WESTMINSTER

November 11, 2013
7:00 P.M.

CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. 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. Recognition of Open Space Volunteers' Decade of Service
   B. Retired Volunteer Firefighter Proclamation
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. Northwest Water Treatment Facility Water Tank Repairs Construction Contract
   B. Northwest Water Treatment Facility Water Tank Repairs Engineering Services Contract
   C. Second Reading of Councillor's Bill No. 41 (as amended) re Adoption of 2013 Comprehensive Land Use Plan
   D. Second Reading of Councillor's Bill No. 42 re Downtown Westminster Planned Unit Development Rezone
   E. Second Reading of Councillor's Bill No. 43 re Amend W.M.C. re Pension Plan Amendments
   F. Second Reading of Councillor's Bill No. 45 re Amend W.M.C. to Increase Maximum Municipal Court Fine
   G. Second Reading of Councillor's Bill No. 46 re Strasburg Natural Resources Farm Lease Amendment
   H. Second Reading of Councillor's Bill No. 47 re DigitalGlobe Economic Development Agreement
   I. Second Reading of Councillor's Bill No. 48 re Plato BioPharma, Inc. Economic Development Agreement
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
    A. Public Hearing on an Amendment to the CLUP and the Mandalay Gardens – Anthem Tract 63A PDP and ODP
    B. Councillor's Bill No. 49 re Amend the CLUP for Mandalay Gardens – Anthem Tract 63A
    C. Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan
    D. Mandalay Gardens – Anthem Tract 63A Official Development Plan
    E. Resolution No. 31 re North Huron Urban Renewal Area
    F. Orchard Parkway – Construction Contract and Construction Engineering Services Contract
    G. Orchard Parkway – Construction Engineering Services Contract
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Miscellaneous Business and Executive Session**
    A. City Council
13. **Adjournment**

WESTMINSTER HOUSING AUTHORITY (separate agenda)

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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 28, 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 October 14, 2013, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that no meeting of City Council was scheduled for Monday, November 4. Tuesday, November 5, was Election Day. The next meeting of City Council would be on Monday, November 11, at which time the Council would conclude all unfinished business and adjourn. At 8 p.m., the new City Council would convene for the purpose of administering the Oath of Office to newly elected officials.

There were three public hearings scheduled on the agenda of this meeting. Anyone in attendance to address Council with respect to a public hearing topic should wait until the Mayor invited public comment during that hearing. Others in attendance to speak to Council on any matter that was not the subject of a public hearing were asked to step to the podium when the Mayor invited Citizen Communication.

CITY COUNCIL COMMENTS

Councillor Kaiser and Mayor McNally congratulated Staff in Parks, Recreation and Libraries and members of the Youth Advisory Panel on a successful and fun Halloween Party for the community that was held at City Park Recreation Center over the past weekend. This event was always intergenerational with children, parents and grandparents frequently attending as a family. It was not uncommon to see the whole family dressed in theme costumes, and there were always lots of smiles on the faces of those attending.

Mayor Pro Tem Winter reported that the City would host a reception in honor of the outgoing Mayor and City Councillors on December 4 at the MAC beginning at 6 p.m. She invited the public to stop in and thank the honorees for their years of dedicated service and commitment to the community.

EMPLOYEE SERVICE AWARDS

The Mayor and Council were pleased to recognize employees celebrating 20 or more years of service to the organization. Councillor Major presented 20-year certificates and pins to Tony Ficco and Tim Wright. Mayor McNally presented Kim Barron with a certificate, pin and $2,500 stipend for 25 years of service. Mayor Pro Tem Winter presented a certificate and pin to Doug Hall for 35 years of service to the City.

PROCLAMATION

Councillor Lindsey read a proclamation to recognize the members of the Dab Ntxaug Top Spin Team, a local team that had participated in and won the July 4, 2013, National Top Spin Tournament in St. Paul, Minnesota. She proudly

PROCLAMATION

presented it to many of the team members and offered congratulations to them. The top spin was one of the world's oldest crafted toys; and for the Hmong, the game was played during the New Year Festival as part of the celebrations after the harvest. The top spin field at Skyline Vista Park, built almost seven years earlier, was the first of its kind built in the United States for the community. There, fathers could be observed teaching their sons how to play the ancient game. City Council was proud to have incorporated part of the Hmong culture into recreational amenities provided by the City.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the September Financial Report as presented; accept the third quarter Insurance Claims Report; 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; 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; 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; 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; and final passage on second reading of Councillor's Bill No. 40 amending Section 1-7-2 of the Westminster Code by setting the salary for the Municipal Judge for 2014.

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 TO AMEND THE WESTMINSTER CENTER URBAN REINVESTMENT PLAN

At 7:23 p.m., Mayor McNally opened a public hearing to consider amending the Westminster Center Urban Reinvestment Plan. Mr. McFall reported that the recommended revision would provide for tax increment financing (TIF). Staff was present to answer any questions. There were no questions.

Mayor McNally opened the hearing for public comment, of which there was none. Mayor McNally closed the hearing at 7:24 p.m.

RESOLUTION NO. 29 AMENDING THE WESTMINSTER CENTER URBAN REINVESTMENT PLAN

It was moved by Councillor Briggs, seconded by Councillor Kaiser, to adopt Resolution No. 29 approving a major modification to the Westminster Center Urban Reinvestment Plan and to direct Staff to commence with the implementation of the Plan. At roll call, the motion passed unanimously.

PUBLIC HEARING ON 2013 COMPREHENSIVE LAND USE PLAN

At 7:25 p.m., Mayor McNally opened a public hearing to consider the proposed 2013 Comprehensive Land Use Plan (CLUP), as submitted to the Planning Commission. Mac Cummins, Planning Manager, entered into the record all required legal notices that had been provided and the agenda memorandum with all attachments. The CLUP had not been thoroughly reviewed and updated for nine years. Sarah Nurmela, Senior Urban Designer, described the process undertaken to involve the public and all stakeholders in the project of preparing the document being considered; the proposed changes to land use designations; the potential significant land use changes for specific sites; the five Focus Areas identified in the proposed Plan; redevelopment opportunities; potential development; and key considerations.

She summarized the public outreach conducted for this project, which had exceeded that of previous CLUP updates. In response to questions, Mr. Cummins advised that mixed uses allowed in TMUND areas were not mandated and single uses were permitted. The CLUP set out general land use parameters and allowed certain uses. Every parcel of land was assigned a category of land use. To obtain a planned development, a property owner applied for PUD (Planned Unit Development) zoning, which initiated a process of review that included public hearings before the Planning Commission and the City Council. If residents in a TMUND area wanted to limit certain uses, those limitations or prohibitions were identified at the time PUD zoning of the property occurred. The proposed updated CLUP made no changes to existing zoning. Members of Council voiced gratitude to Mr. Cummins and Ms. Nurmela for the tremendous amount of work they had given to orchestrate this project. They had listened to the community, mitigated concerns, and provided understanding.

Mayor McNally opened the hearing to public comment. Those who spoke were: Carly Johnson of Community Resources and Housing Corporation; Dino Valente, 7250 Meade; Jerry Tepper, 221 South Eudora in Denver and owner of Shoenberg Farms; John Weston, 855 South Newcombe Way in Lakewood and advisor to Mr. Tepper; Chris Meschuk, Westminster resident; Randal Schneider, president of Madison Hill Townhomes HOA; and Mary Lynne 7319 Orchard Court. William Evans of PNW Partners, LLC, 6050 West 92nd Avenue, did not wish to speak but asked that his name be entered in the record as being in support of the updated plan. Mr. Valente was the only speaker to oppose adoption of the plan, noting that it had long-range impacts on land ownership that pre-dated zoning in some instances. Messrs. Tepper and Weston supported adoption of the plan with modification of the proposed land use from R-18 to R-36 for a specific high-density residential property in the Shoenberg Farms. Mr. Meschuk appreciated the historic preservation emphasis in the proposed plan. Mr. Schneider was interested in the impacts of redevelopment of the former Westminster Mall site, directly across 92nd Avenue from the Madison Hill Townhomes. Ms. Lynne wanted the land uses within the CLUP to reflect the City's support and effort to work with property owners in south Westminster to change the perception of Federal Boulevard and make it the gateway to Westminster it should be.

No other members of the public wished to speak. In conclusion, Mr. Cummins advised that the Planning Commission had recommended approval. The Commission suggested that a listing of prohibited uses in the TMUND, similar to the listing for retail/commercial uses, be inserted into the CLUP and that language about housing and housing options be expanded to show that it was Citywide and concentration of affordable housing in south Westminster neighborhoods was not allowed. Responding to a question, Mr. Cummins stated that the requested land use designation amendment on Shoenberg Farm could be considered when a firm development proposal was submitted to the City by the property owner.

There were no others wanting to speak and all questions had been answered. The Mayor closed the hearing at 8:44 p.m.

COUNCILLOR'S BILL NO. 41 TO ADOPT THE 2013 COMPREHENSIVE LAND USE PLAN

It was moved by Councillor Major and seconded by Councillor Lindsey to add to the proposed Comprehensive Land Use Plan a listing of limited and prohibited uses in the TMUND and to expand language about affordable housing Citywide. The motion passed unanimously.

It was moved by Councillor Briggs and seconded by Councillor Atchison to amend the proposed Comprehensive Land Use Plan by changing the land use category for the parcel on Shoenberg Farms property from R-18 to R-36. The motion failed by a margin of 1:6 with Councillor Briggs casting the only affirmative vote.

Upon a motion by Councillor Major, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 41 on first reading adopting the 2013 Comprehensive Land Use Plan as amended.

PUBLIC HEARING ON DOWNTOWN WESTMINSTER PUD REZONE AND PDP

At 8:50 p.m., Mayor McNally opened a public hearing to consider rezoning of the site of the former Westminster Mall to the downtown Westminster Planned Unit Development (PUD) and approval of the Preliminary Development

Plan (PDP) for the downtown Westminster PUD. Mr. Cummins entered in the record the notice of public hearing, evidence that the property had been posted and that neighboring property owners within 300 feet had received legal notice, and the agenda memorandum and attachments. Westminster Economic Development Authority (WEDA), the applicant, requested that the full 108-acre site be rezoned to Planned Unit Development (PUD) from a current combination of PUD and C-1 zoning. The proposed PDP included allowed land uses, public parks and plazas, and multi-modal circulation. Ms. Nurmela presented a video flyover showing the planned street layout, the green spaces and parks, the community plaza, and identified the mix of building heights with varied designs that were expected to be developed over the next several decades. View corridors of the Rocky Mountains and the downtown Denver skyline would be protected for the enjoyment of those living, working, shopping and attending community events once the site was developed.

Mayor McNally invited public comment. William Evans, 6050 West 92nd Avenue, supported the plan design and urged that its development be pursued as the real estate market was ripe with opportunities. Sue Hack, 5711 West 92nd Avenue, voiced concern about obstructed views from her residence directly across 92nd Avenue to the north. Based on the flyover video presentation, driving through the streets of the new development would give a perception of a corridor in a warehouse district of tall buildings.

No others wished to speak. Mr. Cummins added that the Planning Commission had considered this proposal and had recommended approval.

Mayor McNally closed the public hearing at 9:11 p.m.

COUNCILLOR'S BILL NO. 42 REZONING THE DOWNTOWN WESTMINSTER PUD

Councillor Lindsey moved, seconded by Mayor Pro Tem Winter, to pass Councillor's Bill No. 42 on first reading to rezone the site of the former Westminster Mall to Downtown Westminster Planned Unit Development based on finding that applicable criteria in the Westminster Municipal Code had been considered and satisfied. The motion passed unanimously on roll call vote.

DOWNTOWN WESTMINSTER PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN

Councillor Lindsey moved to approve the Preliminary Development Plan for the Downtown Westminster Planned Unit Development based on finding that applicable criteria set forth in provisions of the Westminster Municipal Code had been considered and satisfied. The motion, seconded by Mayor Pro Tem Winter, passed unanimously.

COUNCILLOR'S BILL NO. 43 APPROVING PENSION PLAN AMENDMENTS

Councillor Briggs moved, seconded by Councillor Kaiser, to pass on first reading Councillor's Bill No. 43 to amend 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. At roll call, the motion carried unanimously.

COUNCILLOR'S BILL NO. 44 EXTENDING SITE USE AGREEMENT OF FIRE STATION #6 CELL TOWER

It was moved by Mayor Pro Tem Winter and seconded by Councillor Kaiser to pass, as an emergency ordinance, Councillor's Bill No. 44 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. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 45 TO INCREASE MAXIMUM MUNICIPAL COURT FINE IN W.M.C.

Upon a motion by Councillor Kaiser, seconded by Councillor Major, the Council voted unanimously on roll call vote to pass on first reading Councillor's Bill No. 45 to increase the maximum fine that could be imposed by the Westminster Municipal Court from $1,000 to $2,500.

COUNCILLOR'S BILL NO. 46 AMENDING STRASBURG NATURAL RESOURCES FARM LEASE

It was moved by Mayor Pro Tem Winter and seconded by Councillor Major to pass on first reading Councillor's Bill No. 46 authorizing the City Manager to sign an amendment to a lease for agricultural land at the City's Natural Resources Farm. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 47 APPROVING DIGITALGLOBE ECONOMIC DEVELOPMENT AGREEMENT

Councillor Lindsey moved to pass on first reading Councillor's Bill No. 47 authorizing the City Manager to execute and implement an Economic Development Agreement with DigitalGlobe. Mayor Pro Tem Winter seconded the motion and it carried unanimously on roll call vote.

COUNCILLOR'S BILL NO. 48 APPROVING PLATO BIOPHARMA, INC. EDA

Councillor Briggs moved, seconded by Councillor Kaiser, to 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. The motion carried unanimously on roll call vote.

RESOLUTION NO. 30 RE REDESIGNATION OF PARKLANDS TO OPEN SPACE

It was moved by Councillor Major and seconded by Councillor Kaiser to adopt Resolution No. 30 approving the redesignation of Parklands to Open Space. At roll call the motion passed unanimously.

SECOND READING OF COUNCILLOR'S BILL NO. 39 AMENDING THE ADOPTED 2014 BUDGET

Councillor Briggs moved, seconded by Councillor Kaiser, to pass on second 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. At roll call, the motion passed on a 6:1 vote with Councillor Atchison voting no.

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 9:24 p.m.

