Plan concerning Employer contributions. No rollover contribution shall (x) include assets from any plan that the Board determines, in its sole discretion, would impose upon the Plan requirements as to form of distribution that would not otherwise apply hereunder or (y) contain nondeductible contributions made to such other Eligible Retirement Plan by the Participant unless the transfer to the Participant's interest is directly from the funding agent of such other Eligible Retirement Plan. An Inactive Participant may make a rollover contribution from an Eligible Retirement Plan that is a Code Section 457(b) plan only if it is the City's Code Section 457(b) plan.~~

Section 18. Section 14-2-5, W.M.C., is hereby AMENDED to read as follows:

14-2-5: DETERMINATION AND VESTING OF PARTICIPANTS' INTERESTS: (2464 3319 3447 3584)

(A) ~~Allocation of Employer Contributions.~~ ALLOCATION OF EMPLOYER CONTRIBUTIONS: The contributions made by the Employer to the credit of the account of each Full Participant shall be allocated to the account of each such Participant as of the end of each pay period. Any allocation shall be subject to the limitations set forth in subsection (B) of this Section.

(B) ~~Limitations on Allocations.~~ LIMITATIONS ON ALLOCATIONS:

(1) ~~General Rule.~~ General Rule. In no event may a Participant receive an allocation for any Plan Year ~~which that~~, when combined with contributions allocated to the Participant's Retirement Medical Savings Account (if any) and a Participant-related allocation under any other defined contribution plan established by the City, exceeds the lesser of (a) one hundred percent (100%) of the Participant's Compensation for such year or \$40,000; ~~(b) fifty-one thousand dollars (\$51,000) (for the 2013 Plan Year),~~ provided that such figure shall be adjusted as provided in Code Section 415(d). ~~For limitation years beginning before January 1, 2002, the foregoing percentage limitation is 25% and the foregoing dollar limitation is \$30,000, as adjusted pursuant to Code Section 415(d)~~ purposes of clarification, the compensation limit referred to in clause (a) in the preceding sentence shall not apply to any contribution allocated to the Participant's Retirement Medical Savings Account, which is otherwise treated as an annual addition. For the purpose of applying the foregoing limitation, the limitation year shall be the Plan Year. If a short limitation year is created as a result of a change in the limitation year, the dollar limitation for such short limitation year shall be the dollar limitation set forth in this ~~Subsections~~ subsection multiplied by a fraction, the numerator of which is the number of months in such short year and the denominator of which is twelve (12).

(2) Allocations. For the purpose of applying the limitations of this Section, the allocation to the Participant shall include the following amounts allocated to the account of a Participant for a limitation year: Employer contributions, forfeitures, and nondeductible contributions made by the Participant, provided that, for years beginning before 1987, only nondeductible contributions in excess of six percent (6%) of the Participant's Compensation for the year, or one-half (1/2) of the nondeductible contributions made by the Participant, whichever shall be less, shall be counted as an allocation. Except that, for the Plan Years beginning on or after January 1, 1994, allocations may not be based on ~~compensation~~ Compensation in excess of the annual limitation of ~~\$150,000;~~ two hundred fifty-five thousand dollars (\$255,000) (for the 2013 Plan Year), subject to adjustment as provided for by law or regulation, for the account of any individual Participant. For the purpose of applying the limitations of this Section, compensation from and allocations received under any retirement plan maintained by any other employer ~~which that~~ is a common member with the Employer of either a controlled group of businesses or an affiliated service group, as prescribed by law or regulation, shall be counted.

(3) Excluded Amounts. Any amount not mentioned in paragraph (2) of this ~~Subsections~~ subsection shall not be considered an allocation. The amounts not considered as allocations include deductible Participant contributions, rollover contributions and transfers from other qualified plans allocated to the account of a Participant.

(4) Treatment of Excess. ~~In~~ With respect to any limitation year beginning on or after July 1, 2007, in the event an allocation would otherwise exceed the limitations of this Section, ~~any non-deductible voluntary contribution by the Participant which is counted as part of such allocation shall be returned to such Participant to the extent necessary to reduce such allocation on a level in compliance with the limitations of this Section. If after such return of contributions there still~~

~~remains an excess, the excess over such limitations shall be held in a suspense account until such amount can be applied to reduce the next contribution by the Employer. If the Employer maintains more than one qualified defined contribution plan, the excess shall be considered to have first occurred in the Plan to which the contribution of the Employer is discretionary and, if there is no such plan, the excess shall be treated as having occurred in all defined contribution plans on a pro rata basis based upon the Employer contribution to each of the plans. If this Plan is terminated when there is an amount held in such a suspense account, the amount held in such account, which cannot be allocated to Participants without exceeding the foregoing limits, shall be returned to the Employer. This Section 14 2 5(B)(4) shall not apply in any limitation year beginning on or after July 1, 2007. With respect to any limitation year beginning on or after July 1, 2007, if there is any excess allocation (an "excess allocation") with respect to a Participant, the Plan shall only correct the excess allocation in accordance with the Employee Plans Compliance Resolution System ("EPCRS"), as set forth in Revenue Procedure 2008-50 2013-12 or any superseding guidance, including, but not limited to, the preamble of the final Section 415 Regulations.~~

(5) Compensation. For the purposes of applying the limitations of this ~~Subsectionsubsection~~ (B), Compensation means the total amount paid by the Employer to a Participant for services rendered to the Employer ~~whichthat~~ are included in the taxable income of the Participant, including any amounts paid to the Participant by the later of (x) two and one-half ~~(2-1/2)~~ months after the Participant's separation from employment or (y) the end of the limitation year that includes such date of the Participant's separation from employment if, absent such separation from employment, such amounts would have been paid to the Participant while the Participant continued in employment with the Employer. For limitation years beginning after December 31, 1997, Compensation for the purposes of this Section shall not be reduced by voluntary salary deferrals or reductions for a Participant under a plan established under Code Section 125, 132(f)(4), 402(g)(3), 457, 401(k) or 403(b). The "Annual Compensation" of each Participant taken into account in determining allocations for any Plan Year beginning after December 31, ~~2001,2012,~~ shall not exceed ~~\$200,000,two hundred fifty-five thousand dollars~~ ~~(\$255,000),~~ as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(b). ~~For limitation years beginning prior to January 1, 2002, the dollar amount in the foregoing sentence is \$150,000.~~ "Annual Compensation" means Compensation during the Plan Year or such other consecutive ~~twelve- (12-)~~ month period over which Compensation is otherwise determined under the Plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

(C) ~~Allocation of Earnings, Losses, Charges and Changes in Fair Market Value of the Net Assets of the Trust Fund~~ ALLOCATION OF EARNINGS, LOSSES, CHARGES AND CHANGES IN FAIR MARKET VALUE OF THE NET ASSETS OF THE TRUST FUND: Earnings and losses of the Trust Fund and changes in the fair market value of the net assets of the Trust Fund shall be allocated under the direction of the Trustee at least quarterly to the Participants as of each regular evaluation date, in the ratio that the total dollar value of the ~~interest~~ Interest of each such Participant ~~in the Trust Fund~~ bears to the aggregate dollar value of all of such ~~interests~~ Interests of all such Participants. Third party and administrative charges shall be allocated in the ratio that the total dollar value of the ~~interest~~ Interest of each such Participant ~~in the Trust Fund~~ bears to the aggregate dollar value of all of such ~~interests~~ Interests of all such Participants or equally to all Participants.

(D) ~~Participant's Accounts~~ PARTICIPANT'S ACCOUNTS The Board shall maintain, or cause the City or Trustee to maintain, an account for each Participant showing the dollar value of such Participant's current ~~interest in the Trust Fund~~ Interest resulting from any contributions made by the City, which account shall be known as the City contributions account. Separate accounts to be known as Participants' contributions accounts shall also be kept, showing the contributions of each Participant and the earnings, losses and changes in fair market value thereof.

(E) ~~Evaluation Dates.~~EVALUATION DATES: The regular evaluation dates of the Trust Fund shall be at least the last bank business day of each calendar quarter, at which time the Board shall determine, or cause the Trustee to determine, the value of the net assets of the Trust Fund, *i.e.*, the value of all of the assets of the Trust Fund at fair market value thereof, less all liabilities, both as known to the Trustee, including the value of the contributions of the City and the Participants for that quarter. If an event described in Section 14-2-7 (A), W.M.C. occurs between regular evaluation dates requiring a distribution of any part of a Participant's ~~interest in the Trust Fund's Interest~~, the dollar value of such Participant's ~~interest~~Interest shall be adjusted to reflect the contributions made after the last evaluation date without any earnings, losses or other changes. The dollar value of a Participant's ~~interest~~Interest as so adjusted shall be the amount ~~which that~~ shall be distributed to such Participant or such Participant's Beneficiary.

(F) ~~Vesting of Participants' Interests.~~VESTING OF PARTICIPANTS' INTERESTS:

(1) ~~Fully Vested.~~ A Participant's ~~interest~~Interest in the contributions made by him, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. The ~~interest~~Interest of a Participant in the contributions made by the City, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. ~~Upon attaining normal retirement age (within the meaning of Section 14-2-6(A)(1), W.M.C.), a Participant's interest in the contributions made by the Participant and the contributions made by the City, and the earnings, losses and changes in the fair market value thereof, shall be fully vested.~~

(2) ~~Any interest in the Trust Fund~~Distribution of a Participant's Interest. Any Interest shall be and become payable to a Participant or such Participant's Beneficiaries only as and to the extent provided in this Chapter; and a Participant who dies having designated a Beneficiary shall cease to have any interest hereunder or in the Participant's separate trust account, and the Participant's Beneficiary shall become entitled to distribution thereof as herein provided by virtue of the terms of this Chapter and not as a result of any transfer of said ~~interest~~Interest or account.

(G) ~~Vesting Upon Termination of Plan or Discontinuance of Contributions.~~VESTING UPON TERMINATION OF PLAN OR DISCONTINUANCE OF CONTRIBUTIONS: Notwithstanding the provisions of subsection (F) of this Section, upon the termination of the Plan or upon the complete discontinuance of contributions under the Plan to the Trust Fund, the ~~interests~~Interests of all Participants shall become fully and completely vested and nonforfeitable for all purposes.

(H) ~~Investment of Participant's Account.~~INVESTMENT OF PARTICIPANT'S INTEREST: A Participant's ~~account~~Interest shall be invested in the investment options in accordance with the investment elections specified by the Participant. A Participant may change the investment of contributions and may reallocate amounts in such Participant's ~~account~~Interest among the investment options in a manner determined by the Plan custodian and subject to such provisions as the Plan Administrator may adopt. Allocation of assets among investment options is solely the responsibility of each Participant. The fact that an investment option is available for investment to Participants under the Plan shall not be construed as a recommendation for investment in that investment option.

Section 19. Section 14-2-6, W.M.C., is hereby AMENDED to read as follows:

14-2-6: RETIREMENT DATE; DESIGNATION OF BENEFICIARY: (2464 3319 3390 3447 3584)

(A) ~~Retirement Date.~~RETIREMENT DATE:

(1) ~~Normal Retirement. The normal retirement age for each Participant shall be age sixty (60) and, on the last day of the month in which the Participant attains normal retirement age, the Participant shall be entitled to retire voluntarily. A Participant will have "retired" when he has a Termination of Employment at or after normal retirement age. The City may, if it so desires,~~

~~continue a Contributing Participant in active service after the Participant has attained normal retirement age with the consent of such Participant and, at any time thereafter, the City may, at its option, retire such Participant or such Participant may voluntarily retire. Until actual retirement, a Contributing Participant shall continue to participate in the Plan.~~

~~(B) — Beneficiaries.~~ BENEFICIARIES:

(1) Designation of Beneficiaries. Each Participant shall have the right to designate one or more Beneficiaries and one or more contingent Beneficiaries to receive the Participant's ~~interest in the Trust Fund~~ Interest upon the Participant's death, such designation to be made in the form prescribed by and delivered to the Board. The Participant shall have the right to change or revoke any such designation from time to time by filing a new designation or notice of revocation with the Board, and no notice to any Beneficiary nor consent by a Beneficiary shall be required to effect any such change or revocation. Any Beneficiary designation shall be effective when received by the Board.

(2) Determination of a Beneficiary ~~When There Is No Designated Beneficiary.~~ If a Participant shall fail to designate a Beneficiary before the Participant's death, or if all designated Beneficiaries, or contingent Beneficiaries should die, cease to exist before the Participant's death, or if all designated Beneficiaries or contingent Beneficiaries disclaim their interests or die prior to distribution, the Board shall direct the Trustee to pay the Participant's ~~entire interest in the Trust Fund~~ entire Interest to the Participant's surviving spouse or Civil Union Partner (as applicable), if any, or, if none, then to the personal representative of the Participant's estate. If, however, no personal representative shall have been appointed, and no actual notice thereof has been given to the Board within one hundred twenty (120) days after the Participant's death, the Board may direct the Trustee to pay the Participant's ~~entire interest~~ Interest to such person or persons as may be entitled thereto under the intestate laws of Colorado and, in such case, the Board may require such proof of right or identity from such person or persons as the Board may deem necessary.

(3) Insurance Policies. The Beneficiary of any insurance on a Participant's life shall be determined and designated as provided in Section 14-2-89(A), W.M.C.

Section 20. Section 14-2-7, W.M.C., is hereby AMENDED to read as follows:

14-2-7: DISTRIBUTION FROM THE TRUST FUND: (2464 3319 3390 3447 3584)

(A) ~~When Interests Become Distributable and Effect Thereof.~~ WHEN INTERESTS BECOME DISTRIBUTABLE AND EFFECT THEREOF: When a Participant dies, suffers Total Disability, retires or ~~terminates employment~~ experiences a Termination of Employment for any other reason, the Participant's ~~interest in the Plan~~ Interest shall thereupon become distributable. When a Participant's ~~interest~~ Interest shall have become distributable, such Participant's ~~interest~~ Interest shall remain a part of the Trust Fund until it is distributed.