ATTEST:

_____
Mayor

_____
City Clerk

WESTMINSTER

Agenda Item 6 A

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Recognition of Open Space Volunteers' Decade of Service

Prepared By: Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Present recognition certificates to the Open Space Volunteers in recognition of 10 years of service to the City of Westminster. These volunteers are Tom Claspell, Dennis Emily, Stewart Linder, Jim McGinnis, Chrystal Owin, Norm Rasmussen, and Lisa Williams.

Summary Statement

- The Open Space Volunteer Program began in 1996 as a way to improve and enhance the City's open space areas. Volunteers were recruited to begin this landmark endeavor in Westminster.
- The aforementioned individuals have been Open Space volunteers for 10 years.
- These volunteers have dedicated their time and energy to the open space program, and, collectively, have accumulated over 1,500 hours over the course of their decade of service.
- These volunteers are supporters of Westminster's open space acquisition and volunteer program, and often act as our greatest advocates. Their enthusiasm and continued attendance at work projects make them leaders and advisors.
- Westminster is grateful to Tom Claspell, Dennis Emily, Stewart Linder, Jim McGinnis, Chrystal Owin, Norm Rasmussen, and Lisa Williams for their selfless contributions to Westminster's volunteer program.

Expenditure Required: $0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Open Space Volunteer program began in 1996. The volunteers have done a variety of projects over the years, such as open space fencing installation, trash removal, tree planting, protection of trees from beaver damage, dock construction, island creation, weed pulling, demolition of old buildings, flowerbed winterization, native plant cultivation, and trail building. They have painted underpasses, tackled noxious weeds, and much more. These volunteers have worked in 100° and they have worked in the snow. Faced with adverse soil conditions that range from mud to "hard as concrete," these volunteers have found a way to get the job done. There is rarely a dull moment, and staff and volunteers have learned from each other while forming incredible relationships.

Open Space Volunteers are optimists. They know that some trees won't make it, trash will reappear, and weeds keep coming back – but they never give up. These volunteers have persevered through all projects, and are passionate advocates for open space. They meet challenges with optimism and determination. These volunteers are helping to ensure the beauty, safety, and vitality of Westminster's open space for future generations.

City Council action on this item addresses the following Strategic Plan Goals: Financially Sustainable City Government Providing Exceptional Services, Beautiful and Environmentally Sensitive City, and Vibrant Neighborhoods in One Livable Community.

Respectfully submitted,

J. Brent McFall
City Manager

WESTMINSTER

Agenda Item 6 B

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Presentation of Retired Volunteer Firefighter Proclamation

Prepared By: Bill Work, Deputy Fire Chief

Recommended City Council Action

Councilor Mary Lindsey will present a proclamation to Albert (Al) Schaub for achieving the status of the oldest living retired Westminster Volunteer Firefighter.

Summary Statement

- Albert Schaub will be celebrating his 90th birthday in December of this year.
- Al served the Westminster community for just over 20 years as a volunteer firefighter, serving from February 1959 until his retirement in February 1980.

Expenditure Required: $0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Albert Schaub will be celebrating his 90th birthday on December 14, 2013. As such, Al represents the Westminster Fire Department as the oldest living retired volunteer firefighter. The Westminster Fire Department will be celebrating its 80th birthday in 2014. Al's service to his community as both a Volunteer Firefighter, as well as a charter member of the Westminster Elk's Lodge 2227, and Al's service to his country as a submarine sailor during World War II are to be commended and recognized.

Albert will be present at Monday's night meeting to accept a proclamation for his achievement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Albert Schaub served as a Westminster Volunteer Firefighter from February 1959 until February 1980; and

WHEREAS, Albert Schaub provided firefighting and emergency response for the Westminster community 24 hours a day, 7 days a week and in a good month, might have made $6 for his time and efforts; and

WHEREAS, Albert Schaub was more than a first responder, serving as an "elf" for the Fire Department's Santa visits, helping at the Davey Crockett and Annie Oakley Day celebration at the Fourth of July events where these services have given thousands of children and their parents a smile and fond memories; and

WHEREAS, Albert Schaub and his family have been residents of Westminster for over 57 years; and

WHEREAS, Albert Schaub was a charter member and is still a member of the Westminster Elks Lodge 2217, which is another organization that gives back to the community; and

WHEREAS, Albert Schaub service to others includes service to his country, serving as a submarine sailor during World War II in the South Pacific; and

WHEREAS, Albert Schaub is reaching that milestone birthday of 90 years, hereby making him the oldest living retired volunteer firefighter for the City of Westminster Fire Department.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby offer my congratulations on achieving this milestone, and want to thank Albert for his past service to our community.

Dated this 11th day of November, 2013.

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Nancy McNally, Mayor

WESTMINSTER

Agenda Item 8 A&B

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Northwest Water Treatment Facility Water Tank Repairs Engineering and Construction Contracts

Prepared By: Dan Strietelmeier, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

1. Authorize the City Manager to execute a contract with the low bidder Riley Industrial Services in the amount of $967,340 for repairs to the Northwest Water Treatment Facility water tank and authorize a 10 percent contingency in the amount of $96,734 for a construction budget of $1,064,074.

2. Authorize the City Manager to execute a contract amendment with Carollo Engineer's Inc. for a net contract increase of $227,414 for engineering services during construction.

Summary Statement

- Recently completed inspections of the water system storage tanks identified the need for several improvements to extend the life of the tanks and improve reliability within the distribution system. Recommendations for improving all of the tanks included replacement of corroded roof supports, new coatings and various other items to conform to current State regulations.
- Scenarios for funding and phasing tank repairs and new tank construction were presented to City Council in an August 1, 2011 Staff Report. City Council supported this sequencing.
- Repairs to the water storage tank at the Northwest Water Treatment Facility are the next step in the overall tank repairs program.
- Necessary repairs to the Northwest tank include replacement of approximately 30 roof supports, improvements to safety and access, and recoating of the exterior and interior of the tank.
- Given the specialized nature of the water tank repairs, Staff required a contractor prequalification process that solicited credentials from nearly 50 companies. Of the eleven companies that submitted statements of qualification, eight were prequalified and four submitted bids for this project. Riley Industrial Services presented the lowest qualified bid in the amount of $967,340.
- The contract with Carollo Engineers, Inc. for design and bidding services was approved by City Council on June 24, 2013. Carollo Engineers, Inc. was originally selected through a competitive process and based on their successful performance to date, Staff negotiated a contract amendment for a net increase of $227,414 for engineering services during construction. Approval of this amendment is requested at this time.
- The Carollo team continues to provide the City with high-level service, timely performance, competitive pricing and intimate knowledge of the City's tanks and the needed repairs.
- Construction should begin in December with completion anticipated for early summer 2014. Because the tank is integral to the treatment process, Staff have planned for the Northwest Water Treatment Facility to be off-line during tank repairs.
- Capital funding of $1,500,000 was requested from City Council for this important water supply project on July 22, 2013 and is sufficient to fund completion of this project.

Expenditure Required: $1,291,488
Source of Funds: Utility Fund Capital Improvement
– Northwest Water Treatment Facility Tank Repairs Project

Policy Issues

1. Should the City execute a contract with the low bidder Riley Industrial Services, Inc. for the repairs to the Northwest Water Treatment Facility tank?

2. Should the City authorize a contract amendment for Carollo Engineers, Inc. to perform construction management services?

Alternatives

1. City Council could choose to not proceed with the construction phase for the Northwest Water Treatment Facility Tank. This is not recommended due to the near-term improvements needed to maintain the reliability of the water tank, the City's water distribution system and the treatment capability of the Northwest Facility.

2. City Council could choose to request proposals for the construction services task. This is not recommended as Staff believes that the Carollo Engineers, Inc. team provides the best value for this project. In addition, they were originally selected through a competitive process for the City's water tank repairs program, which includes this project. Their project team is intimately familiar with the improvements needed, having successfully completed the inspection and design phases of the project. Their knowledge will streamline key project tasks and provide the best value to the City.

Background Information

Distribution system storage tanks provide water required to meet short-term periods of high consumer demand, emergency storage in the event of a widespread interruption of water supply and fire flow storage. The Water Tanks Major Repair and Replacement Program began in 2010 with initial inspections to develop and prioritize recommendations for necessary tank improvements. The inspection work included review of previous inspection reports, specialized structural inspections of the tank interior and outer shell, tank site evaluations and preparation of a report with recommendations for tank repair and replacement. The primary focus of the evaluations was to:

- Identify conditions that might potentially impact water quality
- Identify issues related to tank access, safety and security
- Evaluate the adequacy of the overflow at each tank and confirm overflow piping conforms to Colorado Department of Public Health and Environment (CDPHE) regulations
- Summarize the current condition of each tank structure and state of their protective coatings
- Provide a program for maintenance at each tank in checklist form
- Identify and prioritize a list of necessary tank upgrades and improvements

It became apparent during initial inspections of the tank interiors that the condition of the roof and supports is the driving factor in prioritizing tanks for repair and improvements. The degree of corrosion in the roofs and their framings increased since the last tank inspections and is now necessitating the need for repairs/improvements. While all of the items identified in the evaluations are important, addressing the roof framing corrosion is the most critical in order to prevent possible roof damage. Therefore, this issue was the key driver in prioritizing repairs for the City's tanks.

Due to the size and scope of recommended construction activities anticipated for all of the City's tanks, improvements to the tanks require a multi-year effort to spread out project costs and limit the number of tanks that are offline at any given time. Staff developed an implementation scenario for the timing of the tank repairs and potential new tank construction that was previously presented to and supported by City Council. The scenario included starting the tanks program at the Wandering View Tank site (construction is complete) followed by construction of a new Northridge Tank No. 3 (design is underway). Next steps in the tank repair program include improvements to the Northwest Water Treatment Facility tank.

The design for Northwest tank repairs included developing roof support replacement details and improvements to tank access, safety and security. Specifications for new interior and exterior coatings for the tank are similar to those previously developed and successfully implemented for the Wandering View site. Repairs are needed to extend the tank's useful life and maintain the City's ability to serve drinking water during periods of high consumer demand and/or emergency situations such as fire fighting. The proposed construction project includes three main components:

1. Replacement of corroded roof supports
2. Installation of new larger access manways to improve maintenance access
3. Recoating of tank interiors and exteriors

Project work will be limited to within Northwest site but does include complex operations that require a long-term construction period (i.e., 7 months) and some specialized heavy construction equipment.

Due to the proximity of this project to our customers and treatment facility, Staff required special precautions to minimize disruption or inconvenience to our customer's daily routine including:

1. Hiring a specialty contractor with high qualifications and successful experience specifically for this type of work.
2. Restricting work hours to Mondays through Fridays from 7am to 5pm to limit the impact of construction equipment and work noise. Weekend work will only be permitted if special circumstances arise.
3. Monitoring of contractor compliance to State and local permit requirements for noise and dust control requiring the use of specified containment equipment.
4. Use of coatings that are formulated and certified for use in drinking water systems.
5. Sequencing the work to minimize the potential need for water service disruptions. (Note: the project as designed does not require any water outages to City customers.)

In addition to these special precautions, Staff will mail information letters to the neighborhood surrounding the site. Once the project is underway, updates will be posted on the City's Utility Construction Projects webpage.

In order to retain a highly qualified contractor for this project, the City initiated an extensive prequalification process in 2012. Requests for qualifications were distributed to nearly fifty contractors nationwide. The City received statements of qualification from eleven contractors, eight of which were prequalified and permitted to submit bids for the project. Of the eight Request for Bids distributed on October 3, 2013, four were received on October 24, 2013 and one bid was subsequently withdrawn. The remaining bids are as follows:

Contractor Name	**Bid Amount**
Riley Industrial	$967,340
Classic Protective Coatings	$1,241,300
TMI Coatings	$1,324,500
Engineer's Estimate	$900,500

After review of all bids received, Riley Industrial Services's bid was determined to be valid and the dollar amount reasonable for the scope of the work. Riley Industrial Services has successfully completed other water tank projects across the country, including Westminster's Wandering View Tank Project, and is qualified to complete this project. For these reasons, Staff recommends executing a contract with Riley Industrial Services for construction of this project, as well as a contingency amount of 10 percent. Construction will commence following award of the contract with substantial completion anticipated by June 1, 2014.

The City contracted with Carollo Engineers, Inc. (Carollo) in September 2011 through a competitive process to provide design and bidding services for the City water tank repair projects. As reported to City Council previously, the intent of this competitive process was to negotiate subsequent contracts with Carollo as the project progressed and to present those contracts to City Council for approval. Staff recommends continuing work with the Carollo team for construction services because Carollo's performance has been successful (on-time and within-budget), their cost of services is competitive and they have unique knowledge of the tanks having performed the inspections and design work. As such, Staff negotiated a scope of work and competitive fee with Carollo for this next step of the project and recommends approving a contract amendment with them.

The negotiated fee for Carollo's engineering services during construction is $227,414. Furthermore, the full design contingency of $14,761 remains available for potential use during the construction services phase. Therefore, no new or additional engineering contingency is requested at this time. The combination of final design and services during construction for the Northwest tank repair project amounts to a contract of $388,790 or 40% of the project construction cost. Overall, Staff believes the cost for Carollo's engineering work on this project is competitive given the effort includes specialized inspections during construction and the extent of precautions and engineering oversight requested by the City during construction of this specialized project.

Construction work is anticipated to commence immediately with construction of the Northwest tank repairs during the 2013-2014 winter season when water demands are relatively low. Design and construction of repairs to subsequent tanks in the system (i.e., the Hydropillar and Gregory Hill tanks) will be implemented as funding becomes available and is anticipated to occur over the next two winter seasons with completion in 2015.

Council previously approved funding of $1,500,000 for the Northwest Water Treatment Facility Water Tank Repair Project. The ideal sequencing for the tank repairs is construction during the 2013/2014 winter season, which required streamlining design and bidding completion in 2013. Implementing this project in this way limits risks on the operations of the water distribution system and allows the overall tanks program to remain on the targeted schedule. Performing the work during the 2013/2014 winter season also helps to facilitate other utility system projects, particularly upcoming work planned for the Semper Water Treatment Facility.

The Northwest Water Tanks Major Repair and Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Map of Tank Site

Northwest Water Treatment Facility Tank Repair and Replace Design Project Site

City of Westminster

Feet

0 60 120 180 240

N W E S

WESTMINSTER

Agenda Item 8 C

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading on Councillor's Bill No. 41 (As Amended) re Adoption of the 2013 Comprehensive Land Use Plan Update

Prepared By: Mac Cummins, AICP, Planning Manager

Recommended City Council Action

Pass Councillor's Bill No. 41, as amended, on second reading adopting the 2013 Comprehensive Land Use Plan.