(B) ~~Information to Be Furnished to the Board.~~ INFORMATION TO BE FURNISHED TO THE BOARD: For the purpose of enabling the Board to determine the Participant's distributable ~~interest in the Trust Fund~~ Interest, the Board shall be entitled to rely upon information provided to the Board by the City with respect to the date of the Participant's ~~termination of employment's~~ Termination of Employment and other such information as is needed and requested.

(C) ~~Distribution of Interests.~~ DISTRIBUTION OF INTERESTS:

(1) Insurance. If there has been an investment in life insurance for the benefit of any Participant whose interest becomes distributable for any reason other than death, such Participant may, subject to any

limitation set forth elsewhere in ~~this~~ the Plan, obtain an absolute assignment of any such life insurance by informing the Board of such election. If said election is not exercised within thirty (30) days after the Participant's ~~termination of employment~~ Termination of Employment and the conversion election provided for is not made, the Board shall cause said contract to be surrendered no later than the end of the policy year and shall add the proceeds of such surrender to the interest of said Participant. After December 31, 1996, no new life insurance contracts may be adopted as pension investments under the Plan.

(2) Election to Defer Benefits. A Participant may elect to defer the commencement of distribution of the Participant's benefit, but in no event shall the commencement of distribution be later than the required distribution commencement date specified in subsection (E) of this Section.

(3) Distribution of Participant's Account Interest. Any other provision of this ~~Subsection~~ subsection (C) to the contrary notwithstanding, a Participant, in the event of ~~termination of employment~~ Termination of Employment for any reason, shall be entitled to receive payment in one lump sum of the Participant's ~~interest in the Trust Fund~~ Interest, provided the Participant makes written demand therefor upon the Board. Notwithstanding any provision of the Plan to the contrary, if the amount of a Participant's Interest (including any rollover contributions that were made to the Plan pursuant to Section 14-2-4(F), W.M.C.) does not exceed one thousand dollars (\$1,000) at the time of a Participant's Termination of Employment for any reason, such Participant's Interest shall be automatically distributed in a cash lump sum as soon as administratively practicable after the Participant's Termination of Employment for any reason. For purposes of this subsection (C)(3), if such amount is zero, the Participant will be deemed to have received a distribution of such amount.

~~(4) Benefits Payable from the 401(h) Account.~~

~~(a) Benefits are payable from the retirement medical savings account only upon retirement, separation of service, death or Total Disability.~~

~~(b) Benefits payable from a 401(h) account shall include only payments or reimbursements for medical care, as defined in Code Section 213(d)(1).~~

~~(c) Medical care payments shall only be paid pursuant to a reimbursement application.~~

~~(d) No refunds of contributions shall be made. All contributions remain in the 401(h) account until used for medical care payments.~~

~~(e) Reimbursements may not be made for any expense for which the retired Participant or the Participant's spouse or dependents receive, or are eligible to receive, payment or reimbursement from another source.~~

~~(f) In order to receive benefits from the 401(h) account, the retired Participant must agree to provide appropriate documentation of the medical care expenditure.~~

(D) TRANSFERS BETWEEN PLANS FROM THE PLAN INTO AN ELIGIBLE RETIREMENT PLAN:

(1) ~~In General The Trustee and the Plan custodian, upon their mutual agreement, are authorized to receive and add to the interest of any Participant the Participant's vested interest in the assets held under any other qualified employee retirement plan or individual retirement account such transfer satisfies the requirements under law for transfers between qualified plans or rollover contributions. In such event, the assets so received shall be fully vested and shall be held in a separate account and shall be administered and distributed pursuant to the provisions of this Plan and Trust, concerning Employer contributions. The Trustee is also authorized, at the direction of the Plan custodian and at the request of the Participant, to transfer the portion of such Participant's vested interest which~~ Interest that is an Eligible Rollover Distribution and has become distributable under ~~Subsection~~ subsection (A) ~~hereof, of this Section~~ directly to another ~~qualified plan or an~~

~~individual retirement account~~Eligible Retirement Plan for the benefit of such Participant, provided such transfer satisfies the requirements under law for such transfers and rollover contributions and the transferee plan accepts the Participant's Eligible Rollover Distribution from the Plan.

~~(2) For Distributions Made On or After January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.~~

~~(3) For Distributions Made After December 31, 2001. An eligible retirement plan, as defined in subsection 4, below, shall also mean an annuity contract described in Code Section 403(b) and an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Code Section 414(p). The Plan shall be permitted to accept rollovers from any type of eligible retirement plan except to the extent limited in this Section 14-2-7.~~

~~(4) Definitions.~~

~~(a) Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (I) any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; (II) any distribution to the extent such distribution is required under Code Section 401(a)(9); (III) any hardship distribution as described in Code Section 401(k)(2)(b)(I)(iv) (applicable only to distributions after December 31, 1999); and (IV) the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to Employer securities). Any amount that is distributed on account of hardship shall not be an eligible rollover distribution and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan. A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after tax employee contributions which are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Code Section 408(a) or (b), or to a qualified defined contribution plan described in Code Section 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable. The Plan shall accept a rollover of after tax employee contributions.~~

~~(b) Eligible Retirement Plan. An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), an annuity plan described in Code Section 403(a), or a qualified trust described in Code Section 401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.~~

~~(c) Distributee. A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.~~

~~(d) Direct Rollover. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.~~

(E) ~~Withdrawals While Employed~~ WITHDRAWALS WHILE EMPLOYED: A Participant may elect to receive a distribution while still employed by the City as follows:

(1) ~~Age 62 Withdrawal~~. A Participant who has attained age sixty-two (62) may elect to begin distributions from the Trust Fund according to the rules described in this Section 14-1-72-7, W.M.C., while employed by the City, if the Participant's current annual base salary at the time of election is at least twenty-five percent (25%) less than the Participant's highest annual base salary.

(2) ~~Age 62 Withdrawal~~. Effective January 1, 2014, a Participant who has attained age sixty-two (62) may elect to receive a distribution of up to fifteen percent (15%) of the Participant's Interest according to the rules described in this Section 14-2-7, W.M.C., provided that the Participant irrevocably agrees to terminate employment with the City within five (5) years from receipt of this distribution.

(F) ~~Required Distribution Commencement Date~~ REQUIRED DISTRIBUTION COMMENCEMENT DATE: Distribution of a Participant's ~~interest in the Plan's Interest~~ must begin no later than ~~the~~ April 1 of the calendar year following the later of the year the Participant attains the age of seventy and one-half (70-1/2) or the year the Participant retires.

(G) ~~Spendthrift Provisions~~ SPENDTHRIFT PROVISIONS:

(1) ~~General Rule~~. Except as otherwise provided in this Chapter, all amounts payable pursuant to this Chapter by the Trustee shall be paid only to the person or persons entitled thereto, and all such payments shall be paid directly into the hands of such person or persons and not into the hands of any other person or corporation whatsoever, and such payments shall not be liable for the debts, contracts or engagements of any such person or persons, or taken in execution by attachment or garnishment or by any other legal or equitable proceedings; nor shall any such person or persons have any right to alienate, anticipate, commute, pledge, encumber or assign any such payments or the benefits, proceeds or avails thereof.

(2) ~~Qualified Domestic Relations Order~~ QDRO. Paragraph (1) of this ~~Subsection~~ subsection shall not apply to the creation, assignment or recognition of a right to any benefit payable with respect to a Participant or alternate payee pursuant to a ~~qualified domestic relations order~~ ("QDRO") setting forth the agreement of the parties with respect to the division of benefits in compliance with ~~26 U.S.C. Code~~ Section 414(p) and ~~Colorado Revised Statutes~~, Section 14-10-~~113, C.R.S.~~ The QDRO must specifically address the division of any ~~401(h)~~ Retirement Medical Savings Account, if applicable. A lump sum distribution will be made pursuant to such QDRO within one hundred twenty (120) days after the date on which a certified court order approving such an agreement permitting such a distribution has been submitted to and received by the Board. Procedures for ~~submitted~~ submitting a QDRO may be obtained from the ~~City's Pension Administrator~~ Board or its delegate.

The Board shall establish such reasonable procedures as are necessary to determine the compliance of a domestic relations order with the requirements of ~~Colorado Revised Statutes~~, Section 14-10-~~113, C.R.S.~~, and to administer distributions under such qualified order. Such procedures may be at the discretion of the Board, including standardized forms to be used for such marital agreements and orders. A person who obtains a right to a benefit payable to a Participant pursuant to a qualified domestic relations order shall have no rights to vote in elections held pursuant to ~~this~~ the Plan.

(H) ~~Manner of Distribution~~ MANNER OF DISTRIBUTION: A Participant's ~~interest in the Plan's Interest~~ may be distributed by one or more of the following methods:

(1) ~~Lump Sum Distribution~~. The Participant's ~~interest in the Plan's Interest~~ may be paid to the Participant or the Participant's Beneficiary by the distribution of the total balance of the Participant's ~~Plan account Interest~~ in one lump sum. The Participant, or the Participant's Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in a lump sum by filing a written election with the Trustee within such time as the Board shall prescribe.

(2) ~~Installments~~. The Participant's ~~interest in the Plan's Interest~~ may be paid to the Participant or the Participant's Beneficiary in substantially equal periodic installments over a period of time not to exceed the joint life expectancy of the Participant and the Participant's Beneficiary (or until the ~~account Interest~~ is exhausted) and not in installment frequency greater than monthly. This maximum period shall be determined under the applicable IRS Tables at the time the initial monthly installment payment becomes payable. The Participant, or the Participant's Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in this manner by filing a written ~~elective election~~ with the Trustee within such time as the Board shall prescribe.

(3) ~~Other Methods~~. Notwithstanding the foregoing provisions, any ~~interest which Interest that~~ has become distributable for any reason may be distributed at such time or times, in such amount or amounts, and in such manner, as the Board and the recipient of such distribution may mutually determine, including a transfer to another qualified plan or individual retirement account.

(I) ~~Limitation on Duration of Payments~~. LIMITATION ON DURATION OF PAYMENTS:

(1) ~~General Rule~~. No distribution shall be made over a period exceeding the joint life expectancy of the Participant and the Participant's Beneficiary. To the extent distribution is made after the Participant attains the age of seventy and one-half (70-1/2), if not paid in a lump sum, the distribution must be made in substantially equal periodic installments at least annually over the period prescribed in this ~~Subsections subsection~~ subject to a once yearly change that may accelerate payment at the election of the Participant or Beneficiary. The present value of the benefits payable solely to the Participant under any elected method must exceed fifty percent (50%) of the total benefits payable to the Participant and the Participant's Beneficiaries, unless distribution is in the form of a qualified joint and survivor annuity.

————(2)————
Compliance with Code Section 401(a)(9). Notwithstanding anything in this Chapter to the contrary, all distributions from the Plan shall conform to the final regulations issued under Code Section 401(~~Aa~~)(9), including the incidental death benefit provisions of Code Section 401(~~Aa~~)(9)(G).

(J) ~~Withdrawals~~. WITHDRAWALS: Except as provided in Section 14-2-7(E) , W.M.C., a Participant may not at any time withdraw any part of the Participant's ~~interest in the Trust Fund Interest~~, except upon death, ~~disability Total Disability~~, retirement or ~~termination Termination of service Employment~~ as provided in this Chapter.

(K) ~~Special Rules for Distributions after the Participant's Death~~. SPECIAL RULES FOR DISTRIBUTIONS AFTER THE PARTICIPANT'S DEATH:

(1) ~~Distributions Commencing Prior to Death~~. If distribution of a Participant's ~~interest in the Plan's Interest~~ has commenced ~~prior to the Participant's death~~ in accordance with subsection (I) of this Section ~~and the Participant dies before his or her entire Interest has been distributed to him or her~~, the remaining ~~interest Interest~~ of the Participant shall be distributed at least as rapidly as under the method of distribution being used as of the date of the Participant's death.

(2) Distributions Commencing After Death. If ~~distribution of a Participant's interest in the Plan did not commence prior to the Participant's death, the entire interest~~ A Participant dies before his or her Interest commences, the entire Interest of the Participant shall be distributed within five (5) years after the death of the Participant, provided that a distribution commencing within one (1) year after the Participant's death to or for the benefit of a designated Beneficiary over the longer of the life or the life expectancy of the designated Beneficiary will be treated as having been distributed within such five (5) year period. If the surviving spouse of the Participant is the designated Beneficiary, distribution is not required to commence until the date on which the Participant would have attained the age of seventy and one-half (70-1/2) and, if distribution had not commenced as of the date of death of such surviving spouse, the provisions of this paragraph shall be applied as if such spouse were the Participant.

(3) Beneficiaries. If a Participant should die after receiving some part, but not all, of the Participant's ~~Plan account~~ Interest, the remaining balance thereof shall be distributed to the Participant's Beneficiary in a manner determined pursuant to this ~~Subsections~~ subsection. If the Beneficiary of the Participant should die, cease to exist, or disclaim an interest in the Participant's ~~account~~ Interest prior to the completion of distribution of the Participant's ~~interest~~ Interest, the remaining distribution shall be made to the contingent Beneficiary designated by the Participant, if any. If any contingent Beneficiary should die or disclaim an interest in the Participant's ~~Plan account~~ Interest prior to the completion of ~~distribution of the remainder~~ of the Participant's ~~interest's~~ Interest, the remaining distribution shall be ~~distributed~~ made in a manner determined pursuant to this ~~Subsections~~ subsection to the recipient determined pursuant to Section 14-2-~~6-6~~, W.M.C.

(4) Distribution to IRA of Nonspouse Beneficiary. A Participant's nonspouse Beneficiary may elect payment of the portion of the deceased Participant's ~~account~~ Interest to which the ~~Participant~~ Beneficiary is entitled in a direct trustee-to-trustee transfer to an individual retirement account ~~or described in Code Section 402(c)(8)(B)(i), an individual retirement annuity described in Code Section 402(C)(8)(B)(I or (H)j), or a Roth IRA described in Code Section 408A~~ that is established to receive the Plan distribution on behalf of the Beneficiary and such transfer shall be treated as an Eligible Rollover Distribution and such individual retirement account, annuity or Roth IRA shall be treated as an inherited individual retirement account, individual retirement annuity, or Roth IRA (within the meaning of Code Sections 408(d)(3)(C) and 408A). For purposes of this Section, a trust maintained for the benefit of one or more designated ~~beneficiaries~~ Beneficiaries may be the Beneficiary to the extent provided in rules prescribed by the Secretary of Treasury. If the Participant dies after the Participant's required beginning date, as defined in Section 14-2-7(F), W.M.C., the required minimum distribution in the year of death may not be transferred according to this Section. The requirements of Code Section 402(~~C~~)(11) apply to distributions under this Section.

Section 21. Section 14-2-8, W.M.C., is hereby AMENDED to read as follows:

14-2-8: ~~INSURANCE COMPANY CONTRACTS; RETIRMENT MEDICAL SAVINGS ACCOUNTS:~~ (2464 3447)

(A) ~~CONTRIBUTIONS TO RETIREMENT MEDICAL SAVINGS ACCOUNTS:~~

(1) General. Each Participant shall have the option of designating up to twenty-five percent (25%) of the Participant's combined mandatory and City contributions made to the Trust Fund pursuant to Sections 14-2-4(A) and (C)(1), W.M.C., to be used for future medical care expenses as provided for in Code Section 401(h). Contributions designated by a Participant for future health benefits under Code Section 401(h) as described in this subsection (A)(1) shall be maintained in a separate account (the "Retirement Medical Savings Accounts").

(2) Subordinate; Taxation. It is intended that the benefits provided by the Retirement Medical Savings Accounts shall at all times be subordinate to the retirement benefits provided by the Plan. Contributions to the Retirement Medical Savings Accounts will not be taxed upon a Participant's retirement, Termination of Employment, death or Total Disability nor upon use for medical expenses upon a Participant's retirement, Termination of Employment, death or Total Disability.

(3) No Refunds. No refunds of contributions to a Participant's Retirement Medical Savings Account shall be made to the Participant or the Participant's spouse or dependents.

(4) Non-transferrable. Except as provided in subsection (B)(5) of this Section, all contributions to a Participant's Retirement Medical Savings Account shall not be transferred and shall remain in the Retirement Medical Savings Account until such contributions are used for medical care expenses for the Participant and the Participant's spouse and dependents.

(5) Other Rules and Requirements. The Retirement Medical Savings Accounts will be subject to the rules and requirements issued by the City Manager, which can be changed from time to time.

(B) DISTRIBUTIONS FROM RETIREMENT MEDICAL SAVINGS ACCOUNTS:

(1) Contributions Upon Retirement, Termination of Employment, Death and Total Disability. Contributions to a Participant's Retirement Medical Savings Account may be distributed only upon the Participant's retirement, Termination of Employment, death or Total Disability.

(2) Exclusive Use. Contributions to a Participant's Retirement Medical Savings Account shall be used exclusively to pay or reimburse qualifying medical care expenses under Code Section 213(d)(1) for the Participant and the Participant's spouse and dependents.

(3) Reimbursement Application. Distributions from a Participant's Retirement Medical Savings Account shall only be paid pursuant to a reimbursement application, which contains the provisions for determining the amount of benefits that will be paid from the Retirement Medical Savings Account and specifies the time period with respect to which benefits will be paid.

(4) Other Sources. Distributions from a Participant's Retirement Medical Savings Account may not be made for any expense for which the Participant or the Participant's spouse or dependents receive, or are eligible to receive, payment or reimbursement from another source.

(5) Reversion to the Employer. If, with respect to a Participant's Retirement Medical Savings Account, there is any balance remaining upon the death of the last to die of the Participant or the Participant's spouse, if any, and the satisfaction of all liabilities under the Plan to provide benefits payable from the Retirement Medical Savings Account with respect to the Participant and the Participant's spouse, then any such balance shall be returned to the Employer to be used as determined by the Employer.

(6) Distribution. Any interest in a Participant's Retirement Medical Savings Account shall be and become payable to the Participant, the Participant's spouse, or the Participant's dependent only as and to the extent provided in this Chapter. In order to receive benefits from the Retirement Medical Savings Account, the Participant must agree to provide appropriate documentation of the medical care expenditures.

(C) VESTING OF RETIREMENT MEDICAL SAVINGS ACCOUNTS: A Participant's interest in the contributions made by the Participant pursuant to Section 14-2-8(A), and the

earnings, losses and changes in fair market value thereof, shall be fully vested at all times, subject to reversion in accordance with Section 14-2-8(B)(5), W.M.C.

(D) INVESTMENT OF RETIREMENT MEDICAL SAVINGS ACCOUNTS: A Participant's Retirement Medical Savings Account shall be invested in the investment options in accordance with the investment elections specified by the Participant. A Participant may change the investment of contributions and may reallocate amounts in such Participant's account among the investment options in a manner determined by the Plan custodian and subject to such provisions as the Plan Administrator may adopt. Allocation of assets among investment options is solely the responsibility of each Participant. The fact that an investment option is available for investment to Participants under the Plan shall not be construed as a recommendation for investment in that investment option.

(E) TERMINATION OF THE PLAN: Upon the termination of the Plan, the interests of all Participants in the Retirement Medical Savings Accounts shall be returned to the Employer.

Section 22. Section 14-2-9, W.M.C., is hereby AMENDED to read as follows:

14-2-9: INSURANCE COMPANY CONTRACTS: (2464 3447)

(A) ~~Insurance or Annuity~~ **INSURANCE OR ANNUITY CONTRACTS:**

(1) ~~Previously Purchased Contracts.~~ If a Participant has, under the provisions of the prior City retirement plan, already purchased an ordinary life or retirement income insurance contract, the account of the Participant on whose life the contract is obtained shall be charged with the amount of all premiums thereon. The Trustee shall continue to have the right to receive each payment that may be due during the Participant's lifetime. Any death benefit shall be payable directly to the Beneficiary named in any such contract on the Participant's life and the Participant shall have the right, either directly or through the Trustee, to change the Beneficiary from time to time on any such contract and to elect settlement options thereunder for the benefit of the Beneficiary. The Trustee shall have the right to exercise all other options and privileges contained in the contract.

(2) ~~No Right to Purchase Contracts Through the Plan.~~ A Participant may not purchase any individual insurance or annuity contract through the Plan.

(3) ~~No New Group Contracts.~~ After December 31, 1996, the City shall not purchase any new group insurance or annuity contracts for pension Participants.

(B) ~~Limitations on Life Insurance or Annuity Contracts for Participants' Benefit.~~ **LIMITATIONS ON LIFE INSURANCE OR ANNUITY CONTRACTS FOR PARTICIPANTS' BENEFIT:** All investments in life insurance or annuity contracts (other than "key man insurance") shall be subject to the following limitations:

(1) The aggregate premiums for such life insurance or annuity contracts, in the case of each Participant, shall be no more than thirty-five percent (35%) of the aggregate of the City's contributions allocated to him at any particular time;

(2) The Board shall direct the Trustee to convert the entire value of any such life insurance contract at or before the Participant's actual retirement to provide either cash value or periodic income, or the Board may direct the Trustee to distribute the insurance contract directly to the Participant at retirement;

(3) In the event payment of any premium would cause aggregate premiums to exceed the limitation set forth in paragraph (1) of this ~~Subsection~~ **subsection**, then such payment shall not

be made, but, on the contrary, each insurance or annuity contract pertaining thereto shall be thereupon converted to a paid up contract, or the face amount of such contract shall be reduced to a face amount, the premium payments on which would not exceed the limitation prescribed in paragraph (1) of this ~~Subsections~~subsection; and

(4) If the Board directs the Trustee to invest any portion of the Trust Fund in such insurance or annuity contracts, such investment shall be made in such a manner that the operation of this Chapter shall be fair and equitable (and nondiscriminatory) in its application to all Participants.

(C) ~~Dividends~~DIVIDENDS: If dividends are paid on any contract issued by the Insurer, they shall, in the discretion of the Board, either be used to provide additional benefits under such contract or used and applied in reduction of the next premium due and payable thereon.

(D) ~~Limitation of Participant's Rights in Insurance or Annuity Contracts~~LIMITATION OF PARTICIPANT'S RIGHTS IN INSURANCE OR ANNUITY CONTRACTS: The fact that any contract is issued or based on the life of a Participant shall not vest any right, title or interest in such contract in such Participant, except at the time or times and upon the terms and conditions especially set forth in this Chapter. Subject to the provisions of Section 14-2-89(A), W.M.C., the Trustee shall be the sole owner of all right, title and interest in and to each such contract, but the Board shall nevertheless direct the Trustee as to the exercise of all rights, options and privileges in each such contract.

(E) ~~Protective Provisions for Life Insurance Company~~PROTECTIVE PROVISIONS FOR LIFE INSURANCE COMPANY: No life insurance company shall be deemed to be a party to the Plan nor shall it be responsible for the validity of the Plan. The certificate of the Trustee as to any matter may be relied upon by any life insurance company as conclusive evidence of any matters mentioned therein, and such company shall be fully protected in taking or permitting any action on the faith thereof and shall incur no liability or responsibility for so doing. No such company shall be required to examine the provisions of this Chapter or to question any act of the Trustee or the Board, nor shall such company be required to ascertain that any act of the Trustee or the Board is authorized by this Chapter.

Section 23. Section 14-2-10, W.M.C., is hereby AMENDED to read as follows:

14-2-910: GENERAL EMPLOYEE PENSION BOARD: (2464 3199 3447)

(A) ~~Appointment of Board~~APPOINTMENT OF BOARD:

(1) General Rule. The Board shall consist of five ~~(5)~~ members: one ~~(1)~~ shall be the current City Finance Director; one ~~(1)~~ shall be appointed by the City Manager to serve at the City Manager's pleasure; and three ~~(3)~~ shall be Contributing Participants elected by a majority of the voting Participants. One of the three elected members shall be an ~~unclassified-exempt~~ employee as defined in the City's Personnel Policies and Rules ~~and Regulations~~. In no case shall more than one elected member be from the same department. The Trustee shall serve as Chairperson of the Board.

(2) Procedures for Electing the Three Members. The three ~~(3)~~ members to be elected shall be elected for three (3) year staggered terms, with the term of one such member expiring in December of each year. The procedure to be followed in initially electing such members shall be established by the Trustee. After the first year of the election, procedures shall be established by the Board.

(B) ~~Duties and Powers of the Board~~DUTIES AND POWERS OF THE BOARD: The Board shall be charged with the administration of ~~this~~the Plan and shall decide all questions arising in the

administration, interpretation and application of the Plan, including all questions relating to eligibility, vesting and distribution, and to supply omissions and to resolve inconsistencies and ambiguities arising under the Plan. The decisions of the Board shall be conclusive and binding on all parties. In addition to the other duties and powers set forth elsewhere in the Plan, the Board also shall have the following duties and powers:

(1) Payments from and Investments of the Trust Fund; Investment Advisor. The Board shall, from time to time, direct the Trustee concerning the payments to be made out of the Trust Fund pursuant to this Chapter. The Board shall also have the power to direct the Trustee with respect to all investments and reinvestments of the Trust Fund, and shall have such other powers respecting the administration of the Trust Fund as may be conferred upon it in this Chapter. The Board may employ for the Trust Fund an investment advisor (²²⁴⁴Investment Advisor) and may rely on such Investment Advisor's recommendations with respect to the investment of all or a portion of the Trust Fund. If the Board shall employ an Investment Advisor, it shall execute any letters or agreements necessary for the employment of such Investment Advisor or it may direct the Trustee to execute any such letters or agreement. The fees of such Investment Advisor shall be paid from the Trust Fund as an expense of the Trust. The Trustee shall be fully protected from any action of such Investment Advisor and shall not be liable to any person or organization for any investments made by such Investment Advisor or for any acts or omissions made upon the direction or recommendation of such Investment Advisor.

(2) Enter into, Execute, and Terminate Contracts. The Board shall have the power to direct the Trustee to enter into and execute contracts as investment vehicles for the Trust Funds. The Board shall have the further power to direct the Trustee to terminate any such contract at any time, subject to the provisions of such contract.

(3) Investment Options. If the Trustee enters into a contract at the direction of the Board ~~which that~~ permits the right of Participants to direct the investment of their ~~interest in the Trust Fund~~Interest in forms of investments offered, the Board shall provide the opportunity to Participants to make options as to investments. The Board shall adopt various investment options for the investment of contributions by the Participant and shall monitor and evaluate the appropriateness of the investment options offered by the Plan. The Board may remove or phase out an investment option, if the investment option has failed to meet the established evaluation criteria or for other good cause as determined by the Board. Neither the Trustee, the Board, the Plan Administrator nor the City shall be held liable for any losses or changes to a Participant's ~~interest~~Interest that result from that Participant's choice of investment options.

(C) ~~Organization and Operation of Board~~ORGANIZATION AND OPERATION OF BOARD: The Board may adopt such rules and procedures as it deems desirable for the conduct of its affairs, appoint one of its own members chairman, and appoint a secretary or other agents, none of whom need be a member of the Board, but any of whom may be, but need not be, an officer or ~~employee~~Employee of the City. It may delegate to any agent such duties and powers, both ministerial and discretionary, as it deems appropriate, excepting only that all matters involving investment of funds, interpretation of the Plan and settlement of disputes shall be determined by the Board. Any determination of the Board may be made by a majority of the Board at a meeting thereof, or without a meeting by a resolution or memorandum signed by all members, and shall be final and conclusive on the City, the Trustee, all Participants and Beneficiaries claiming any rights under this Chapter, and as to all third parties dealing with the Board or with the Trustee. All notices, directions, information and other communications from the Board to the Trustee shall be in writing.