Summary Statement

- The City's current Comprehensive Plan (Plan) was last reviewed and comprehensively updated 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 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."
- This Councillor's Bill was approved on first reading by City Council on October 28, 2013.
- At the City Council meeting of October 28, 2013, the Council made a motion to adopt the draft plan, dated October 16, 2013, with conditions to modify 2 portions of the plan. In order to accomplish this, staff has modified the plan accordingly (see below) and redated the plan being adopted tonight as November 11, 2013. The final adoption date of the Comprehensive Land Use Plan will therefore be November 11, 2013.
- The modifications that City Council asked for include the following:
    - Adding language prohibiting or restricting certain uses in the TMUND category. This language would be added to the TMUND category and say the following:
      "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
      (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."

    - Adding policy language relating to housing policy and low to moderate income housing being a City Wide policy, and not contemplating a concentration of this type of housing in South Westminster. To accomplish this, staff has added the following policy to Chapter 2:
      Policy LU-P-28: Original proposed language: "Encourage the provision of a range of housing types within new neighborhoods." To be replaced with the following proposed language: "Encourage the provision of a range of affordability and housing types within new neighborhoods and throughout the city."

    - The draft plan, dated November 11, 2013 (attached to this agenda memo) incorporates these changes.

Expenditure Required: $0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments
- Ordinance
- Comprehensive Land Use Plan, dated November 11, 2013

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. **41**

SERIES OF 2013 INTRODUCED BY COUNCILLORS
Major - Kaiser

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 November 11, 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 AS AMENDED, AND FULL TEXT ORDERED PUBLISHED this 11th day of November, 2013.

ATTEST:

_____
Mayor

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney's Office

WESTMINSTER

Comprehensive Plan

November 11, 2013

WESTMINSTER

Acknowledgements

City Council

Nancy McNally, Mayor
Faith Winter, Mayor Pro Tem
Herb Atchison
Bob Briggs
Mark L. Kaiser
Mary Lindsey
Scott Major

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Bill Lee, Land Econ
Citywide Economic Market Study

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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.

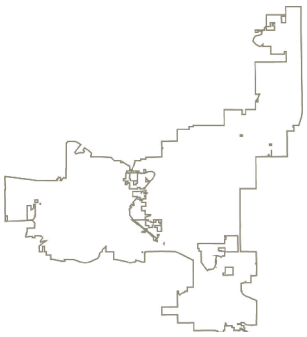
- Many areas in the city that were formerly designated as District Centers in the 2004 CLUP require more detailed direction for land use and development intensity to ensure that new development occurs in desired areas and in concert with the city's vision, growth management efforts and infrastructure 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).

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 communty destination for years to come.

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

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.

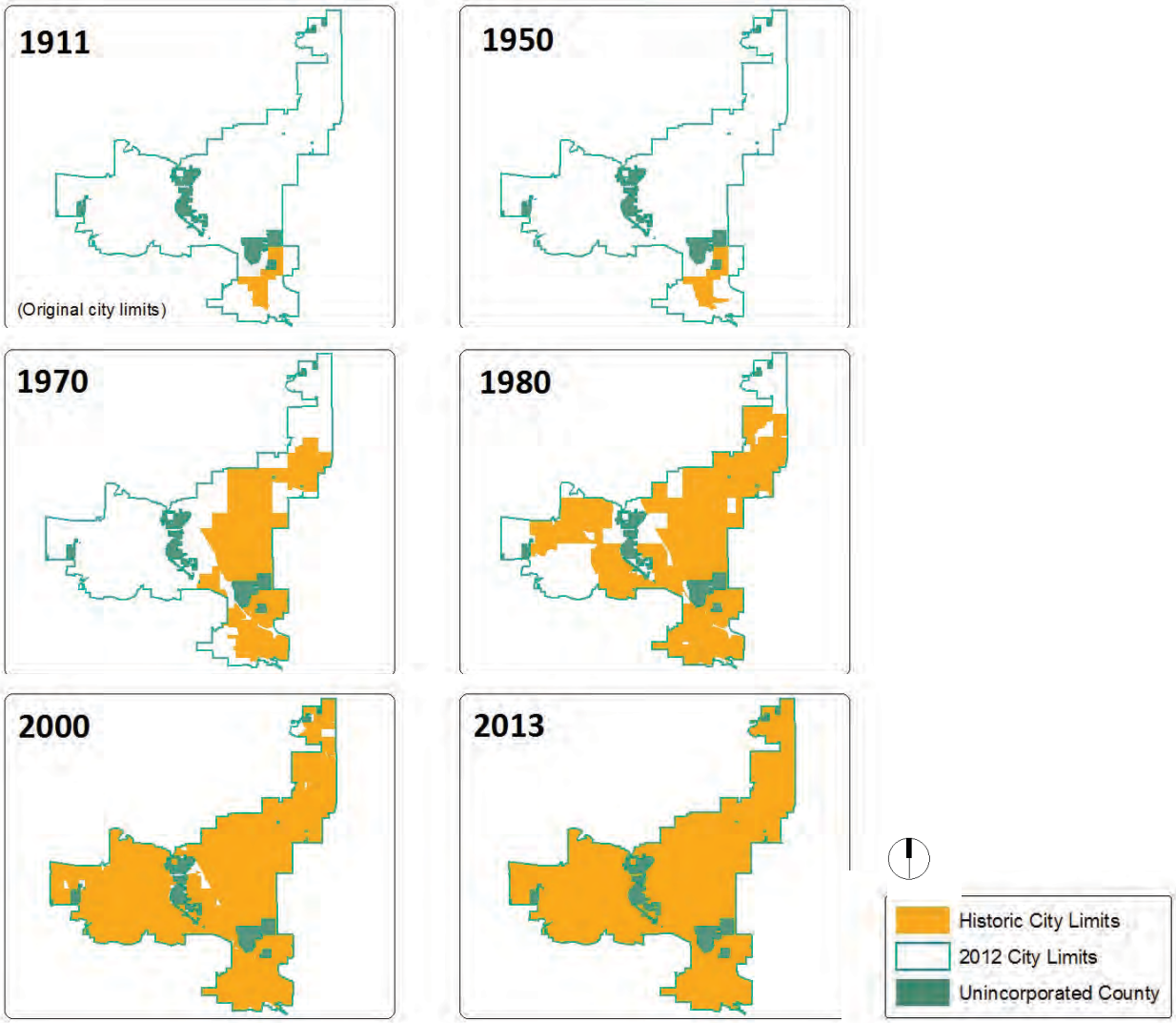
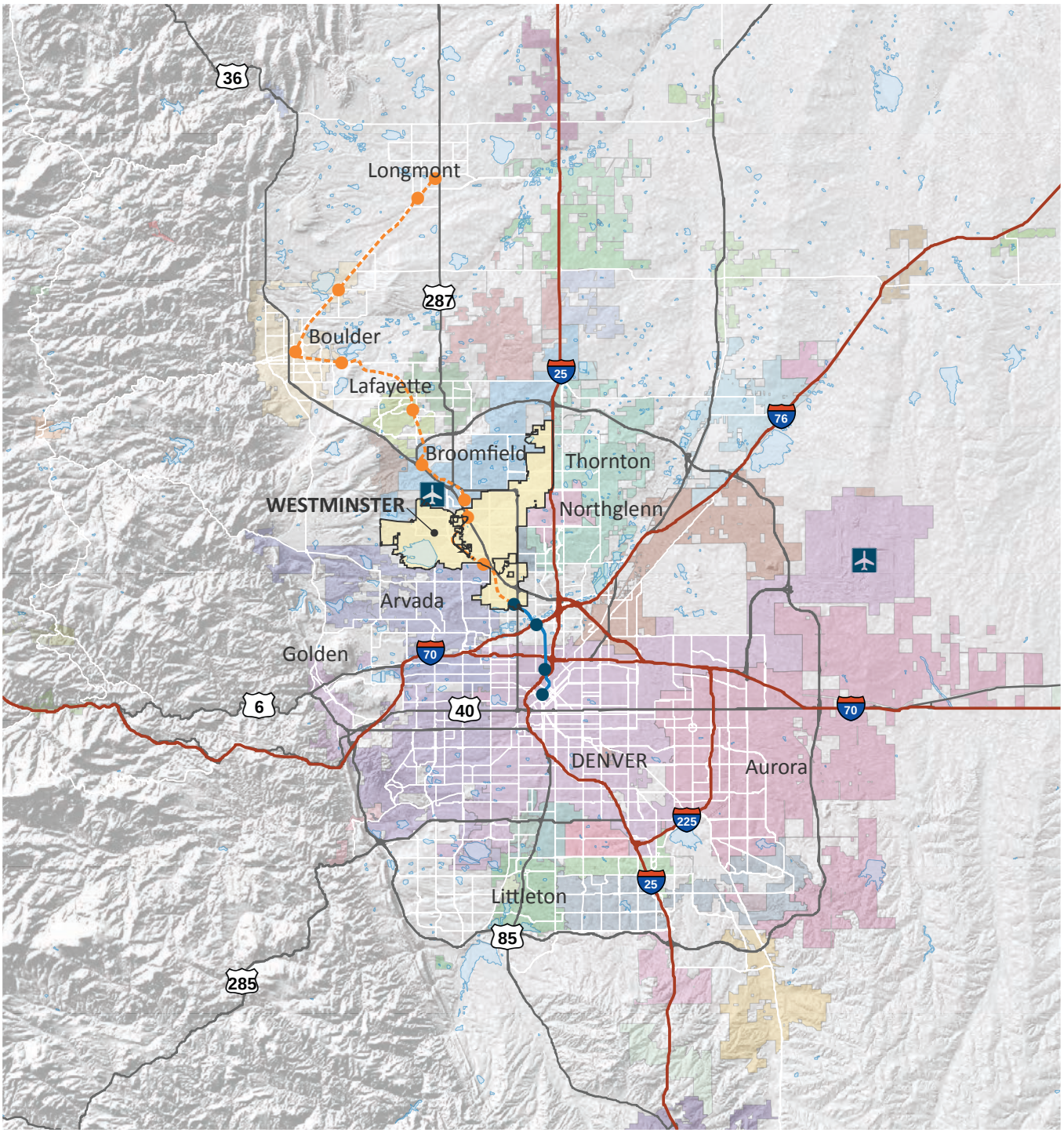