(D) ~~Matters Affecting Board Members~~MATTERS AFFECTING BOARD MEMBERS: In any matter affecting any member of the Board in an individual capacity as a Participant under this Chapter, separate and apart from such individual's status as a member of the group of Participants, such interested member shall have no authority or vote as a member of the Board in the determination of such matter, but the Board shall determine such matter as if said interested member

were not a member of the Board; provided, however, that this shall not be deemed to take from said interested member any rights as a Participant. In the event that the remaining members of the Board should be unable to agree on any matter so affecting an interested member because of an equal division of voting, the matter shall be deemed to have been defeated.

(E) ~~Compensation and Expenses of Board~~COMPENSATION AND EXPENSES OF BOARD: The members of the Board shall serve without compensation in addition to their regular City compensation. All members shall be reimbursed by the City for any necessary expenditures incurred in the discharge of their duties as members of said Board. Such reimbursement, and the compensation of all agents, counsel or other persons retained or employed by the Board, shall be fixed by the Board and shall be paid from the Trust Fund or, in the discretion of the City Manager, by the City.

(F) ~~Records of the Board~~RECORDS OF THE BOARD: The Board shall keep a record of all of its proceedings and shall keep or cause to be kept all such books of account, records and other data as may be necessary or advisable in its judgment for the administration of this Chapter and properly to reflect the affairs thereof, and to determine the amount of vested and/or forfeitable ~~interests~~Interests of the respective Participants ~~in the Trust Fund~~, and the amount of all Plan benefits. As a part thereof, it shall maintain or cause to be maintained separate accounts for each Participant as provided for in Section 14-2-5(A)(3)D, W.M.C. Any person dealing with the Board may rely on, and shall incur no liability in relying on, a certificate or memorandum in writing signed by the secretary of the Board or by a majority of the members of the Board as evidence of an action taken or resolution adopted by the Board.

(G) ~~Immunity from Liability~~IMMUNITY FROM LIABILITY: No bond or other security shall be required of any member of the Board, except as may be otherwise required by law. No member of the Board shall be liable or responsible to any person or party for any matter or thing whatsoever, except only for such member's own gross negligence or willful misconduct.

(H) ~~Resignation and Removal of Members; Appointment of Successors~~RESIGNATION AND REMOVAL OF MEMBERS; APPOINTMENT OF SUCCESSORS:

(1) Resignation from the Board. Any member of the Board may resign at any time by giving written notice to the other members and to the City Manager, effective as therein stated, otherwise, upon receipt of such notice.

(2) Termination of Employment with the City. Whether or not the Board member remains a Participant, no Board member may remain on the Board if the individual terminates employment with the City for whatever reason.

(3) Ceasing to Hold a Designated Position. No appointed Board member may remain on the Board if the individual ceases to hold one of the positions designated.

(4) Transfer. No elected Board member may remain on the Board as an elected member if the individual transfers, for whatever reason, to a department in which another elected Board member works.

(5) Successor Board Member. Upon the death, resignation or removal of any elected Board member, a successor to complete the Board member's term shall be elected within thirty (30) days in the manner set forth in subsection (A) of this Section.

(6) Removal from the Board. A member of the Board may be removed from the Board in the manner defined in ~~Section H(F)~~ of the City of Westminster Police and General Employee Pension Plan ~~By laws~~Bylaws.

Section 24. Section 14-2-11, W.M.C., is hereby AMENDED to read as follows:

14-2-~~1011~~: POWERS AND DUTIES OF THE TRUSTEE: (2464 3199 3447 3584)

(A) ~~Investment of Trust Fund.~~ INVESTMENT OF THE TRUST FUND:

(1) Duty of the Trustee. It shall be the duty of the Trustee to hold the funds from time to time received from the City and the Participants and, subject to the direction of the Board, to manage, invest and reinvest the Trust Fund and the income therefrom pursuant to the provisions of this Chapter, without distinction between principal and income. The Trustee shall be responsible only for such sums as shall actually be received. The Trustee shall have no duty to collect any sums from the City or the Participants.

(2) Power of the Trustee. The Trustee shall have the power to invest and/or reinvest any and all money or property of any description at any time held by it and constituting a part of the Trust Fund without previous application to, or subsequent ratification of, the City Council, the City Manager, any court, tribunal or commission, or any ~~Federal~~federal or State governmental agency, in accordance with the following powers:

(a) The Trustee may invest in real property and all interests therein, in bonds, notes, debentures, mortgages, commercial paper, preferred stocks, common stocks, or other securities, rights, obligations or property, real or personal, including shares or certificates of participation issued by regulated investment companies or regulated investment trusts, shares or units of participation in qualified common trust funds or qualified pooled funds, and in life insurance and annuity contracts. In making investments or reinvestments, the Trustee shall not be limited by the proportion to which the investments to be made, either alone or with any property of the same or similar character then held or acquired, may bear to the entire amount of the Trust Fund, and the Trustee shall not be bound as to the character of any investment provided by any constitutional provision, statute, rule of court or custom governing the investment of trust funds, providing only that the Trustee shall exercise the judgment and care, under the circumstances then prevailing, ~~which~~that people of prudence, discretion and intelligence exercise in the management of their own affairs.

(b) The Trustee, in the matter of the investment of the Trust Fund, shall be held harmless in every respect in exercising its discretion as to how much of the Trust Fund shall remain uninvested and in cash temporarily awaiting investment or for the expected cash distributions out of the Trust Fund in accordance with the provisions of this Chapter.

(c) If directed by the Board, the Trustee shall enter into contracts as investment vehicles for the Plan, which contracts shall then become a part of ~~this~~the Plan. The Trustee shall then be authorized to sign such other documents and take such other actions as might be necessary or appropriate to carry out the terms of such contracts. The Trustee may enter into such contracts as Trustee of ~~this~~the Plan alone, or as Trustee of ~~this~~the Plan and as trustee of the City's Police Pension Plan, in which case the funds of the two plans may be co-mingled for investment purposes.

(d) To the extent the Trustee is directed by the Board to make a particular investment, the Trustee shall be held harmless from any loss or other liability arising therefrom.

(B) ~~Administrative Powers of the Trustee.~~ ADMINISTRATIVE POWERS OF THE TRUSTEE: The Trustee shall have all powers necessary or advisable to carry out the provisions of ~~this~~the Plan and all inherent, implied and statutory powers now or hereafter provided by law, including specifically the power to do any of the following:

(1) _____—To cause any securities or other property to be registered and held in its name as Trustee or in the name of one or more of its nominees, without disclosing the fiduciary capacity, or to keep the same in unregistered form payable to bearer.

(2) To sell, grant option to sell, exchange, pledge, encumber, mortgage, deed in trust or use any other form of hypothecation, or otherwise dispose of the whole or any part of the Trust Fund on such terms and for such property or cash, or part cash and credit, as it may deem best, and it may retain, hold, maintain or continue any securities or investments ~~which~~that it may hold as part of the Trust Fund for such length of time as it may deem advisable.

(3) To abandon, compromise, contest and arbitrate claims on ~~demands~~demand; to institute, compromise and defend actions at law (but without obligation to do so), all at the risk and expense of the Trust Fund.

(4) To borrow money for this Trust, with the approval of the Board, upon such terms and conditions as the Trustee shall deem advisable, and to secure the repayment thereof by the mortgage or pledge of any asset of the Trust Fund.

(5) To vote in person or by proxy any shares of stock or rights held in the Trust Fund; to participate in reorganization, liquidation or dissolution of any corporation, the securities of which are held in the Trust Fund and to exchange securities or other property in connection therewith.

(6) To pay any amount due on any loan or advance made to the Trust Fund, all taxes of any nature levied, assessed or imposed upon the Trust Fund, except for any taxes imposed with respect to any prohibited transaction, as defined in Code Section 4975(c), and all reasonable expenses and attorney fees necessarily incurred by the Trustee with respect to any of the foregoing matters.

(C) ~~Immunity of Trustee.~~IMMUNITY OF TRUSTEE: No bond or other security shall be required of the Trustee or any successor trustee, except as otherwise provided by law. The Trustee shall not be liable for any mistake of judgment or other action taken in good faith or for any loss to the Trust Fund, unless such loss results from its gross negligence, willful misconduct or bad faith.

(D) ADVICE OF BOARD OR COUNSEL:

(1) ~~Advice or Direction of the Board or Counsel.~~(1). If, at any time, the Trustee is in doubt concerning any action ~~which~~that it should take in connection with the administration of the Trust, it may request the Board to advise it with respect thereto and shall be protected in relying upon the advice or direction of the Board.

(2) ~~Advice of Counsel.~~ The Trustee may also consult with legal counsel, who may be counsel for the City, or Trustee's own counsel, with respect to the meaning or construction of this Chapter or Trustee's obligations or duties, and the Trustee shall be fully protected from any responsibility with respect to any action taken or omitted by the Trustee in good faith pursuant to the advice of such counsel.

(E) ~~Taxes, Expenses and Fees of the Trustee.~~TAXES, EXPENSES AND FEES OF THE TRUSTEE: The Trustee shall charge against and pay from the Trust Fund any taxes ~~which~~that may be imposed upon the Trust Fund or the income thereof, or upon or with respect to the interest of any person therein ~~which~~that the Trustee is required to pay; provided that the Trust Fund shall not pay or assume any taxes imposed with respect to any prohibited transaction as defined in Code Section 4975(c).

(1) ~~Reasonable Expenses; Attorney's Fees.~~ The reasonable expenses of the Trustee incurred in the administration of the Plan, including the fees of any corporate co-trustee ~~which~~that might be appointed as may be mutually agreed upon from time to time by the Trustee and the Board, and attorney's fees incurred by the Trustee, shall be chargeable to and paid by the Trust Fund, provided that the City may pay all or part of such expenses and fees in the discretion of the City Manager.

(2) All expenses incurred in the preparation and adoption of the Plan shall be paid by the City.

(F) ~~Records and Accounts of the Trustee.~~ RECORDS AND ACCOUNTS OF THE TRUSTEE: The Trustee shall keep all such records and accounts ~~which~~that may be necessary in the administration and conduct of this Chapter. The Trustee's records and accounts shall be open to inspection by the City, the Board, and the Participant of the Participant's own accounts, during business hours.

(1) ~~Commingled Trust Fund.~~ Commingled Trust Fund. All income, profits, recoveries, contributions, forfeitures, and any and all moneys, securities and properties of any kind at any time received or held by the Trustee shall be held for investment purposes as a commingled Trust Fund. Separate accounts or records may be maintained for operational and accounting purposes, but no such account or record shall be considered as segregating any funds or property from any other funds or property contained in the commingled fund, except as otherwise provided in this Chapter.

(2) ~~Accounting of the Trust Fund.~~ Accounting of the Trust Fund. After the close of each year of the Trust, the Trustee shall render to the City and the Board an accounting of the Trust Fund for such year. If no objections to any such accounting are filed within a period of sixty (60) days after it has been delivered to the City and the Board, it shall be deemed to have been approved and shall constitute a full and complete discharge and release to the Trustees from the City and the Board and all other persons having or claiming any interest in the Trust Fund.

(G) ~~Resignation and Removal of Trustee.~~ RESIGNATION AND REMOVAL OF TRUSTEE: The City, by action of the City Manager, may, in its discretion, appoint an additional non-voting Trustee to act as co-trustee with the City Finance Director, which may, but need not, be a bank or trust company organized under the laws of Colorado or the United States authorized by law to administer trusts and maintaining and operating a full-time trust department.

(1) ~~Resignation.~~ Resignation. Any Trustee, other than the City Finance Director, may resign from serving as a Trustee at any time by filing with the City Manager an appropriate written resignation. No such resignation shall take effect until thirty (30) days from the date thereof, provided that if a successor Trustee shall have been appointed prior to the expiration of said period, the resignation shall be effective immediately.

(2) ~~Removal.~~ Removal. Any Trustee, other than the City Finance Director, may be removed by the City, by action of the City Manager, at any time by giving thirty (30) days notice in writing to such Trustee. Such removal shall be effected by delivering to such Trustee written notice of removal, executed by the City Manager.

(3) All the provisions set forth in this Chapter with respect to the Trustee shall relate to all successor Trustees and if more than one Trustee is then acting, reference to the term "Trustee" shall mean "Trustees."

(4) ~~Corporate Co-Trustee.~~ Corporate Co-Trustee. In ~~any~~the event any corporate co-trustee at any time acting hereunder shall be merged, or consolidated with, or shall sell or transfer substantially all of its assets and business to another corporation, whether State or ~~Federal~~federal, or shall be in any manner reorganized or reincorporated, then the resulting or acquiring corporation shall thereupon be substituted *ipso facto* for such corporate co-trustee hereunder without the execution of any instrument and without any action upon the part of the City, any Participant or Beneficiary of any deceased Participant, or any other person having or claiming to have an interest in the Trust Fund or under the Plan.

Section 25. Section 14-2-12, W.M.C., is hereby AMENDED to read as follows:

14-2-~~11~~12: CONTINUANCE, TERMINATION AND AMENDMENT OF PLAN: (2464 3447)

(A) ~~Continuance of the Plan Not a Contractual Obligation of the City.~~**CONTINUANCE OF THE PLAN NOT A CONTRACTUAL OBLIGATION OF THE CITY:** It is the expectation of the City that it will continue ~~this~~**the** Plan indefinitely, but the continuance of the Plan is not assumed as a contractual obligation by the City, and the right is reserved to the City by action of its City Council to discontinue ~~this~~**the** Plan at any time. The discontinuance of ~~this~~**the** Plan by the City shall, in no event, have the effect of re-vesting any part of the Trust Fund in the City.

(B) ~~Termination of Plan. This~~**TERMINATION OF PLAN: The** Plan shall continue in full force and effect until terminated or discontinued by the City by action of its City Council. Notice of such termination shall be given to the Trustee by an instrument in writing executed by the City Manager pursuant to the action of its City Council.

(C) ~~Distribution of Trust Fund on Termination of Plan.~~**DISTRIBUTION OF THE TRUST FUND ON TERMINATION OF PLAN:** If the Plan shall, at any time, be terminated by the terms of this Section, the Trustee shall immediately convert the entire Trust Fund, other than insurance and annuity contracts, to cash. The value of the **Interest of each respective Participant or** interest of each respective ~~Participant or~~ Beneficiary in the Trust Fund shall be vested in its entirety as of the date of the termination of the Plan. The Trustee shall, as soon as possible, distribute to each Participant or Beneficiary outright, in a lump sum cash payment, such Participant's **entire Interest** or Beneficiary's entire interest in the Trust Fund.

(D) ~~Amendments to the Plan.~~**AMENDMENTS TO THE PLAN:**

(1) **General Rule.** The City, by action of its City Council, may at any time amend this Chapter; provided, however, that no such amendment shall:

(a) Divert the Trust Fund to purposes other than for the exclusive benefit of the Participants and their Beneficiaries;

(b) **Divert or use any part of the corpus or income of the Retirement Medical Savings Accounts for any purpose other than paying medical benefits under Code Section 401(h) (other than as provided in Section 14-2-8(B)(5), W.M.C.);**

(c) ~~Decrease any Participant's share of this Plan's Interest;~~ or

(ed) Discriminate in favor of ~~employees~~**Employees** who are officers, persons whose principal duties consist in supervising the work of other ~~employees~~**Employees**, or highly compensated employees.

(2) **No Participant Approval Required.** Notwithstanding anything herein to the contrary, this Chapter may be amended, if necessary, without requiring the approval of the ~~Plan~~ Participants to conform to the provisions and requirements of the Code or any amendments thereto, and no such amendment shall be considered prejudicial to the interest of any Participant or Beneficiary hereunder.

Section 26. Section 14-2-13, W.M.C., is hereby AMENDED **to read** as follows:

14-2-~~12~~13: MISCELLANEOUS: (2464 3319 3447)

(A) ~~Benefits to be Provided Solely from the Trust Fund.~~**BENEFITS TO BE PROVIDED SOLELY FROM THE TRUST FUND:** All benefits payable under ~~this~~**the** Plan shall be paid or provided for solely from the Trust Fund, and the City assumes no liability or responsibility therefor.

(B) ~~Notices from Participants to be Filed with Plan Administrator, the Board or the Trustee.~~ NOTICES FROM PARTICIPANTS TO BE FILED WITH THE PLAN ADMINISTRATOR, THE BOARD OR THE TRUSTEE: Whenever provision is made that a Participant may exercise any option or election or designate any Beneficiary, the action of each Participant shall be evidenced by a written notice therefor signed by the Participant on a form furnished by the Plan Administrator, the Board or the Trustee, as may be applicable, for such purpose and filed with the Plan Administrator, the Board or the Trustee, as applicable, which shall not be effective until received by the Plan Administrator, the Board or the Trustee, as applicable.

(C) ~~Text to Control.~~ TEXT TO CONTROL: The headings of sections and subsections are included solely for convenience or reference. If there be any conflict between such headings and the text of this Chapter, the text shall control.

(D) ~~Law Governing. This~~ LAW GOVERNING: The Plan shall be construed under the laws of the State of Colorado and the Trustee shall be liable to account only in the courts of Colorado. All contributions received by the Trustee pursuant to this Chapter shall be deemed to have been received in Colorado.

(E) ~~Severability.~~ SEVERABILITY: In the event any provision of this Chapter shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions. On the contrary, such remaining provisions shall be fully severable and this Chapter shall be construed and enforced as if said illegal or invalid provisions had never been inserted herein.

(F) ~~Plan for Exclusive Benefit of Participants; Reversion Prohibited. This~~ PLAN FOR EXCLUSIVE BENEFIT OF PARTICIPANTS; REVERSION PROHIBITED: The Plan has been entered into for the exclusive benefit of the Participants and their Beneficiaries. ~~Under~~ Other than as provided in Section 14-2-8(B)(5), W.M.C., under no circumstances shall any funds contributed to or held by the Trustee hereunder at any time revert to or be used by or enjoyed by the City, nor shall any such funds or assets at any time be used other than for the exclusive benefit of the Participants or their Beneficiaries.

Section 27. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of November, 2013.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor’s Bill No. 44 re Emergency Ordinance to Extend a Site Agreement between the City and New Cingular Wireless PCS, LLC, for Use of the Fire Station #6 Cell Tower at 999 West 124th Avenue

Prepared By: Doug Hall, Fire Chief
Russ Bowers, Public Safety Communications Administrator

Recommended City Council Action

Pass Councillor’s Bill No. 44 as an emergency ordinance to approve an extension to the Site Agreement between the City and New Cingular Wireless PCS, LLC, for the continued use of the Fire Station #6 cell tower at 999 West 124th Avenue.

Summary Statement

- Approval of the existing Site Agreement by emergency ordinance allows New Cingular Wireless PCS (formerly AT&T Wireless) to continue use of the 100-foot monopole located at Fire Station #6, until December 31, 2013. The current extension expires October 31, 2013, which is why an emergency ordinance is proposed.
- Approval provides sufficient time for the City and New Cingular Wireless PCS to finalize a long-term Agreement for the shared use of the tower. The equipment necessary for the City’s recently approved citywide radio system has been installed on the monopole.
- The fees and use conditions specified in the current site agreement shall remain in effect until a long-term agreement is approved by City Council.
- City Council approval of the emergency ordinance to extend the existing Site Agreement is being sought to comply with Charter Section 13.4 and W.M.C. § 11-4-11(J).

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council approve the emergency ordinance to allow continued operation of the monopole at Fire Station #6 until December 31, 2013?

Alternative

Do not approve the emergency ordinance. Without approval, the telecom provider will be compelled to cease operation and remove equipment from the site. The City would likely need to pursue the purchase and installation of a similar monopole in order to provide essential radio system signal coverage. Approval of the Site Agreement is recommended because it will maintain the continuity of the citywide communications system equipment, ensuring minimal interruption in the essential coverage of the citywide radio system. The City would not be required to pursue acquisition of a similar monopole tower.

Background Information

The initial agreement allowing construction of the existing 100-foot monopole and use of Fire Station #6 for private telecom purposes dates back to April 1, 1991. The current extension to that agreement allowed the tower to remain until October 31, 2013.

On January 14, 2013, City Council approved the purchase and installation of infrastructure of a citywide radio system. The radio system provides emergency and non-emergency communication service to the Police and Fire Departments, and is utilized by other City Departments.

The existing 100-foot monopole tower was strategically located to accommodate the installation of the radio system equipment and ensures that essential radio signal coverage is provided in the northern portions of the City.

Through negotiations by the City's Special Counsel for telecom issues, Ken Fellman, a long-term shared-use agreement is being pursued. Staff anticipates this long-term agreement will be submitted for City Council approval prior to December 31, 2013. Pending approval of this long-term agreement, the tower owner has allowed the installation of the City's communications equipment.

Approval of the emergency ordinance will further the following strategic plan goals: (1) a Safe and Healthy Community by allowing the private telecom provider ample time to find and negotiate use of new sites for replacement service, meaning there should be no interruption in current cell service; (2) a Financially Sustainable City Government by providing reasonable market compensation to the City for the use of its property.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. **3700**

COUNCILLOR'S BILL NO. **44**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN EMERGENCY ORDINANCE APPROVING A THIRD AMENDMENT
TO A SITE AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND
NEW CINGULAR WIRELESS PCS, LLC, FOR USE OF THE FIRE STATION #6
CELL TOWER AT 999 WEST 124TH AVENUE**

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, City Council previously authorized a site agreement between the City and New Cingular Wireless PCS, LLC, for the purpose of construction and operation of a monopole tower, wireless communications antennas and an equipment structure at 999 West 124th Avenue (a/k/a COU 1253 Cozy Corner ATT); and

WHEREAS, by a separate Site Agreement the City and New Cingular Wireless PCS, LLC, agreed to extend the site lease agreement from May 1, 2011, through October 31, 2012; and

WHEREAS, the City and New Cingular Wireless PCS, LLC, entered into a First Amendment to Site Agreement extending the agreement for an addition six (6) month period, expiring April 30, 2013; and

WHEREAS, the City and New Cingular Wireless PCS, LLC, entered into a Second Amendment to Site Agreement extending the agreement for an additional period, expiring October 31, 2013; and

WHEREAS, the parties require an addition extension to allow for the long-term site agreement to be finalized; and

WHEREAS, a further extension of the existing site agreement extension is in the best interest of the City because the City's police and fire communications needs will be served if a long-term site agreement is negotiated between the parties; and

WHEREAS, the final form of the Third Amendment to Site Agreement has been agreed to by the parties.

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Pursuant to City Charter Section 13.4 and Sec. 11-4-11(J), W.M.C., a 2-month extension, to the Site Agreement between the City and New Cingular Wireless PCS, LLC, for the lease of a portion of the Fire Station #6 cell tower at 999 West 124th Avenue for operation of a monopole tower and wireless communications antennas, attached hereto as Attachment 1, is hereby approved.

Section 2. Emergency. Because the prior extension is set to expire October 31, 2013, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is enacted.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL, AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28th day of October, 2013.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Attachment 1

THIRD AMENDMENT TO SITE AGREEMENT

THIS THIRD AMENDMENT TO SITE AGREEMENT ("Third Amendment") is entered into as of this ___ day of October 2013, by and between the City of Westminster ("City") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, with its principal office located at 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 ("Company").

RECITALS

A. City is the owner of land and facilities located at 999 West 124th Avenue in the City of Westminster, Adams County, State of Colorado (the "Property"). A 50 by 40 foot parcel (the "Site") within the Property has been previously leased to the Company for construction and operation of a monopole tower, wireless communications antennas and an equipment structure (the "Facilities"). The Company has one subtenant at the Site, which has located an antenna on the Company's monopole and maintains equipment within the Company's equipment structure.

B. Company is a wireless communications provider, and permitted or licensed by the applicable federal or state governmental authority to operate in all or some areas of the City of Westminster.

C. Company and the City entered into a Site Lease Agreement dated December 17, 1990 (the "Site Lease Agreement"). Prior to the expiration of the Site Lease Agreement which granted the Company use of the Site for its Facilities, the City advised the Company that it was not willing to enter into a long term agreement to maintain the Facilities on the Property after the expiration of the Site Lease Agreement.

D. Company and the City entered into a short term Site Agreement dated May 1, 2011 (the "Site Agreement") while the Company sought longer term alternatives for its operations, and the City permitted the continued use by the Company of the Site pursuant to the terms of Site Agreement. The Site Agreement expired on October 31, 2012.

E. The Company was unable to locate an alternative site for its operations prior to October 31, 2012 and requested an additional six (6) month extension of time which the City approved. On September 24, 2012 the Company and the City entered into a First Amendment to Site Agreement (the "First Amendment") permitting the continued use by the Company of the Site pursuant to the terms of Site Agreement. The First Amendment expired on April 30, 2013. Subsequently, the parties entered into a Second Amendment to Site Agreement (the "Second Amendment"), extending Company use of the site to October 31, 2013.

F. The City has since determined it is in the City's best interest to enter into a long term agreement with the Company to maintain the Facilities on the Property because the City's police and fire communications needs will be served if a long-term site agreement is negotiated between the parties. This decision has rendered the Company's need to relocate moot. Company and the City are negotiating a long-term site agreement; however, the negotiations will not be completed by the Second Amendment expiration date of October 31, 2013.

G. The City agrees to extend the Site Agreement an additional two (2) months, up to and including December 31, 2013, to allow for a long-term site agreement to be negotiated.

H. City and the Company believe that the interests of the public will be served by permitting the use of the Site and Facilities in accordance with the terms and conditions of the Site Agreement, the First Amendment, the Second Amendment, and this Third Amendment.

TERMS

In consideration of the mutual covenants, obligations, terms and conditions recited below, the parties agree as follows:

1. City agrees to extend the Site Agreement, First Amendment and Second Amendment an additional two (2) months, up to and including December 31, 2013, to allow for a long-term site agreement to be finalized, and will permit the continued use by the Company of the Site pursuant to the terms of the Site Agreement, the First Amendment, the Second Amendment, and this Third Amendment.

2. Amendments to Site Agreement.

Section 2 of the Site Agreement shall be amended to read as follows:

“2. Term and Renewal. The term of this Agreement shall commence on May 1, 2011 (the “Commencement Date”) and end on December 31, 2013.”

3. Application of the Existing Site Agreement. The parties acknowledge and agree that all of the terms and conditions of the existing Site Agreement and the First and Second Amendments thereto shall continue to apply until the expiration of this Third Amendment.

4. No Other Modifications. Except as expressly modified by the terms and conditions contained in this Third Amendment, the terms and conditions of the Site Agreement and the First and Second Amendments are hereby reaffirmed by the parties hereto without any additional modification.

IN WITNESS WHEREOF, each of the parties has caused this Third Amendment to be duly executed on its behalf as of the day and year first above written.

CITY:
CITY OF WESTMINSTER, COLORADO

By: _____
J. Brent McFall, City Manager

COMPANY:
NEW CINGULAR WIRELESS PCS, LLC, a
Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Its: _____



Agenda Item 10 J

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor's Bill No. 45 to Amend Section 1-8-1(A) of the Westminster Municipal Code to Increase the Maximum Fine that May be Imposed by the Westminster Municipal Court

Prepared By: Carol Barnhardt, Court Administrator
Hilary Graham, Deputy City Attorney
Kimberly Kaufman, Lead Prosecutor

Recommended City Council Action

Pass Councillor's Bill No. 45 on first reading to increase the maximum fine that may be imposed by the Westminster Municipal Court ("Municipal Court") from \$1,000 to \$2,500.