Figure 1-1: Regional Context



Legend

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

0 5 10
Miles

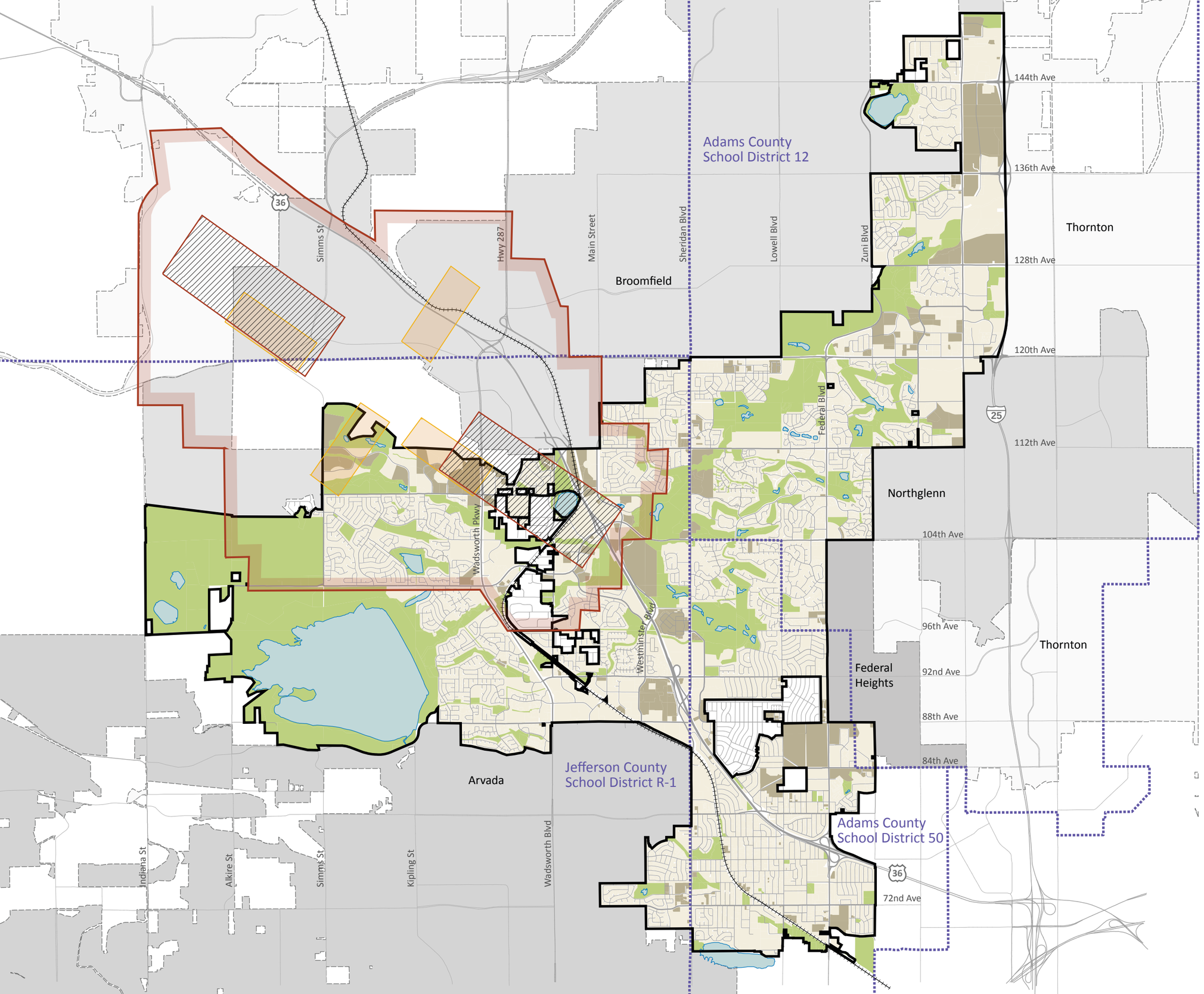


Figure 1-2: Physical Context

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

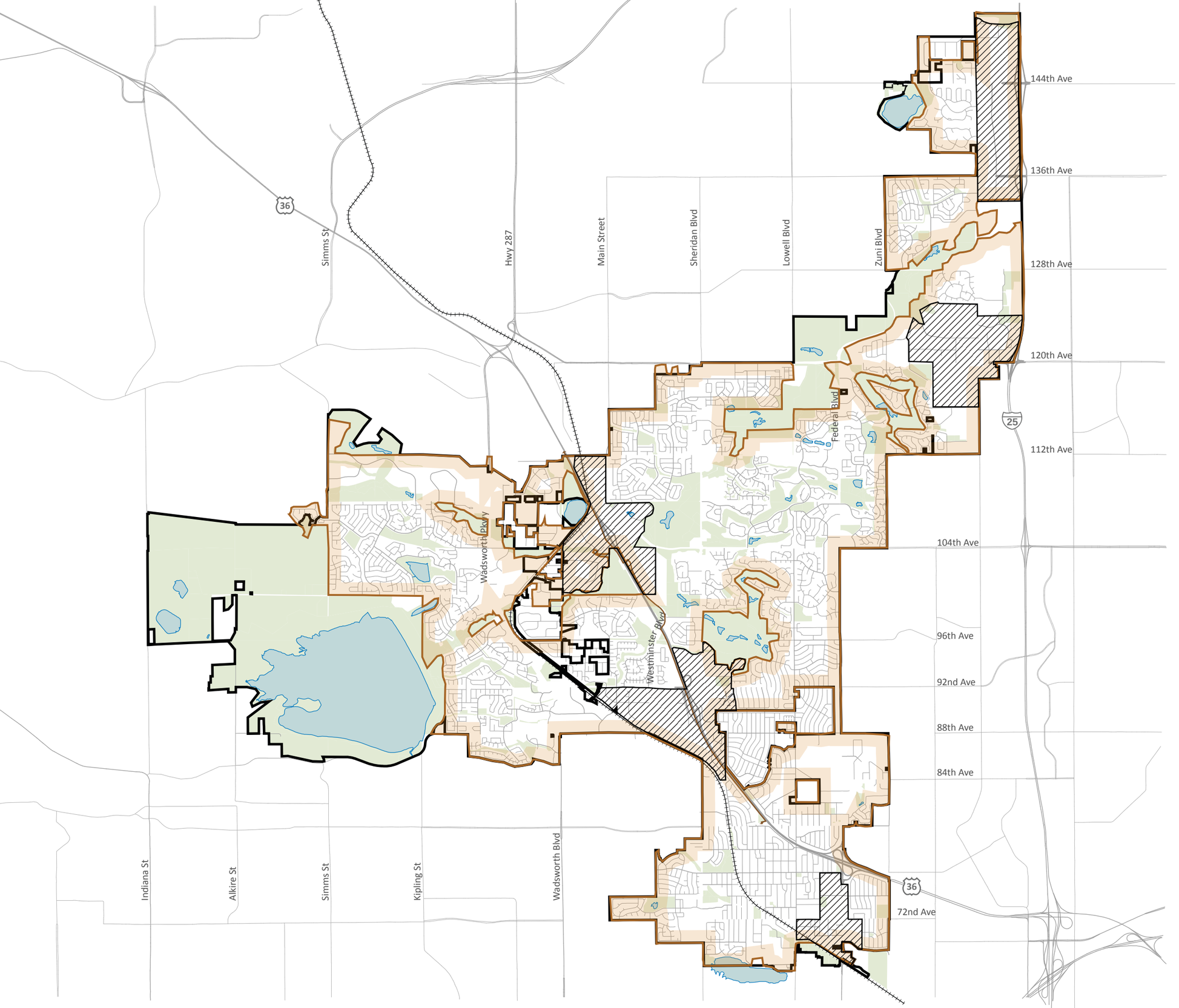


Figure 1-3: Growth Management

Legend

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

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Miles

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.

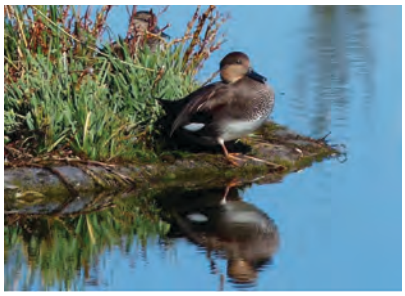
Mixed Use and Transit-Oriented Development

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

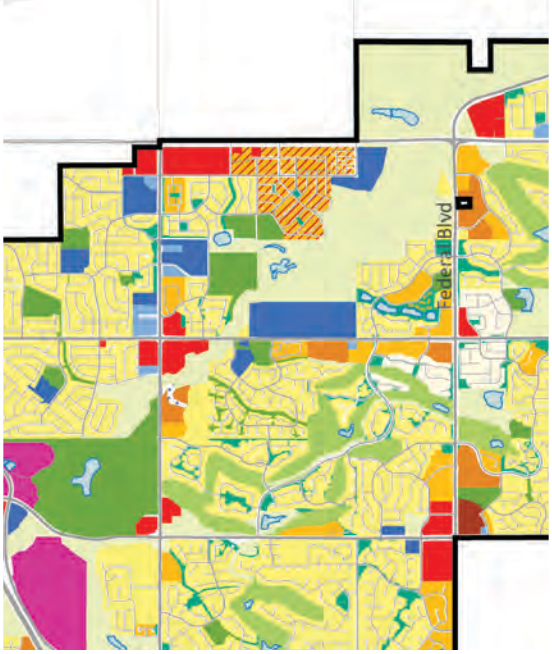
Westminster enjoys a high quality of life that is supported by a sense of safety and confidence throughout the community. The ability to enjoy the city's natural amenities, residential neighborhoods, employment and activity centers, and transit connections in a safe, secure environment is a key priority 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.

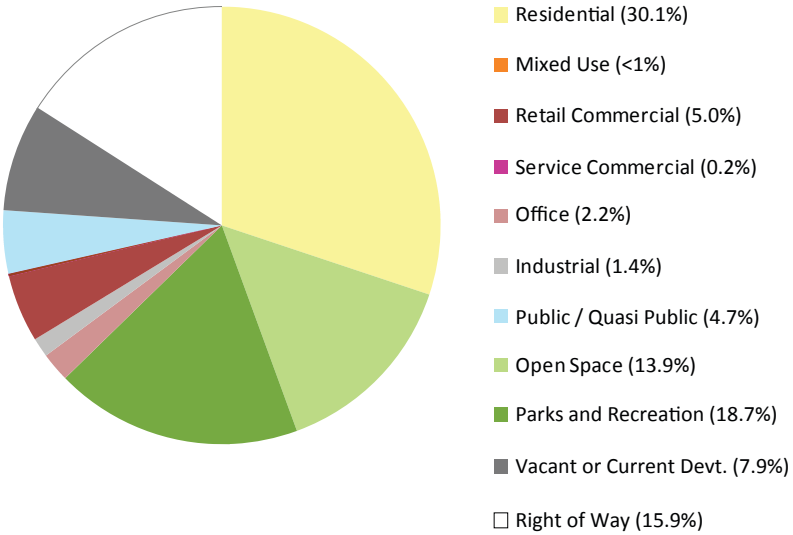
The Plan's land use framework is supported by modification of the city's land use "toolkit", or land use designations. Seven new land use designations are added or modified (and three existing designations are retired from the 2004 CLUP including District Center, Business Park and Office/Residential). 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.

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.

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



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.

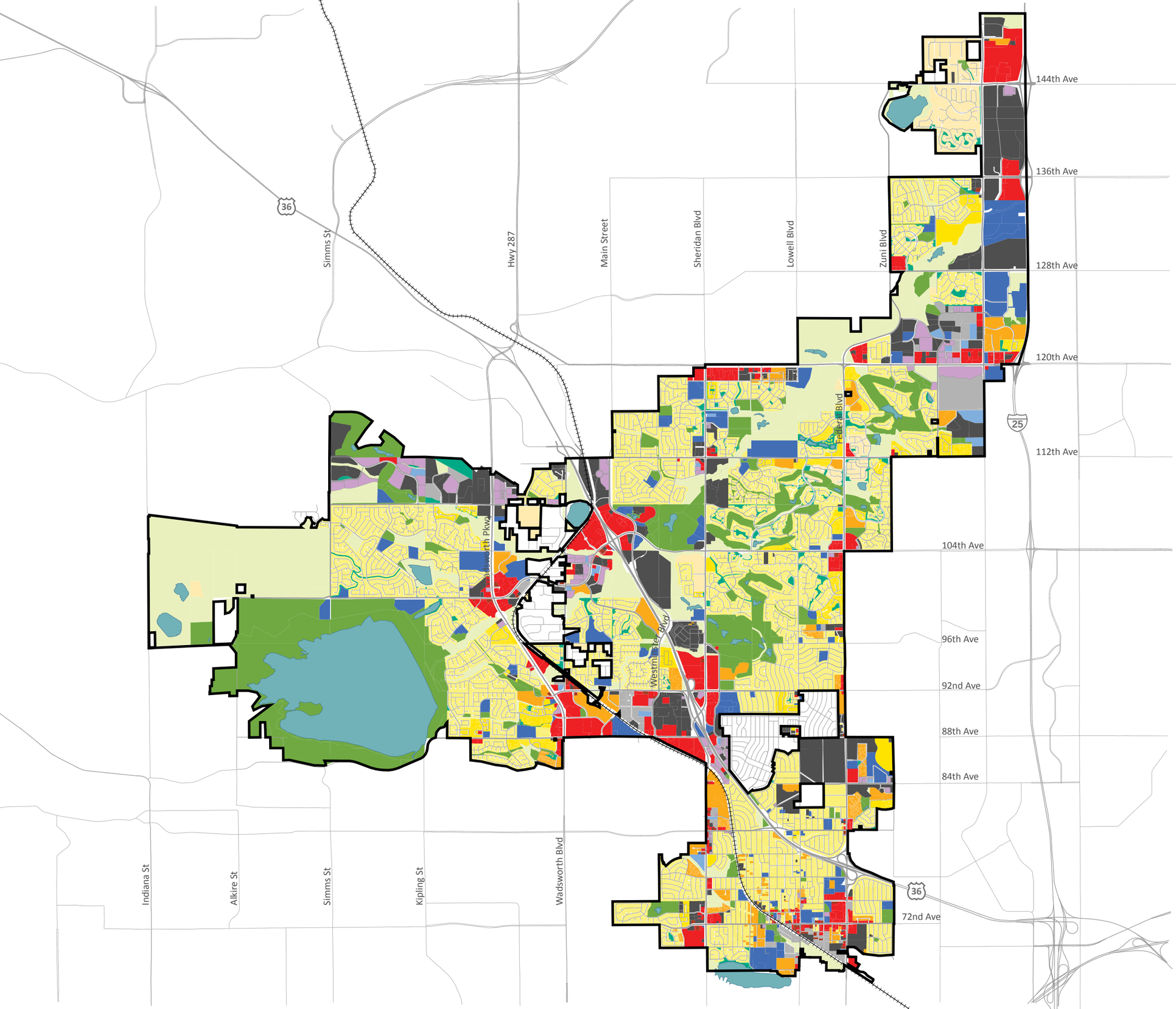


Figure 2-1: Existing Land Use 2013

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

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Miles

2.2 LAND USE FRAMEWORK

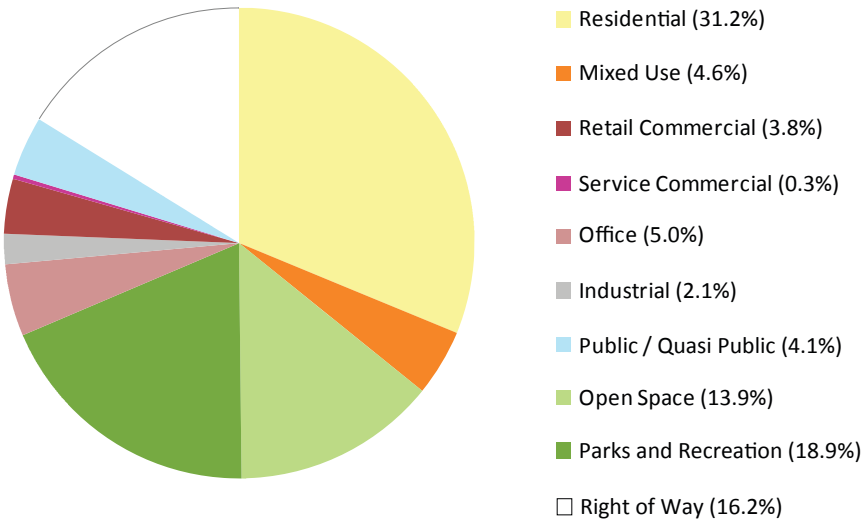
The land use framework embodies the community's vision of how the city should evolve over the next 20 years. The intent of the framework is to establish the direction and tools with which to realize this vision. Key elements of the framework include a land use plan that identifies areas for intensified 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.

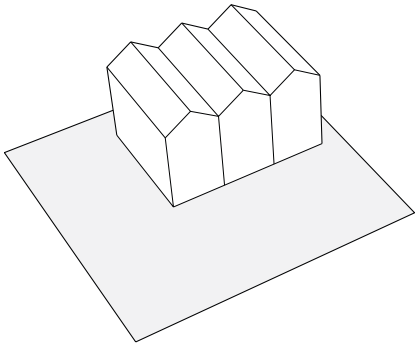
Chart 2-2: 2035 Projected Distribution of Land Area in the City



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.