Summary Statement

- The Municipal Court's authority to impose fines for violations of the Westminster Municipal Code ("W.M.C.") is found in W.M.C. Section 1-8-1(A) and is currently capped at \$1,000.
- Section 1-22-20, W.M.C., adopts Title 13, Article 10, of the Colorado Revised Statutes as being applicable to the Municipal Court.
- The Municipal Court's current maximum fine (\$1,000) was consistent with Section 13-10-113, C.R.S., until its amendment in the 2013 State legislative session.
- Section 13-10-113, C.R.S., as amended by HB13-1060, increased the maximum fine that a municipal court may impose for a municipal ordinance violation to \$2,650, and added the ability for municipalities to adopt automatic inflationary adjustments to that maximum.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council increase the maximum fine that may be imposed by the Municipal Court?

Alternatives

City Council may choose to leave Section 1-8-1(A), W.M.C., as currently drafted with a maximum \$1,000 Municipal Court fine; it may choose to increase the maximum fine to \$2,500 as suggested in the draft ordinance; or it may choose a different maximum fine.

Background Information

Prior to its 2013 amendment by the General Assembly and since 1991, Section 13-10-113, C.R.S., had specified a maximum potential fine to be imposed by a municipal court for a municipal ordinance violation to be \$1,000. The City adopted the \$1,000 municipal court maximum in 1992, and it has remained unchanged since that time.

HB13-1060 increased the maximum fine that a municipal court may impose for a municipal ordinance violation to \$2,650, and added the ability for municipalities to adopt automatic annual inflationary adjustments of that maximum tied to the Consumer Price Index.

Research by the Municipal Court shows that several nearby municipalities are adjusting their courts’ maximum fines:

CITY¹	COMMENTS
Aurora	CAO submitted ordinance amendment for approval to increase max fine to \$2,650. (6/11/13)
Thornton	City contemplating raising to \$2,500 without inflationary adjustment. (6/11/13)
Ft. Collins	CAO in process of writing resolution to increase to maximum \$2,500 without inflationary adjustment for yearly increases. (7/8/13)
Centennial	Staff Report 6/17/13 to council to increase to \$2,650 with inflationary adjustment. Passed. (7/3/13)
Cherry Hills Village	Council passed new ordinance and it is in full effect now. Increase to \$2,650 with inflationary adjustment. (7/8/13)
Castle Rock	Legal department in the process of drafting ordinance increase to \$2,500 without inflationary adjustment. (7/2/13)
Federal Heights	Sent to Council, passed first week of July; Administrator not sure if they followed inflationary adjustment. Max fine will be \$2,650. (7/8/13)
	(Date in parentheses is Staff’s last contact with the municipality.)

At this time, Staff does not recommend adopting the Consumer Price Index inflationary adjustment included in HB13-1060, and instead plans to bring requests for subsequent increases in the fine maximum by separate ordinance. Similarly, Staff does not recommend adopting the true maximum allowed by State law, \$2,650, as Staff believes that a \$2,500 maximum would provide the Municipal Court and municipal

¹ Arvada and Northglenn do not appear to have taken any action to date.

prosecutors with sufficient additional flexibility in dealing with offenders. The proposed ordinance contains an effective date of January 1, 2014, so that the new fines would begin with the new calendar year. The delayed effective date allows time for the Municipal Court to adopt a revised fine schedule and allows for cleaner record-keeping.

This proposed W.M.C. revision furthers the strategic plan goals of a safe and healthy community by providing additional penalties for and deterrence against Code violations.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTION 1-8-1(A) OF THE WESTMINSTER MUNICIPAL CODE INCREASING THE MUNICIPAL COURT'S MAXIMUM FINE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-8-1(A), W.M.C., is hereby AMENDED as follows:

1-8-1: PENALTIES: (1256 1563 1595 1699 1803 1869 2000 2086 2239 3564)

(A) All violations of any provision of this Code are hereinafter deemed noncriminal offenses and are civil matters, except those violations that are expressly designated as criminal offenses or which are punishable by imprisonment under this Code or under any counterpart state statute. Trial of noncriminal offenses shall be to the Court. No defendant found civilly liable for a noncriminal offense shall be punished by imprisonment for said offense. Any person convicted of a noncriminal violation of any section of this Code shall be fined an amount not to exceed ~~one-two~~ thousand five hundred dollars (~~\$1,000~~2,500). Any person convicted of a criminal violation of any section of this Code shall be imprisoned for a period not to exceed three hundred sixty-five (365) days or fined an amount not to exceed ~~one-two~~ thousand five hundred dollars (~~\$1,000~~2,500) or both; provided, however, that a person under the age of eighteen (18) years as of the date of the offense for which he is convicted shall not be subject to the imposition of a jail sentence of more than ten (10) days, except in the case of a conviction of a criminal traffic offense.

(B) The penalties provided in subsection (A) of this Section shall be applicable to every section of this Code the same as though it were a part of each and every separate section.

(C) A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(D) Any person found to have committed a violation of a noncriminal traffic infraction, as designated in Section 10-1-3 of this Code, shall be punished by a fine of not more than five hundred dollars (\$500).

Section 2. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 3. Upon passage after second reading, this ordinance shall take effect on January 1, 2014.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 11th day of November, 2013.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Item 10 K

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor's Bill No. 46 re Lease Amendment for the Strasburg Natural Resources Farm

Prepared By: David Meyer, Water Quality Specialist
Mary Fabisiak, Water Quality Administrator

Recommended City Council Action

Pass Councillor's Bill No. 46 on first reading authorizing the City Manager to sign an amendment to a lease for agricultural land at the City's Natural Resources Farm.

Summary Statement

- The City of Westminster owns approximately 3,000 acres of farmland used for biosolids application.
- Farming operations are done by a tenant farmer. This amendment is for a lease between the City and the tenant farmer. The original lease was signed in 2012 to automatically renew through 2017.
- The annual amount of the original lease was \$22,386 based on the number of acres of irrigated fields, dry-land fields, and pasture land.
- The State Well Permits for the property require 50 irrigated acres to be converted to dry-land farming. This requires a change in the City's current lease with the tenant farmer. Based on the lease rates of \$50.00/acre for irrigated land and \$11.00/acre for dry-land, the amended annual amount of the lease would change to \$20,436.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City of Westminster amend the lease agreement with the tenant farmer at the City's Strasburg Natural Resource Farm?

Alternatives

The City could choose to not lease the land for crop production. However, because crops must be raised to utilize nitrogen supplied by the biosolids application, the City would need to farm the land itself or arrange for other alternatives for biosolids disposal at higher cost to the City. The City could also choose to enter into shorter term leases but would risk disruption in farm operations that would have negative impacts on the biosolids application program.

Background Information

Westminster purchased farmland north of Strasburg, Colorado, in 1997 and again in 2001 for the purpose of biosolids application. Biosolids are the highly treated byproduct of the wastewater treatment process and are an excellent source of nitrogen, organic matter and trace nutrients for crop production. Crop production utilizes the nutrients provided by the application of the biosolids. The use of biosolids as fertilizer is governed by federal, state and county regulations to ensure the safety of the public and the environment.

The original lease was signed in 2012 to automatically renew annually through 2017. The lease amounts were determined by the number of irrigated acres and dry-land acres. A market survey was taken of similar agricultural leases in the area to determine lease rates for the irrigated and dry-land acres. The City has discovered that 50 more acres were being irrigated than allowed by the well permits for the property. The proposed amendment changes the lease amount to reflect a 50-acre reduction in the number of irrigated acres and a corresponding 50-acre increase in dry-land acres that was implemented in the 2013 irrigation season.

This lease amendment will assist in meeting the City's goals of Financially Sustainable City Government Providing Exceptional Services, Strong, Balanced Local Economy, and Beautiful and Environmentally Sensitive City because it contributes to the continued use and maintenance of City owned facilities, preserves the agricultural uses of the area's local economy, and provides a sustainable and environmentally responsible use for the City's wastewater biosolids.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **46**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE APPROVING A LEASE AMENDMENT TO THE LAND LEASE FOR
PROPERTY KNOWN AS THE STRASBURG NATURAL RESOURCE FARM**

WHEREAS, the City owns property in central Adams County that it purchased for the purpose of applying biosolids; and

WHEREAS, the City entered into a land lease with Matthew Sweeney for certain acreages for irrigated and dryland farming in 2012; and

WHEREAS, the City's well permits for the premises require revisions to be made to the acreage; and

WHEREAS, the final terms of the lease amendment have been accepted and filed with the City Clerk.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. That certain lease amendment between the City and Matthew Sweeney is approved and the City Manager is hereby authorized to execute said lease amendment, in substantially the same form as attached hereto as Exhibit A.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT AS AMENDED ORDERED PUBLISHED this 11th day of November, 2013.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit A

AMENDMENT TO LAND LEASE

This Amendment to the Land Lease between the City of Westminster and Matthew Sweeney is made and entered into this ____ day of October, 2013, by and between the City of Westminster and Matthew Sweeney.

Whereas, the parties entered into that certain Land Lease, dated January 6, 2012, for a lease of agricultural land containing irrigated land, dry land, and pastureland; and

Whereas, the parties desire to change the acreage amounts under lease and the rental rate therefor,

Accordingly, the parties amend paragraphs 2 and 4 of the Land Lease, as follows:

A. Paragraph 2, which describes the leased premises, is amended by changing the acreage of irrigated land from 230 acres to 180 acres and by changing the acreage of dry land from 222 acres to 272 acres. In all other respects the description of the leased premises remains the same.

B. Paragraph 4, which describes the rental amount, is amended by changing the annual rental price for the term of the lease from \$22,386.00 to \$20,436.00. In all other respects the rental provisions remain the same.

This Amendment is only intended to change the terms of the Land Lease as described above, and in all other respects the remaining lease terms remain unchanged.

Signed by lessee this _____ day of October, 2013.

Lessee: _____
Matthew Sweeney

Approved this ____ day of _____, 2013, by Ordinance No. _____.

Signed by lessor at this _____ day of _____, 2013.

Lessor: _____, City Manager
J. Brent McFall



Agenda Item 10 L

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor's Bill No. 47 re Proposed Economic Development Agreement with DigitalGlobe

Prepared By: Chris Gray, Economic Development Officer

Recommended City Council Action

Pass Councillor's Bill No. 47 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with DigitalGlobe.

Summary Statement

- DigitalGlobe provides high resolution satellite images, aerial images and geospatial content to commercial, government and military markets.
- DigitalGlobe has entered into a long-term lease for and will occupy the entire building at 1300 W. 120th Avenue.
- DigitalGlobe will occupy its new location in 2015 and employ 1,416 people at an average annual wage of \$97,116. The company estimates employment will grow to 1,796 by year-end 2018.
- Assistance is based on the City's desire to attract new employers and to keep an existing office building in service.
- The proposed Economic Development Agreement (EDA) is not to exceed \$6,200,000, which is estimated at \$143,635 in permit fee rebates, \$333,000 in construction use tax rebates and \$5,724,000 in use tax rebates on hardware, furnishings, fixtures and equipment.
- Should DigitalGlobe decide to move out of Westminster within 5 years of the approval of this EDA, the assistance would have to be reimbursed to the City by the company.

Expenditure Required: Not to exceed \$6,200,000 (Rebates)

Source of Funds: The EDA with DigitalGlobe will be funded through revenue received from permit fees, construction use tax, and use tax on equipment, furniture and fixture purchases for the DigitalGlobe project.

Policy Issue

Should the City provide assistance to DigitalGlobe based upon the City's objectives to attract primary employers and to keep existing office space in service?

Alternatives

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may lose the project if assistance is not provided, the result would be that the City's values of attracting quality companies and keeping existing office space in service would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package represents 1.75% of the company's total investment of \$355,000,000 in tenant improvements, hardware, furniture, fixtures and equipment is in line with other projects of similar magnitude and economic impact.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. Staff has recommended an assistance package that is 53% of the total 10-year projected revenue. There is room for additional funding. However, it is Staff's opinion that additional assistance is not needed.

Background

DigitalGlobe is an industry leader in remote sensing and geospatial services. The company provides high resolution satellite images, aerial images and geospatial content to commercial, government and military markets. DigitalGlobe is a publically-owned company listed on the New York Stock Exchange. In 2012, the company earned \$421.4 million in revenues and owned assets valued at \$1.58 billion.

DigitalGlobe has been in business in Colorado under various names since 1994, first as Worldview Imaging, then as Earthwatch. The company became known as DigitalGlobe in 2002. It is currently headquartered in Longmont, Colorado.

In 2012, Digital Globe merged with GeoEye, a former competitor, located in Thornton. The GeoEye merger in tandem with DigitalGlobe's growth plans caused the company to look for a new location where it could consolidate operations and be more central to its workforce. As a result, the company considered locations in Louisville, Broomfield, Thornton and Westminster. Ultimately, DigitalGlobe decided to lease the office building at 1300 W. 120th Avenue that is currently occupied by Avaya.

Attracting DigitalGlobe to Westminster will bring \$355,000,000 of new investment to the City over the next ten years. Also, the company will bring 1,416 jobs to the City initially with plans to add another 380 jobs over the subsequent four years. The average salary is expected to be \$97,116, with an annual payroll at move-in in 2015 expected to exceed \$120,000,000.

It is estimated that the company will generate about \$11,800,000 in new revenues for the City over the first ten years of operation.

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 60% of the building related fees (excluding water & sewer tap fees) will be rebated ($\$239,392 \times 60\% = \$143,635$)	\$143,635
<u>Construction Use Tax Rebate</u> 60% of the General Use Tax (excludes the City’s .60% Public Safety Tax and .25% Open Space Tax) on construction materials for this project will be rebated ($\$37,000,000$ construction valuation $\times 50\% \times 3\%$ use tax $\times 60\% = \$333,000$)	\$333,000
<u>Use Tax on Furniture and Fixtures Rebate</u> For the period 6 months prior and the 120 months (10 years) after DigitalGlobe obtains the Certificate of Occupancy for the new Westminster facility, the City will rebate 60% of the General Use Tax (excludes the City’s .60% Public Safety Tax and .25% Open Space Tax) collected on the furnishings and equipment purchased to outfit the new facility ($\$318,000,000$ new equipment $\times 3\%$ use tax $\times 60\% = \$5,724,000$)	\$5,724,000
Total Proposed Assistance Package Not To Exceed	\$6,200,000

As Council will note, the numbers above are estimated to total \$6,200,635 based on current cost estimates. Staff recommends capping the rebate at \$6,200,000 as a fair and close approximation of the cost estimates. The assistance being proposed is 53% ($\$6,200,000$ total assistance divided by $\$11,800,000$ of projected revenue = 53%) of the total direct general use tax and fee revenue projected from the project in the first 10 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy.

Conclusion

The assistance package is based on the City’s objective to attract new primary employers and higher paying jobs. DigitalGlobe is an excellent addition to the City in that it is the leader in a high growth digital technology industry. The company plans to bring 1,416 new jobs with average annual salaries of \$97,116 to the City. Furthermore, the company plans to invest \$355,000,000 into new equipment and real estate improvements during its first ten years in the City. The proposed assistance package supports an effort to attract DigitalGlobe to the City and meets the City’s strategic plan goal: “Strong Balanced Local Economy”.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Ordinance
- Exhibit A - Agreement

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH DIGITALGLOBE**

WHEREAS, the successful attraction and retention of expanding primary businesses in the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for businesses to expand or relocate in the City; and

WHEREAS, DigitalGlobe plans to lease and occupy the entire building at 1300 W. 120th Avenue in Westminster; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of November, 2013.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Exhibit "A"
ECONOMIC DEVELOPMENT AGREEMENT
FOR
DIGITALGLOBE

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2013, between the CITY OF WESTMINSTER (the "City") and DigitalGlobe, a Delaware Corporation (the "Company").

WHEREAS, the City wishes to provide assistance to aid in the relocation of the Company to the City; and

WHEREAS, the Company plans to lease and occupy the entire building at 1300 W. 120th Avenue, thus providing primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and the Company agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to the Company 60% of the building permit fees that are otherwise required under W.M.C. Section 11-10-3 (E) for the remodeling and improvements in the building at 1300 W. 120th Avenue. This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$143,635.

2. Use Tax Rebate--Construction. The City shall rebate to the Company 60% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials collected from the remodeling and improvements in the building at 1300 W. 120th Avenue that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The use tax rebate will be approximately \$333,000.

3. Sales and Use Tax Rebate--Furniture and Fixtures. For the period of 6 months prior and 120 months after the Company obtains a Certificate of Occupancy for its facility at 1300 W. 120th Avenue, the City will rebate 60% of the Westminster General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the Company on purchased hardware, furniture, fixtures and equipment. Rebates will be based on the documentation prescribed by the City and provided by the Company which illustrates purchases or delivery of any such furnishings, fixtures, or equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City. The rebate will be approximately \$5,724,000.

4. Payments of Rebates. The total rebate is not to exceed \$6,200,000. The rebates to the Company by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by the Company into the Westminster facility. Payments of each quarterly installment shall be paid to the Company by the City within thirty (30) days following the end of each calendar quarter. The first payment will be made within 30 days following the end of the calendar quarter in which the Company receives its Certificate of Occupancy. All payments by the City shall be made electronically to the Company's designated financial institution or other account.

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and the Company and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not moved into the building at 1300 W. 120th Avenue by December 31, 2015 or should the Company not comply with the City regulations or code.

7. Business Termination. In the event the Company ceases business operations within the City at any time prior to December 31, 2020, then the Company shall pay to the City the total amount of fees and taxes that were paid by or for the Company to the City and were subsequently rebated by the City to the Company pursuant to this Agreement.

8. Subordination. The City's obligations pursuant to this agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

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



Agenda Item 10 M

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Councillor's Bill No. 48 re Proposed Economic Development Agreement with Plato BioPharma, Inc.

Prepared By: Ryan Johnson, Economic Development Specialist

Recommended City Council Action

Pass Councillor's Bill No. 48 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with Plato BioPharma, Inc.

Summary Statement

- Plato BioPharma, Inc. is a pre-clinical drug discovery contract research organization.
- The company is looking to expand in Westminster although, sites in Boulder, Longmont and Louisville have been evaluated.
- Increasing pressure from investors has also forced Plato BioPharma, Inc. to consider relocation to the Boston or San Francisco areas to better serve their clients and for better employee recruitment.
- Plato BioPharma, Inc. is expanding their space by 50% to 6,700 square feet. The bulk of this new space will be laboratory space.
- Plato BioPharma, Inc. employs 18 people at an average wage of \$99,000 per year. The company plans to add 37 people over the next five years.
- Assistance would be based on the City's desire to retain and expand an existing basic employer and to put currently unoccupied industrial space in service.
- The proposed Economic Development Agreement (EDA) is not to exceed \$32,000, whose components are estimated at \$3,400 in permit fees rebates, \$4,200 in construction use tax rebates and \$25,200 in use tax rebates on equipment, furnishings and fixtures.
- Should Plato BioPharma, Inc. decide to move out of Westminster within 5 years of the approval of this EDA, the assistance would have to be reimbursed to the City by the Company.

Expenditure Required: Not to exceed \$32,000 (Rebates)

Source of Funds: The EDA with Plato BioPharma, Inc. will be funded through revenue received from permit fees, construction use tax, and use tax on equipment, furniture and fixture purchases for the Plato BioPharma, Inc. project.

Policy Issues

Should the City provide assistance to Plato BioPharma, Inc. based upon the City's objectives to attract primary employers and to fill existing vacant space?

Alternatives

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may lose the project if assistance is not provided, the result would be that the City's values of retaining quality companies and filling existing vacant space would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package represents 1.13% of the company's total investment in tenant improvements, equipment, furniture and fixtures and is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. Staff has recommended an assistance package that is 40% of the total 5-year projected revenue. There is room for additional funding. However, it is Staff's opinion that additional assistance is not needed.

Background

Plato BioPharma, Inc. is a pre-clinical drug discovery contract research organization (CRO) offering *in vivo* studies in cardiovascular, renal, pulmonary, and hepatic disease models. Plato BioPharma, Inc. is distinct from other CRO's by offering a fully integrated discovery pharmacology platform consisting of *in vivo* modeling followed by detailed biomarker and biochemical analysis. Additionally, Plato BioPharma, Inc. offers stand-alone biochemical analysis for in-house generated samples to help translate findings into a clinical context. Because Plato BioPharma, Inc. provides contract research to much larger pharmaceutical companies, they are more diversified and less susceptible to some of the typical issues that biotech companies encounter like being acquired by another larger company.

The company started in Westminster on June 3, 2010 and has steadily grown to support biotech companies along the Front Range, as well as larger companies throughout the U.S. Retaining Plato BioPharma, Inc. in Westminster will bring \$2,800,000 in investments over the next five years through 2017. Additionally, the company plans to add 37 employees at an average salary of \$99,000 over the same five years. The company anticipates an annual payroll of \$4.7 million dollars within five years.

Plato BioPharma, Inc. truly is a small business with great potential. Plato BioPharma, Inc. could actually use between 10,000 and 13,000 square feet. As a result, they have secured the first right of refusal on the two adjacent spaces at their existing facility. It is not often that a biotech company will expand at their current location. In fact, the company's investors initially urged Plato to look at growing in either Boston or San Francisco. This expansion therefore is somewhat unique and important for Westminster.

It is estimated that the company will generate \$81,812 in new revenues for the City over the next five years.

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 40% of the building related fees (excluding water & sewer tap fees) will be rebated (\$8,312 x 40% = \$3,400)	\$3,400
<u>Construction Use Tax Rebate</u> 40% of the General Use Tax (excludes the City’s .25% Open Space Tax and .60% Public Safety Tax) on construction materials for this project will be rebated (\$700,000 construction valuation x 50% x 3% x 40% = \$4,200)	\$4,200
<u>Equipment, Furniture and Fixtures Use Tax Rebate</u> For the period 3 months prior and the 36 months (3 years) after Plato BioPharma, Inc. obtains the Certificate of Occupancy for the new Westminster facility, the City will rebate 40% of the General Use Tax (excludes the City’s .25% Open Space Tax and .60% Public Safety Tax) collected on the furnishing and equipment purchased for the new facility (\$2,100,000 new equipment x 3% Use Tax x 40% = \$25,200)	\$25,200
Total Proposed Assistance Package Not To Exceed	\$32,000

As Council will note, the numbers above total \$32,800 based on current cost estimates. Staff recommends capping the rebate at \$32,000 as a fair and close approximation of the cost estimates. The assistance being proposed is 40% (\$32,000 total assistance divided by \$81,812 projected revenue = 40%) of the total direct general use tax, and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy.

Conclusion

This assistance package is based upon the City’s goal of a “Strong, Balanced Local Economy”. As a primary employer, Plato BioPharma Inc. will help strengthen the City’s basic employment base.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Ordinance
- Exhibit A – Agreement

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2013

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH PLATO BIOPHARMA, INCORPORATED**

WHEREAS, the successful attraction and retention of expanding primary businesses in the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for businesses to expand or relocate in the City; and

WHEREAS, Plato BioPharma, Incorporated plans to expand at their current location at 7581 W. 103rd Ave., Suite 300. in Westminster; and

WHEREAS, a proposed Economic Development Agreement between the City and Plato BioPharma Incorporated is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of November, 2013.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Exhibit "A"
ECONOMIC DEVELOPMENT AGREEMENT
FOR
PLATO BIOPHARMA INCORPORATED

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2013, between the CITY OF WESTMINSTER (the "City") and PLATO BIOPHARMA INCORPORATED, a Colorado Corporation (the "Company").

WHEREAS, the City wishes to provide assistance to aid in the expansion of the Company to the City; and

WHEREAS, the Company plans to lease and occupy additional space at their current location at 7581 W. 103rd Avenue, thus providing primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and the Company agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to the Company 40% of the building permit fees that are otherwise required under W.M.C. Section 11-10-3 (E) for the remodeling and improvements in the building at 7581 W. 103rd Avenue. This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$3,400.

2. Use Tax Rebate--Construction. The City shall rebate to the Company 40% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials collected from the remodeling and improvements in the building at 7581 W. 103rd Avenue that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The use tax rebate will be approximately \$4,200.

3. Sales and Use Tax Rebate--Furniture and Fixtures. For the period of 3 months prior and 60 months after the Company obtains a Certificate of Occupancy for its facility at 7581 W. 103rd Avenue, the City will rebate 40% of the Westminster General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the Company on the purchased equipment and furnishings. Rebates will be based on the documentation prescribed by the City and provided by the Company which illustrates purchases or delivery of any such furnishings, fixtures, or equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City. The rebate will be approximately \$25,200.

4. Payments of Rebates. The total rebate is not to exceed \$32,000. The rebates to the Company by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by the Company into the expanded facility. Payments of each quarterly installment shall be paid to the Company by the City within thirty (30) days following the end of each calendar quarter. The first payment will be made within 30 days following the calendar quarter after the date of final inspection approval for the expanded facility. All payments by the City shall be made electronically to the Company's designated financial institution or other account.

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and the Company and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not secured additional space and moved into said additional space located at 7581 W. 103rd Avenue by June 30, 2014 or should the Company not comply with the City regulations or code.

7. Business Termination. In the event the Company ceases business operations within the City at any time prior to November 11, 2018, then the Company shall pay to the City the total amount of fees and taxes that were paid by or for the Company to the City and were subsequently rebated by the City to the Company pursuant to this Agreement.

8. Subordination. The City's obligations pursuant to this agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

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



Agenda Item 10 N

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Resolution No. 30 re Redesignation of Parklands to Open Space

Prepared By: Heather Cronenberg, Open Space Coordinator
Richard Dahl, Park Services Manager

Recommended City Council Action

Adopt Resolution No. 30 approving the redesignation of Parklands to Open Space.

Summary Statement

- In the past (March 1996, July 2001, November 2009), City Council approved the “adoption” of several City-owned properties into the Open Space program for management and maintenance purposes per Chapter X111 of City Code. Staff from the Department of Community Development and the Department of Parks, Recreation, and Libraries have been working together to review potential additional candidate properties for the adoption process for City Council’s consideration.
- This proposed list includes properties to be adopted as open space from parklands. The proposed total net new open space as proposed would add 37.56 acres.
- Properties to be adopted into the Open Space program are natural in character and meet the criteria for open space preservation and management.
- City Council reviewed the proposal at the October 21, 2013, Study Session.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to approve City Staff’s proposed Open Space adoptions?

Alternative

City Council could decide not to approve the proposed adoptions, or approve the adoptions on a case-by-case basis; however, City Staff has evaluated each of the adoptions on the list carefully and feels strongly that the properties being proposed for adoption would be better utilized for another public purpose.

Background Information

Staff recommends that 8 properties totaling 37.56 acres be adopted into the Open Space program for preservation, management and maintenance purposes. The properties proposed for adoption into the Open Space program are as follows (also refer to the attached maps where the proposed adoption parcels are shaded yellow):

From Parks			
Map Number	Name	Location/Notes	Acreage
1	Green Knolls Park	That portion of the property currently east of Balsam St. that is non-irrigated and maintained as native and drought tolerant.	2.33
2	Oakhurst Park I/II	The unirrigated detention pond east of 93 rd Way; unirrigated detention pond north of Covenant Village; and the unirrigated triangle west of the Farmers’ High Line Canal trail.	12.4
3	Sherwood Park	The unirrigated north portion of the park located east of Kendall St. and adjacent to Airport Creek.	3.84
4	Waverly Acres Park	The unirrigated park area east of the drainageway to the subdivision fence line and north and south of the playground.	1.4
5	Willowbrook Park	Natural riparian area adjacent to the park located northeast of Delaware Drive and that portion of the property west of I-25 and east of Tanglewood Creek.	5.97
6	Land at Park Centre Business Park	Located at 124 th and Pecos. That portion of the unirrigated property west of the future resource center area that is comprised of the west facing sloping hillside.	3.0
7	Trendwood Park	Natural park area located to the northeast of Betty Adams Elementary School.	0.65
8	Mayfair Park	Drainage and wetlands area located west of Holland Way and adjacent to the north and south side of Mayfair Park.	7.97
		Total	37.56

In 2014, Staff intends to perform a master planning process at Standley Lake Regional Park. Through this process, Staff will recommend that some portion of the lake and surrounding land be designated as open space where appropriate. Staff believes that at least 180 acres could be designated as open space, which would allow the City to reach its goal of preserving at least 15% of the City as open space.