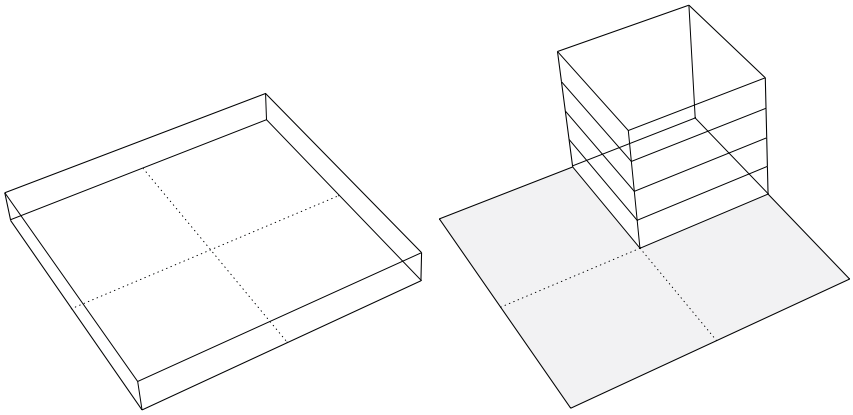
A maximum permitted floor area ratio (FAR) is specified for mixed use and non-residential uses. FAR expresses the ratio of total building square footage to land square footage. For example, an FAR of 2.0 means that for every square foot of land, a developer may build two square feet of building space.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

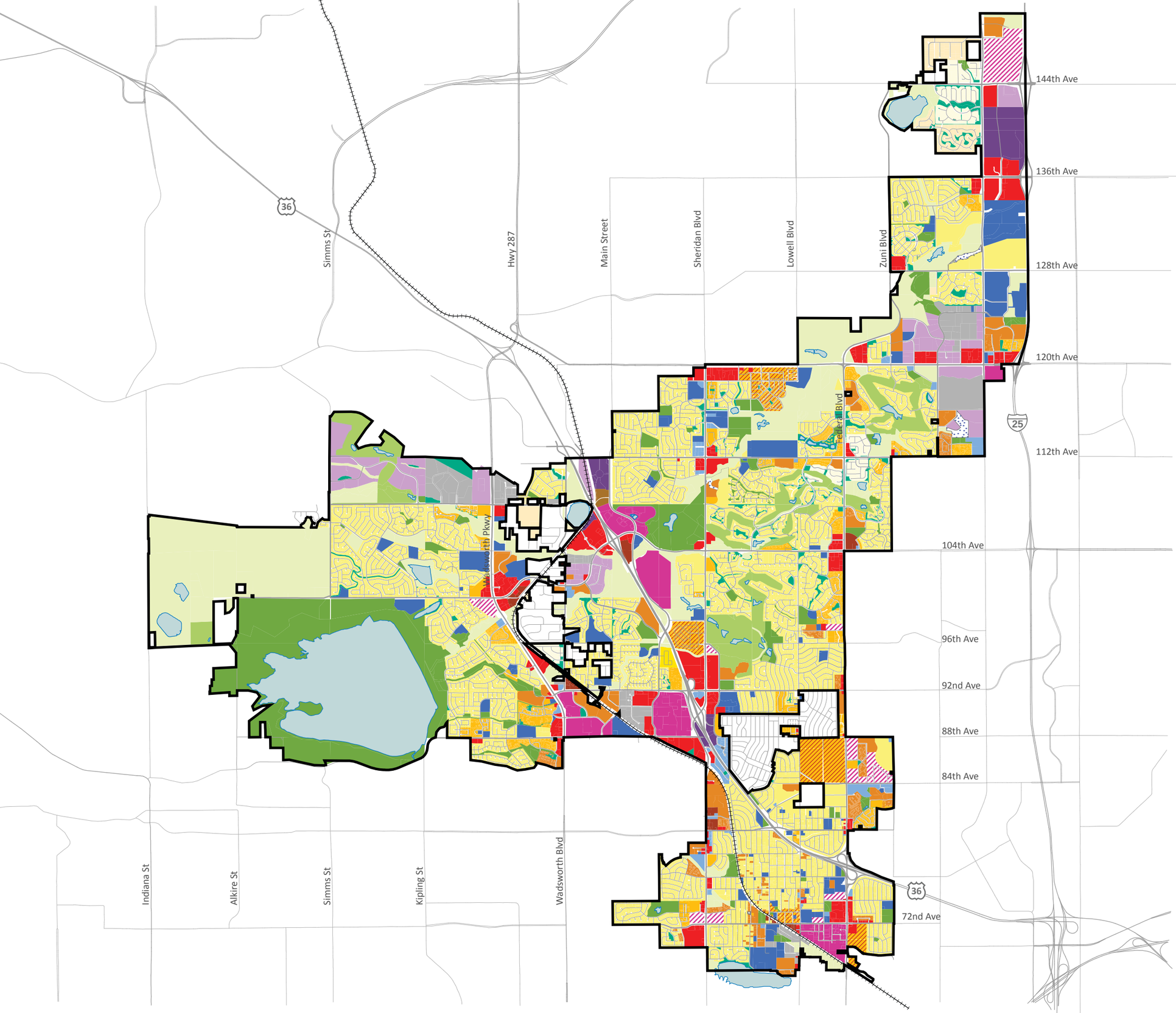


Floor Area Ratio (FAR)

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.

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

0 0.5 1.0 2.0
Miles

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	
	Requirement
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	
	Requirement
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	
	Requirement
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	
	Requirement
Land Use	
Primary Uses	Apartments, Condominiums, Lofts and Townhomes
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

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

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.

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, Lofts and Townhomes Single Family Residences (attached or detached) Offices, Personal Services, Retail Commercial, Live/Work
Secondary Uses	Senior Housing Facilities (1), Child Care
Limited or Potentially Prohibited Uses (2)	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	
Density	Maximum 18.0 du/acre (3)
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) 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.
(3) 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	
	Requirement
Land Use	
Primary Uses	Townhomes, Apartments, Condominiums and Lofts Offices, Personal Services, Retail Commercial, Live/Work
Limited or Potentially 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
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) 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.

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	Townhomes, Apartments, Condominiums and Lofts Offices, Personal Services, Retail Commercial (1), Live/Work
Prohibited Uses	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Development Characteristics	
Density	Minimum 18.0 du/acre, when provided
Floor Area Ratio	Minimum 0.75 Combined Residential and Commercial (2)(3)
	Maximum 2.0 Combined Residential and Commercial (2)(3)(4)

(1) Specific Retail Commercial 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. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.
(2)However, residential building area is included in the calculation for the Combined Floor Area Ratio (FAR).
(3) Calculation of FAR for master planned developments excludes rights-of-way.
(4) 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	
	Requirement
Land Use	
Primary Uses	Retail stores, eating establishments, banks, supermarkets, and business and professionial offices
Limited or Potentially 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.

(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.

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	
	Requirement
Land Use	
Primary Uses	Auto-related sales and services, convenience stores, wholesale, nurseries Retail stores, eating establishments, banks, supermarkets, and business and professionial 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	
	Requirement
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

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.
(2) Commercial building area shall not exceed 50 percent of the ground floor of any one building.

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	
	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	Maximum 1.0
	Maximum 0.10 for Support Commercial

(1) Manufacturing and production space may not exceed 30% 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.

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

(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 lcoated away from residential areas and adequately buffrered from other land uses. The city may impose a stricter standard for more intense industrial uses.

Development Standards	
	Requirement
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

	A. Existing Development 2013	*B. Current Development*	*C. Gross New Development by 2035*	*D. Existing Development Lost*	*E. Net New Development by 2035*	*F. City at 2035*
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
Subtotal Single Family (Detached & Attached)	*31,620*	*518*	*454*		*972*	*32,592*
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
Subtotal Multifamily	*13,359*	*1,751*	*5,102*		*6,853*	*20,212*
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
Hotel (square feet)	*1,361,660*	*159,500*	*403,677*		*563,177*	*1,924,837*
Hotel (rooms)	*1,905*	*212*	*577*		*789*	*2,694*
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

Place of Comparison	*Jobs*	*Employed Residents*	*Jobs to Employed Residents*
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

Urban Renewal 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.

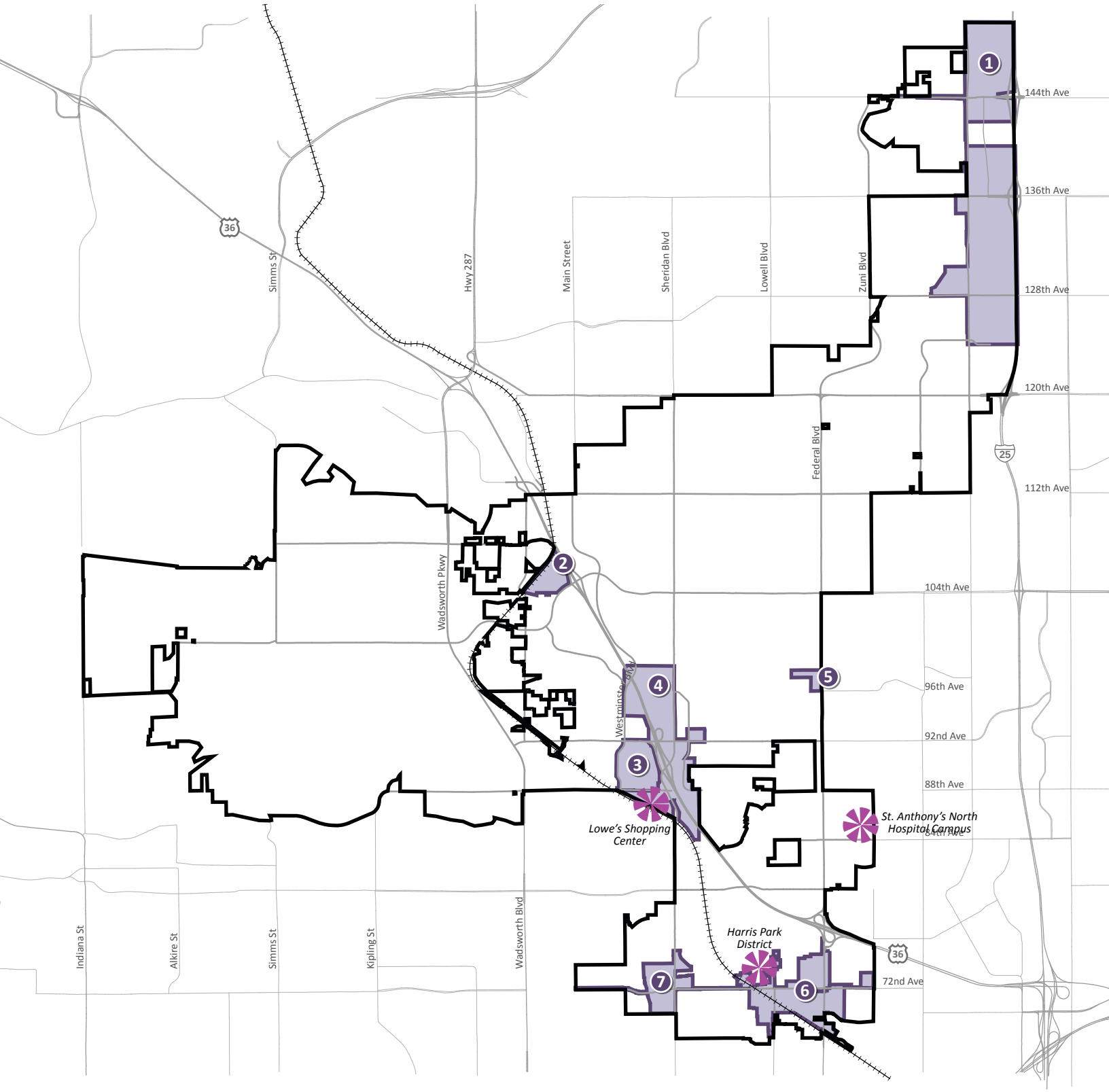
St. Anthony's North Hospital located on 84th Avenue east of Federal Boulevard.

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

0 0.5 1.0 2.0
Miles

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.

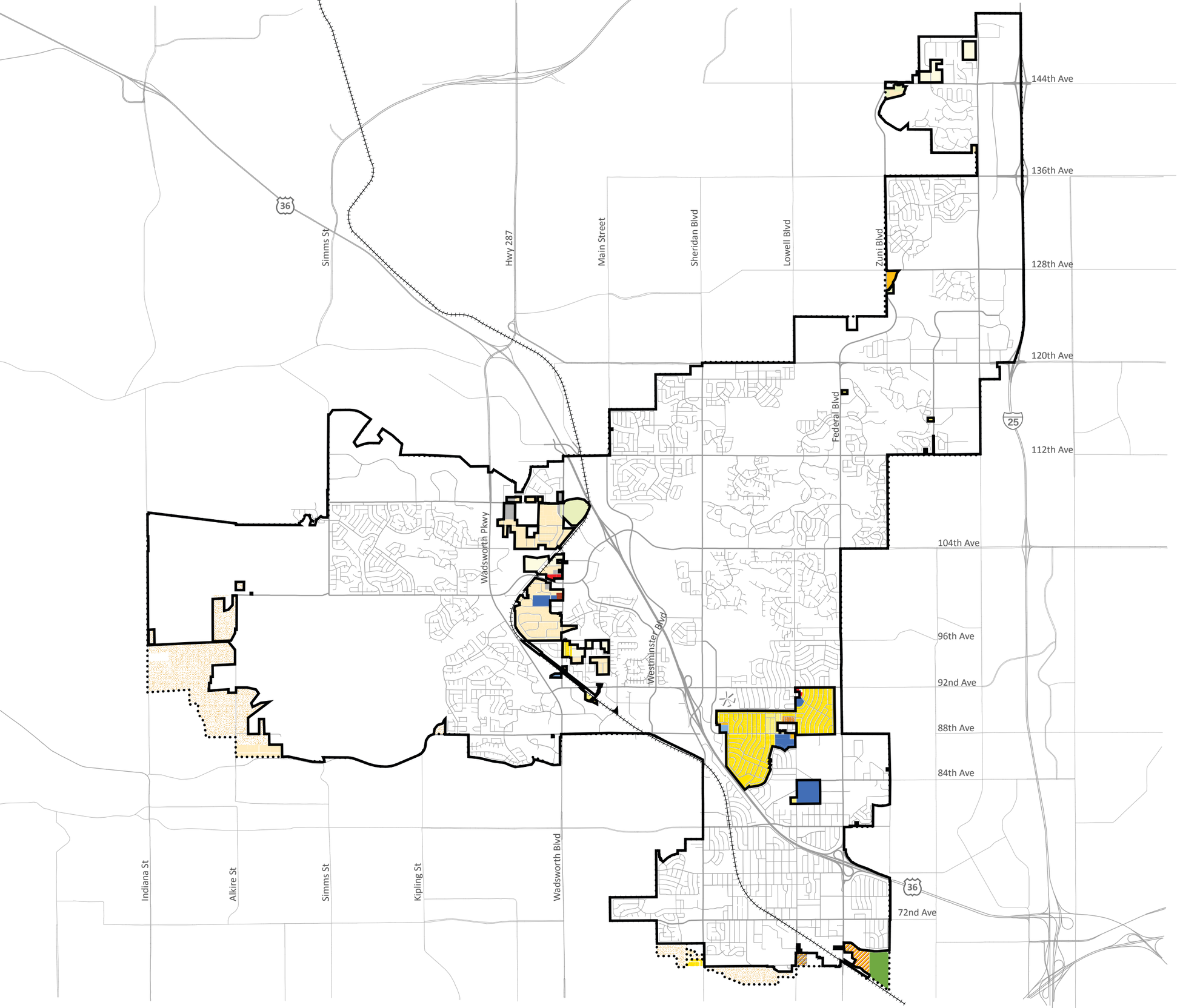
County Enclaves

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 Neigbhorhood 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

0 0.5 1.0 2.0
Miles

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.

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

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 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 affordability and housing types within new neighborhoods and throughout the city.

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.

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.

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

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.

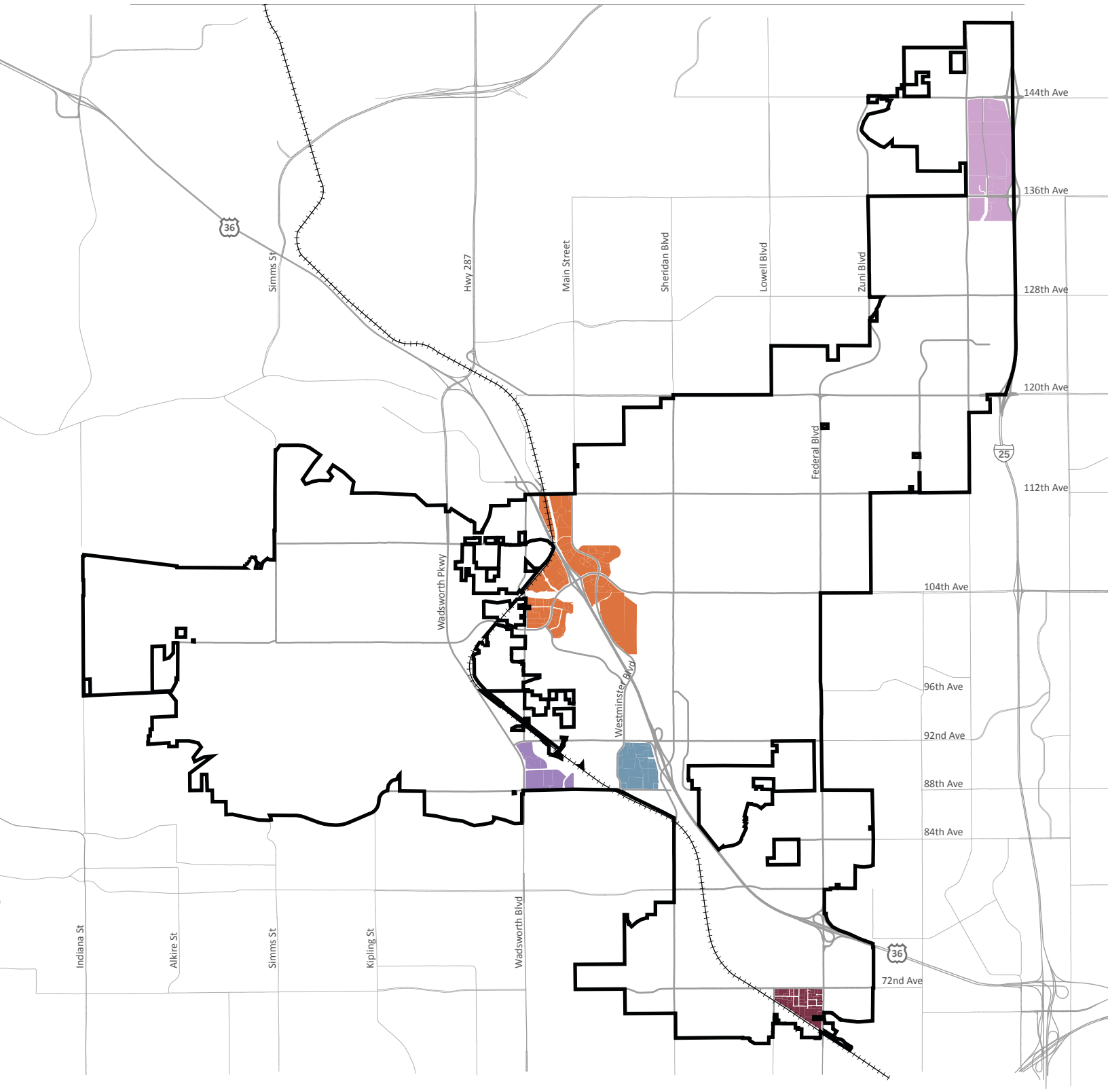
3.0
Focus Areas

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



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.

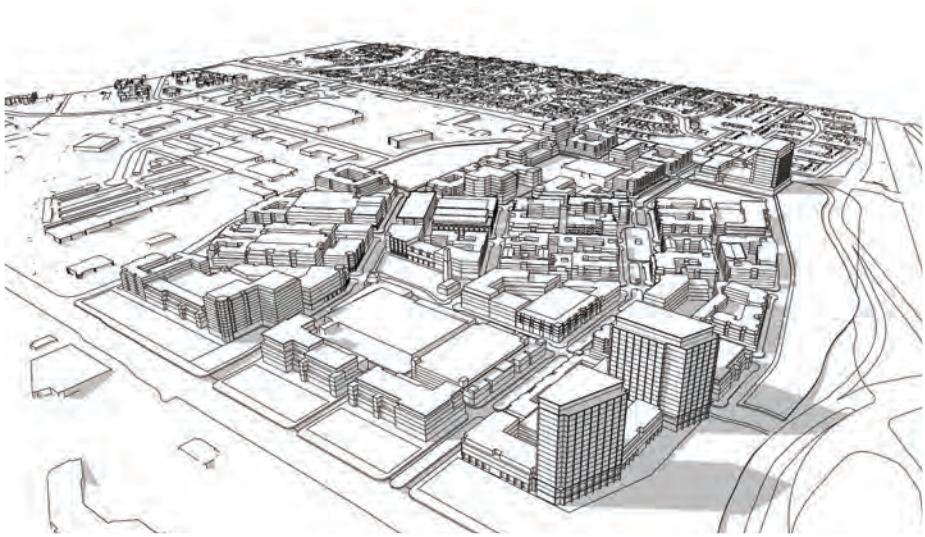
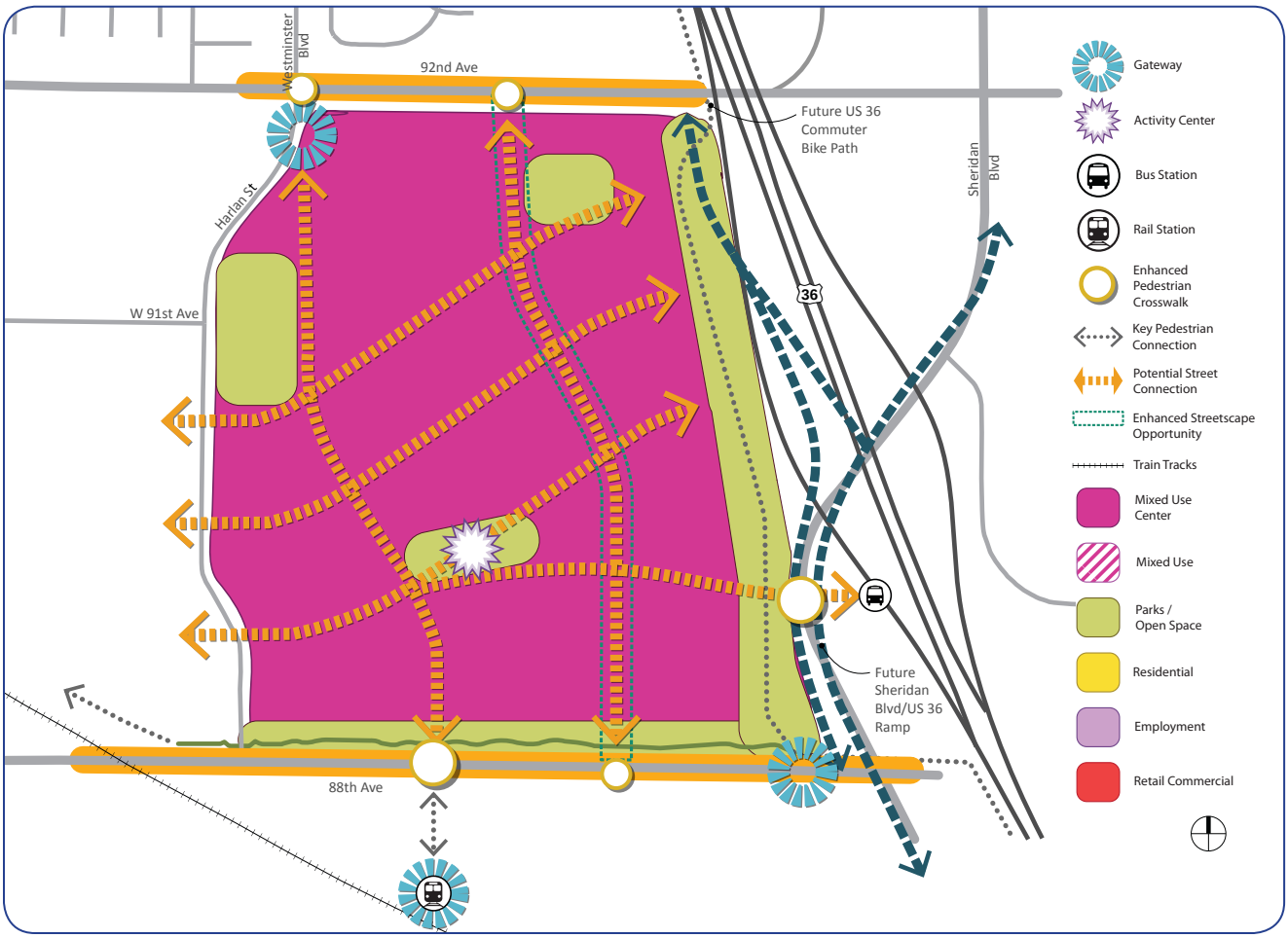


Figure 3-2: Downtown Westminster Focus Area Illustrative Concept



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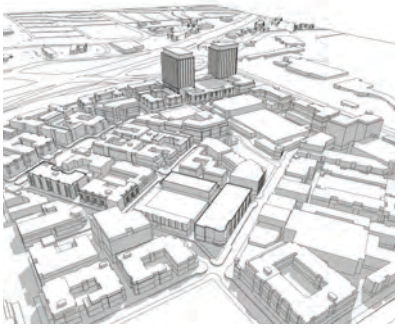


GOALS

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.

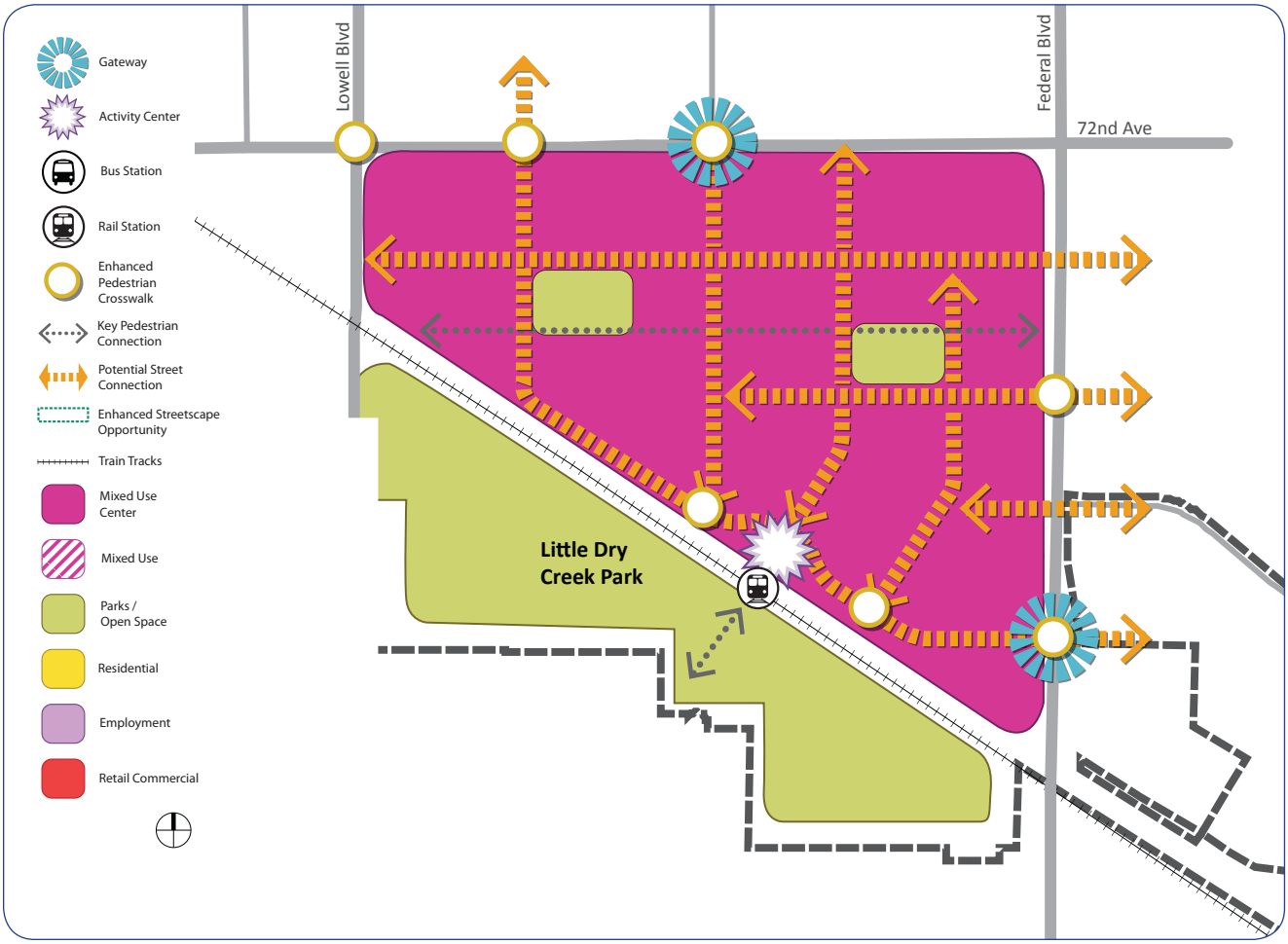
Above, existing views within the site, including, from the top, the view looking south down Hooker Street, development along 72nd Avenue, and industrial and commercial developments in the district. To the right, the view from above shows the extensive open space area that will be located just south of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

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.