Targeted acquisitions related to trail connections and high priority acquisitions will continue to occur after reaching this goal.

Title X111 of the City Code allows for the trade of open space and parklands. Staff from the Department of Community Development, the Department of Parks, Recreation and Libraries, and City Manager's Office have carefully evaluated and are in full support of each of the above mentioned proposed adoptions.

City Council reviewed this proposal at the October 21, 2013, Study Session. The adoptions meet the City's Strategic Plan Goal of "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment- Maps of Proposed Adoption Parcels

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2013

A RESOLUTION AUTHORIZING OPEN SPACE AND PARKS REDESIGNATIONS

WHEREAS, Title XIII of the Westminster Municipal Code allows for redesignation of City lands to other public purposes; and

WHEREAS, City Staff has carefully evaluated each of the properties shown on the attached maps and believes that the properties being proposed for redesignation would be better utilized for another public purpose; and

WHEREAS, 8 properties to be redesignated as Open Space are natural in character and meet the criteria for open space preservation and management and total 37.56 acres; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the City Council hereby authorizes the proposed redesignation of the City Parks, set forth in the attached Map Nos. 1-8 as City Open Space.

PASSED AND ADOPTED this 28th day of October, 2013.

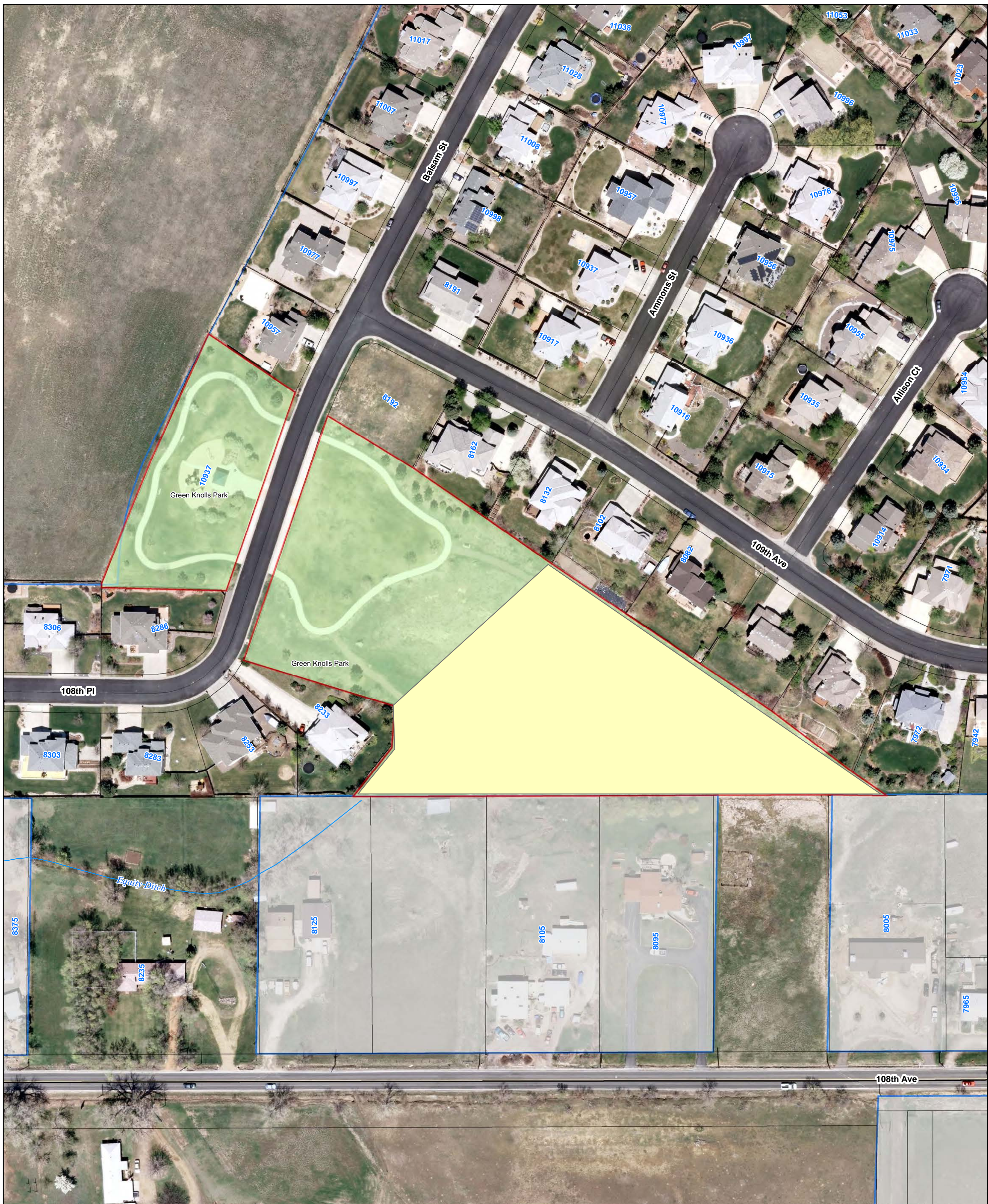
ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

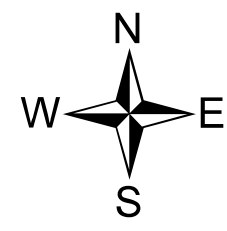
City Attorney

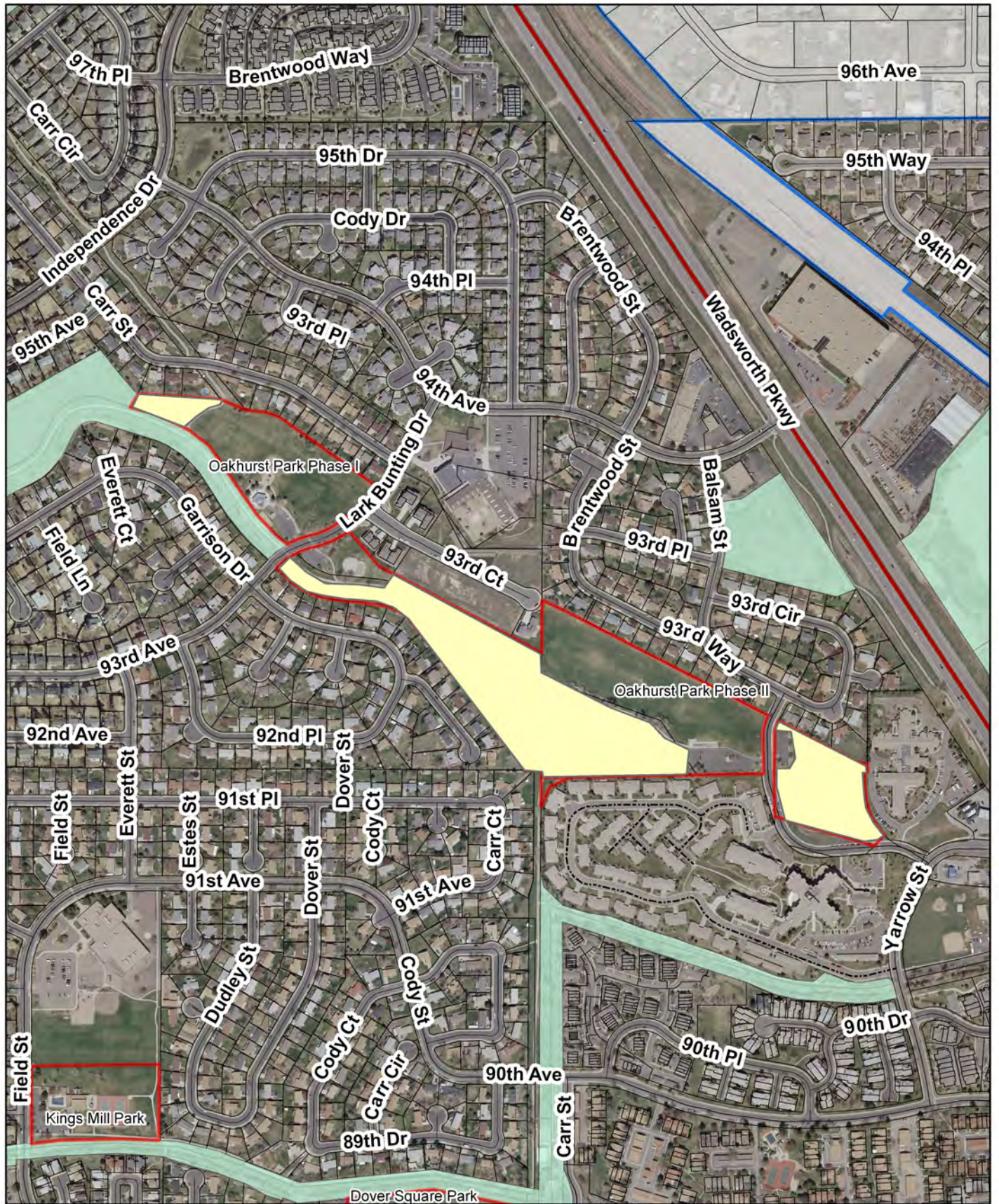


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City of Westminster
Green Knolls Park

Proposed Open Space area-2.33 acres or 101,688 sf





City of Westminister

Oakhurst I/II Park

Proposed Open Space area- 12.40 acres of 540,546 sf

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City of Westminster
Sherwood Park

Proposed Open Space Area-3.84 acres or 167,277 sf





City of Westminister
Waverly Park

Proposed Open Space area- 1.4 acres of 60,973 sf

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City of Westminister
Willowbrook Park

Proposed Open Space area- 5.97 acres of 260,089 sf

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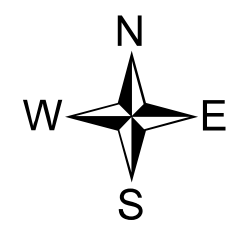


Land at Park Centre Business Park

City of Westminster

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Land at Park Centre Business Park
Proposed Open Space area-3.0 acres or 132,478 sf. ft.

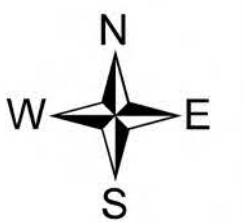




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City of Westminister
Trendwood Park

Proposed Open Space Area- .65 acres or 28,591 sf





Agenda Item 11 A

Agenda Memorandum

City Council Meeting
October 28, 2013



SUBJECT: Second Reading of Councillor's Bill No. 39 re Amendment to the Adopted 2014 Budget

Prepared By: Steve Smithers, Deputy City Manager
Barbara Opie, Assistant City Manager
Aric Otzelberger, Assistant to the City Manager
Ben Goldstein, Management Analyst

Recommended City Council Action:

Pass Councillor's Bill No. 39 on second reading amending the FY2014 budgets of the General, General Reserve, General Fund Stabilization Reserve, Utility, Utility Rate Stabilization Reserve, Utility Capital Project Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space & Trails (POST), General Capital Improvement, Conservation Trust and Property Liability/Workers' Compensation Funds.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading, which amends the Adopted 2014 Budget authorized by City Council in October 2012. Overall, the total City budget including all funds for 2014 is proposed to be modified from the Adopted total of \$175,458,143, plus \$43,980,425 in reserves and \$1,000,000 in contingency, to \$185,377,991, plus \$46,977,473 in reserves and \$1,000,000 in contingency.
- This Councillor's Bill was passed on first reading on October 14, 2013.

Expenditure Required: \$0

Source of Funds: General, General Reserve, General Fund Stabilization Reserve, Utility, Utility Rate Stabilization Reserve, Utility Capital Project Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Property Liability/Workers Compensation, Sales & Use Tax, POST, Conservation Trust, General Capital Improvement, and Debt Service Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3701**

COUNCILLOR'S BILL NO. **39**

SERIES OF 2013

INTRODUCED BY COUNCILLORS
Winter - Lindsey

A BILL

FOR AN ORDINANCE AMENDING THE 2014 BUDGETS OF THE GENERAL, WATER, UTILITY CAPITAL PROJECT RESERVE, WASTEWATER, LEGACY RIDGE GOLF COURSE, HERITAGE AT WESTMOOR GOLF COURSE, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, SALES & USE TAX, PARKS OPEN SPACE & TRAILS, CONSERVATION TRUST, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the General, Water, Utility Capital Project Reserve-Water, Wastewater, Legacy Ridge Golf Course, Heritage Golf Course, Storm Drainage, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space & Trails, Conservation Trust, and General Capital Improvement Funds initially appropriated by Ordinance No. 3655 are hereby increased in aggregate by \$18,740,284. This appropriation is due to a budget amendment for revised revenue projections and expense estimates for 2014.

Section 2. The \$18,740,284 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10H-I dated October 14, 2013 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	(\$555,839)
Water Fund	9,191,524
Utility Capital Project Reserve Fund-Water	7,015,859
Wastewater Fund	(264,818)
Legacy Ridge Fund	97,760
Heritage at Westmoor Fund	102,240
Storm Drainage Fund	(112,000)
General Capital Outlay Replacement Fund	(54,500)
Sales & Use Tax Fund	132,651
Parks Open Space & Trails Fund	1,407
Conservation Trust Fund	207,000
General Capital Improvement Fund	<u>2,979,000</u>
Total	<u>\$18,740,284</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of October, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of October, 2013.

ATTEST:

Mayor

City Clerk