Figure 3-3: Westminster Station Focus Area Illustrative Concept



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

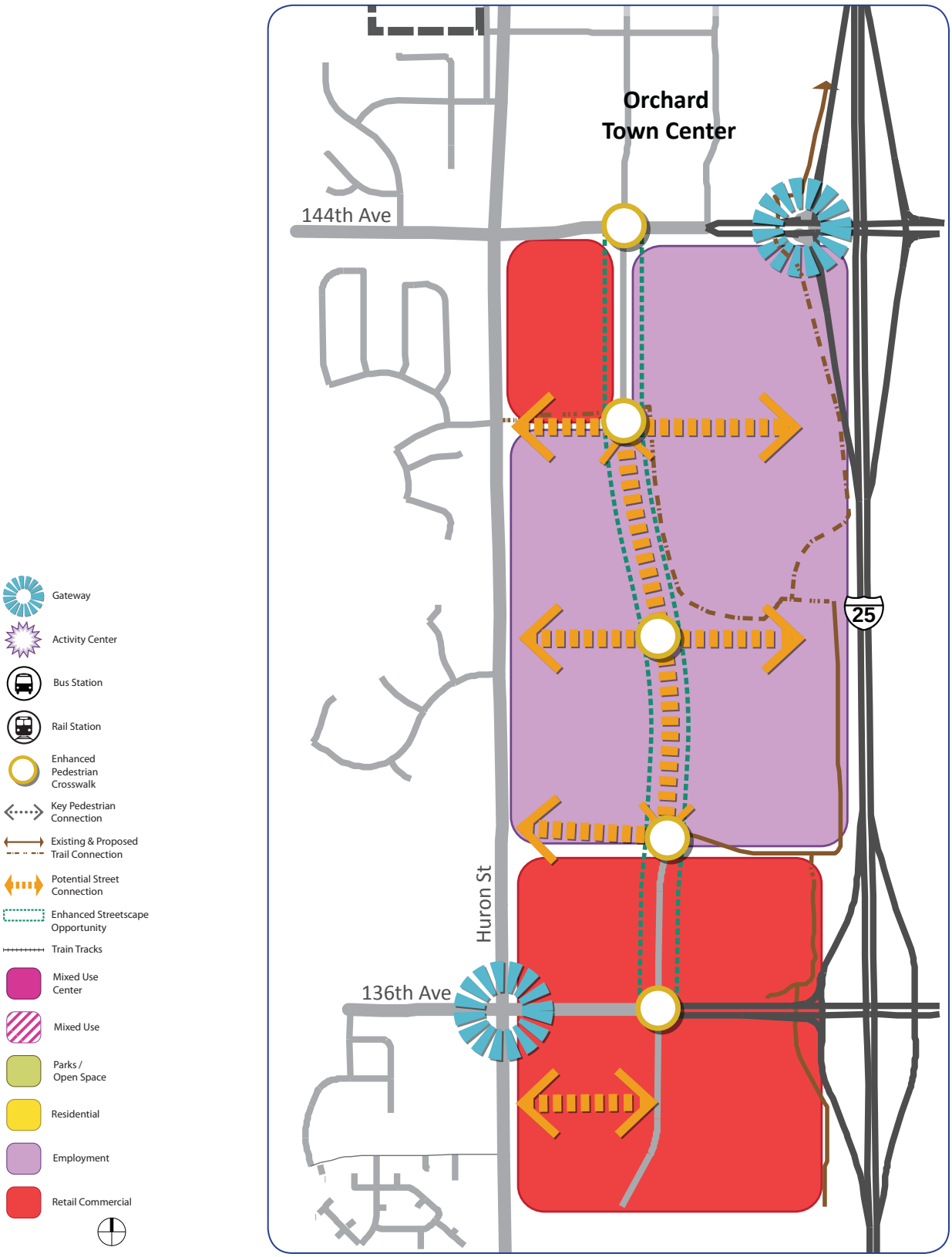
The North I-25 Focus Area comprises approximately 250 acres of primarily vacant land between 144th and 136th avenues to the north and south, and I-25 and Huron Street to the east and west. This focus area is located within an area of rapid transition both within Westminster and to the north and east 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 Illustrative Concept



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.

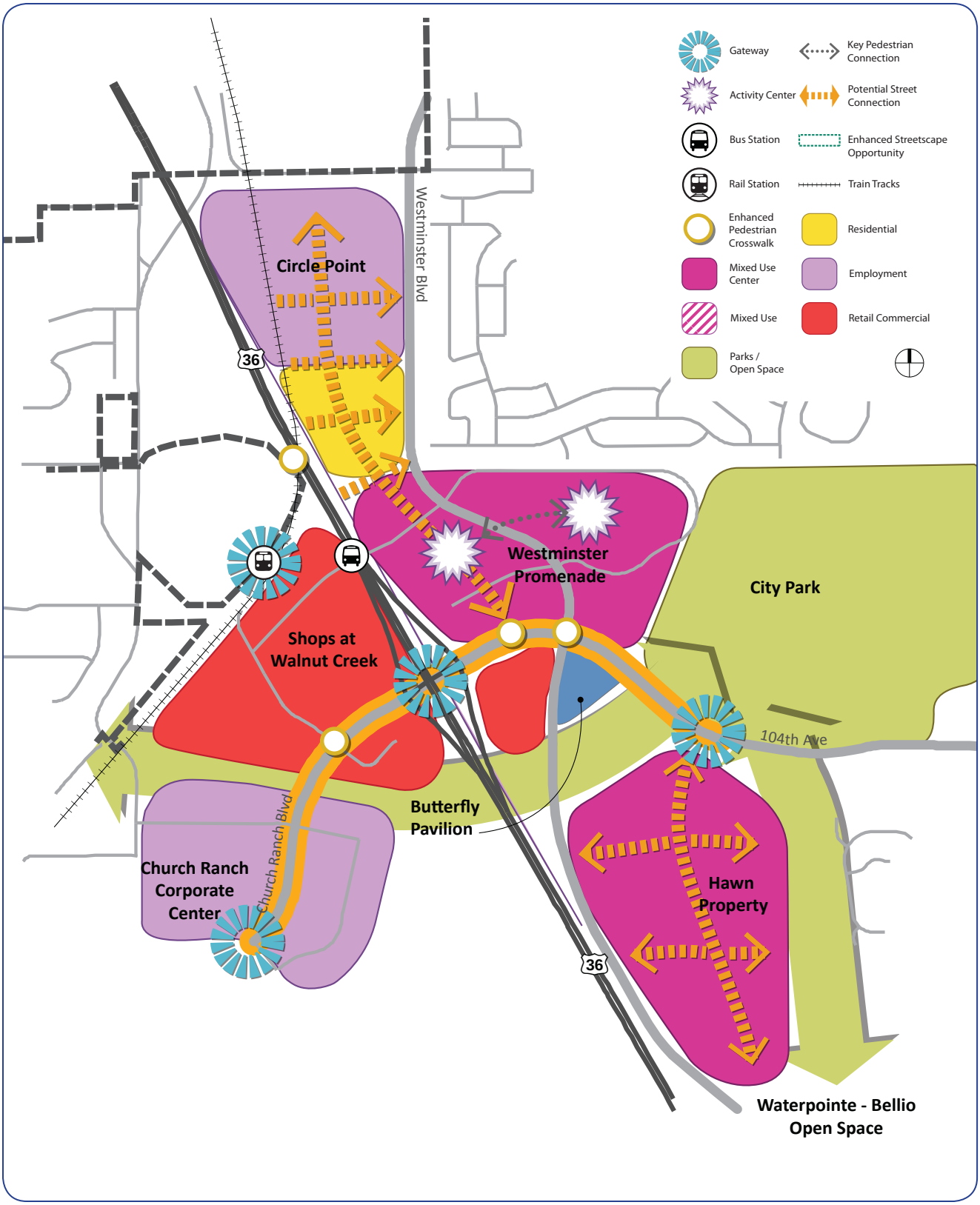
3.4 CHURCH RANCH FOCUS AREA

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 Illustrative Concept



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 Illustrative Concept

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.

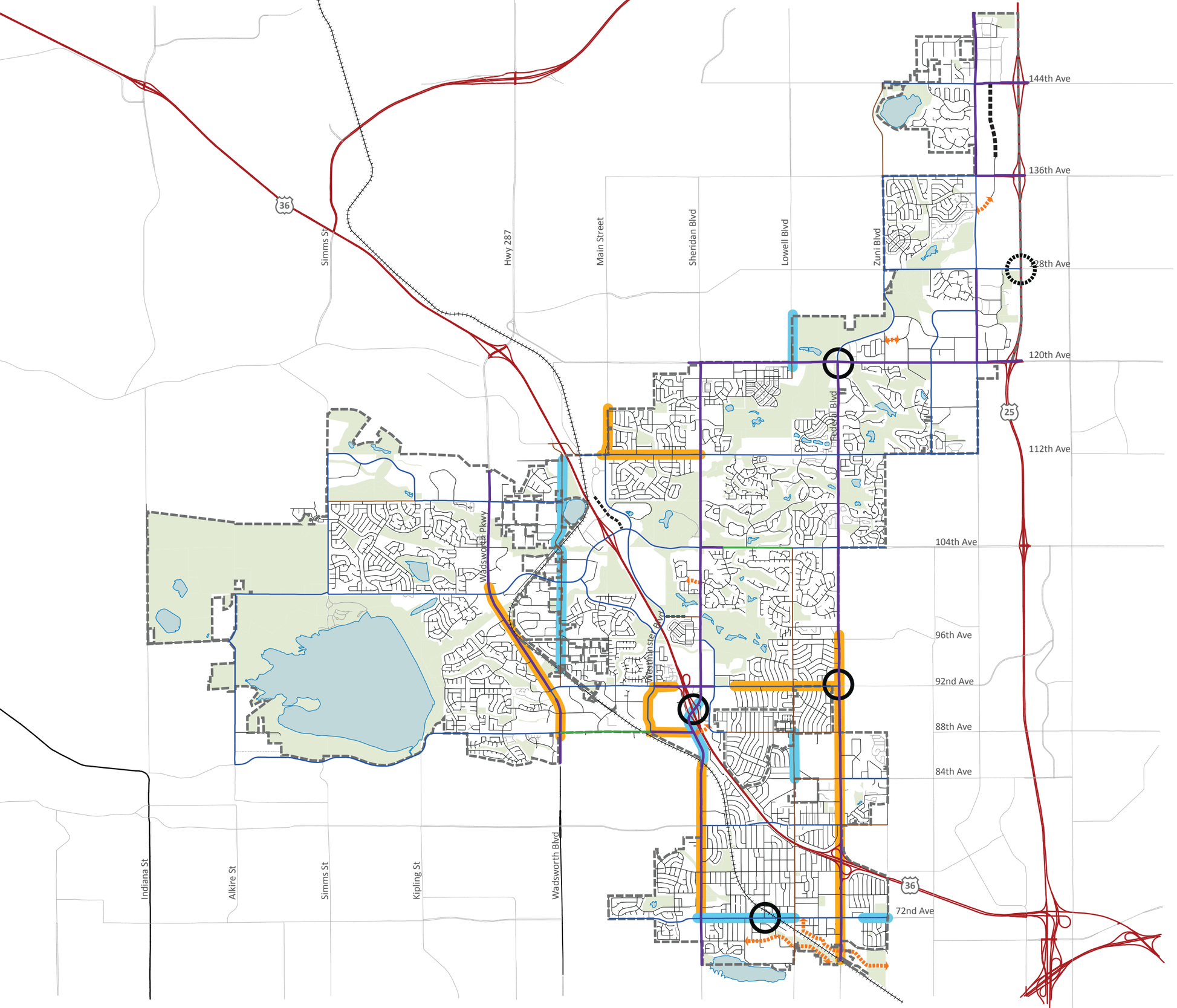


Figure 5-1: Street Network

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

0 0.5 1.0 2.0
Miles

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.

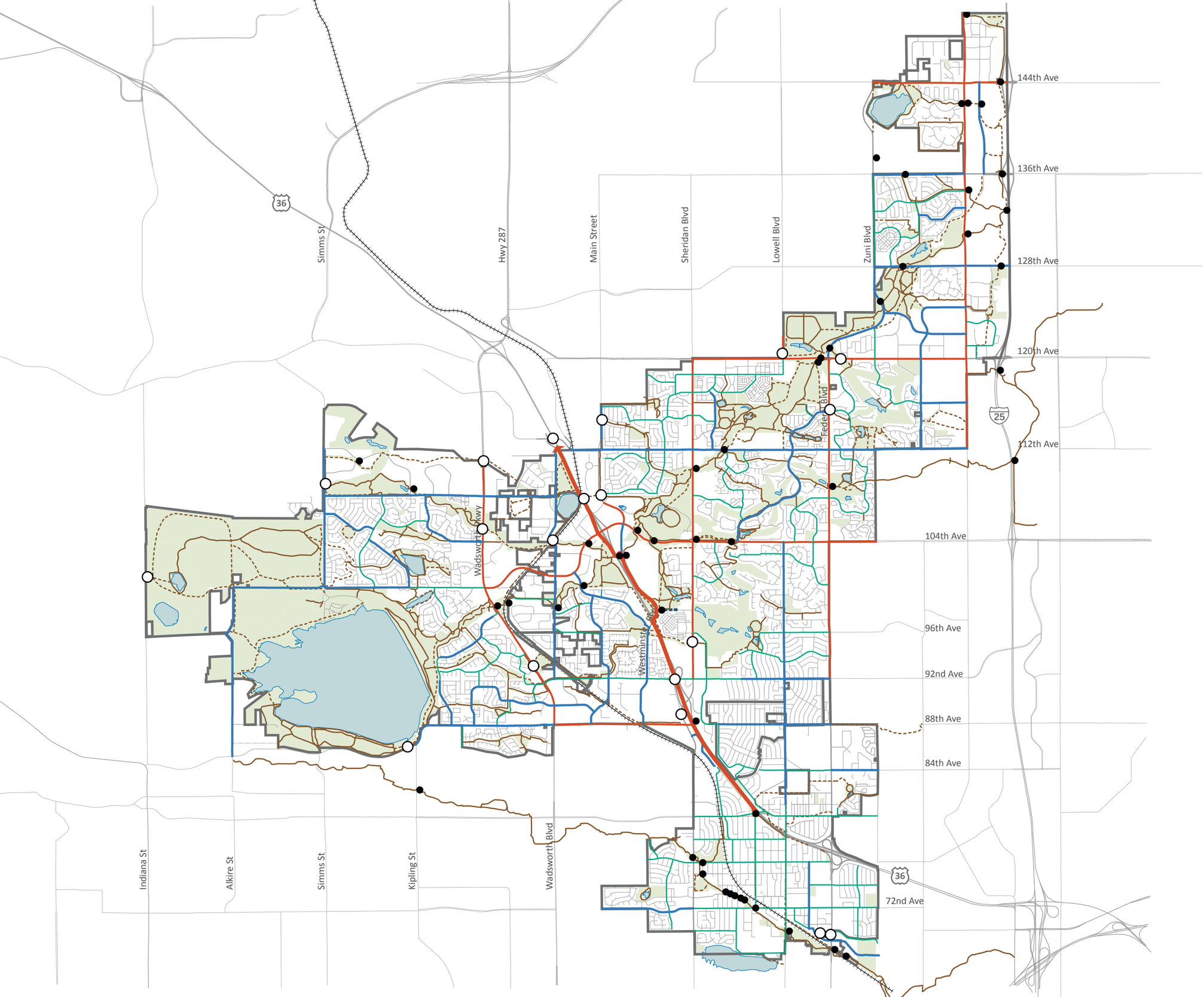


Figure 5-2: Bicycle & Pedestrian Network

Legend

Bicycle Network

- US 36 Commuter Bike Trail
- Class I Side Path
- Class II Bicyle 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

0 0.5 1.0 2.0
Miles

Table 5-5: Bikeway Class Definitions

Bikeway Class	*Definition*	*Total Proposed (miles)*
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.

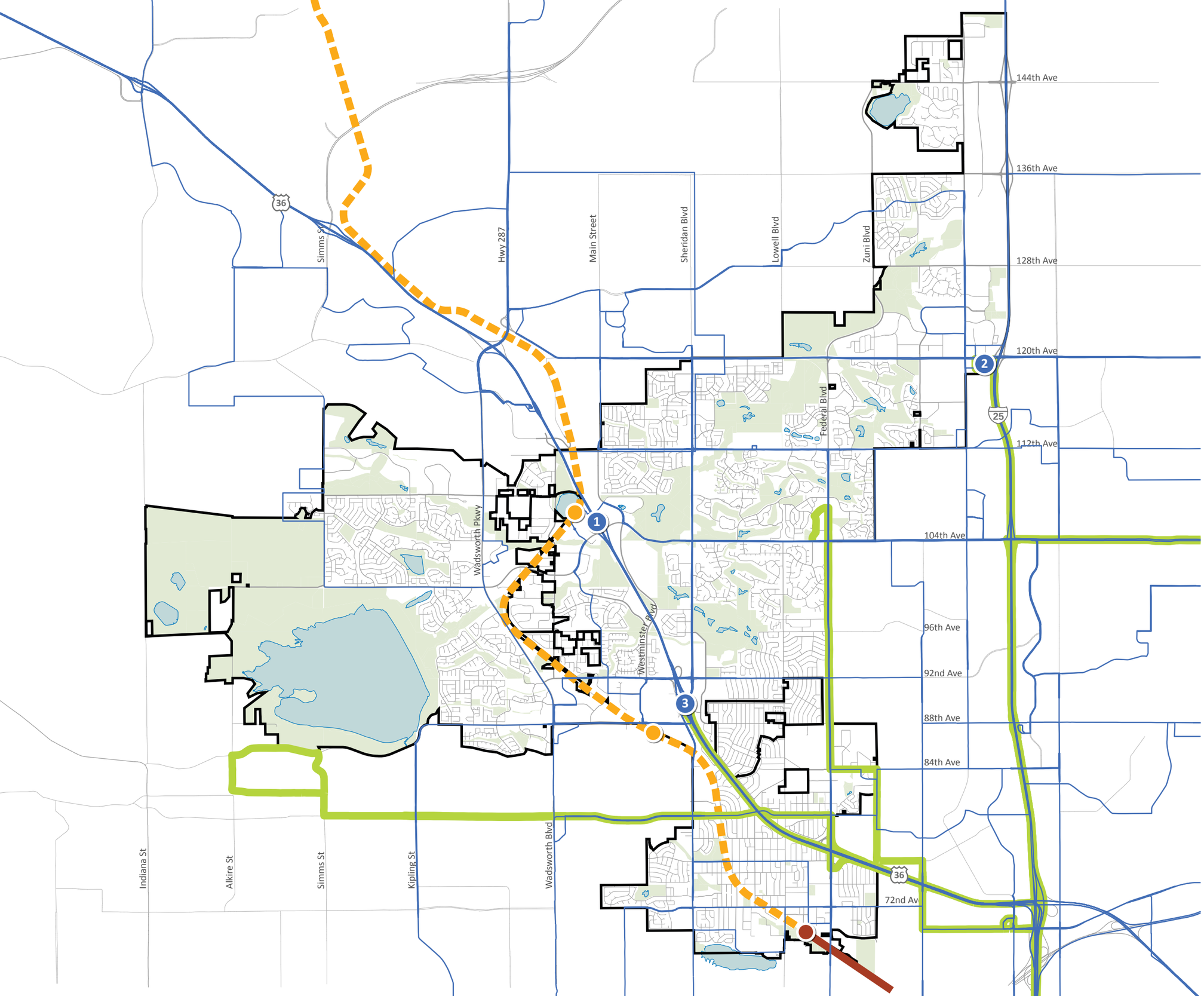


Figure 5-3: Transit Network

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

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Miles

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.

2 Northwest Rail Corridor Final Environment Evaluation, RTD, May 2010.

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.

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.

Bicycle Network

T-P-9 Develop the bicycle network consistent with the 2030 Bicycle Master Plan.

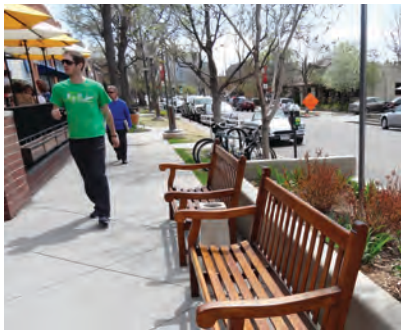
T-P-10 Evaluate new opportunities to improve bicycle connections within the city, particularly to transit and regional bikeway systems.

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.



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.

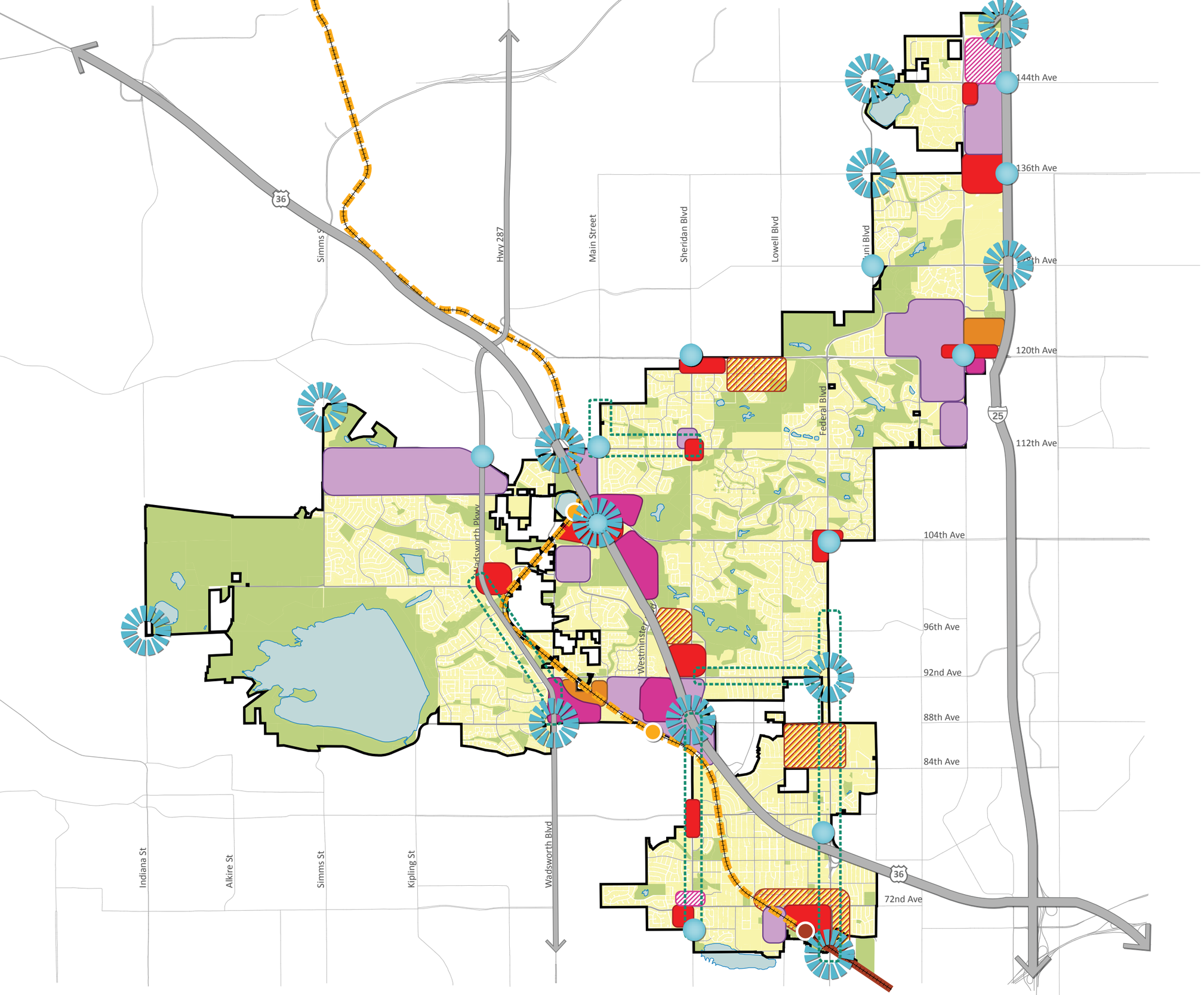


Figure 6-1: City Structure

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

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Miles

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.

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.

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.

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.

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.

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.

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, wth 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.

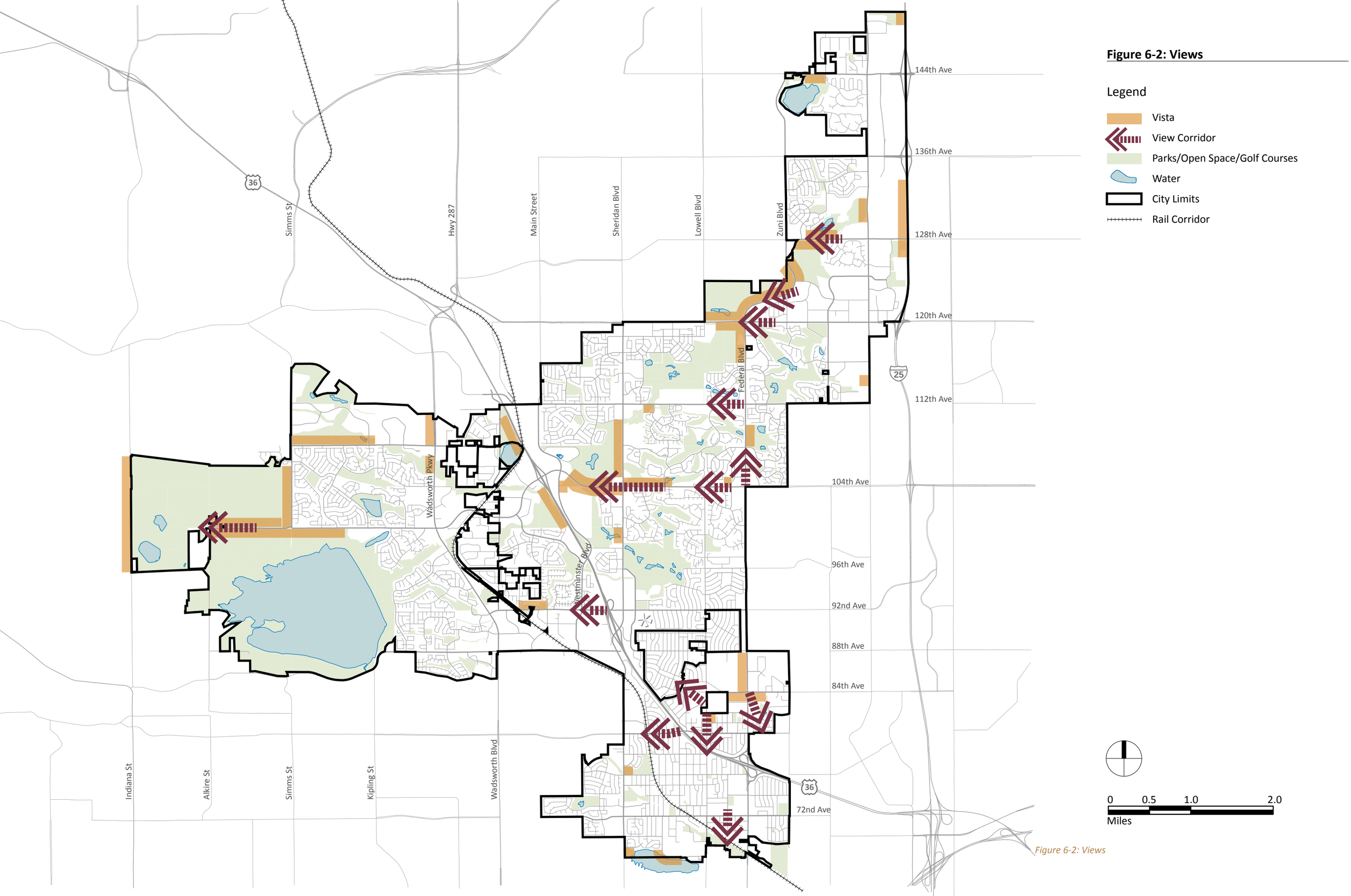


Figure 6-2: Views

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 Westminster 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;

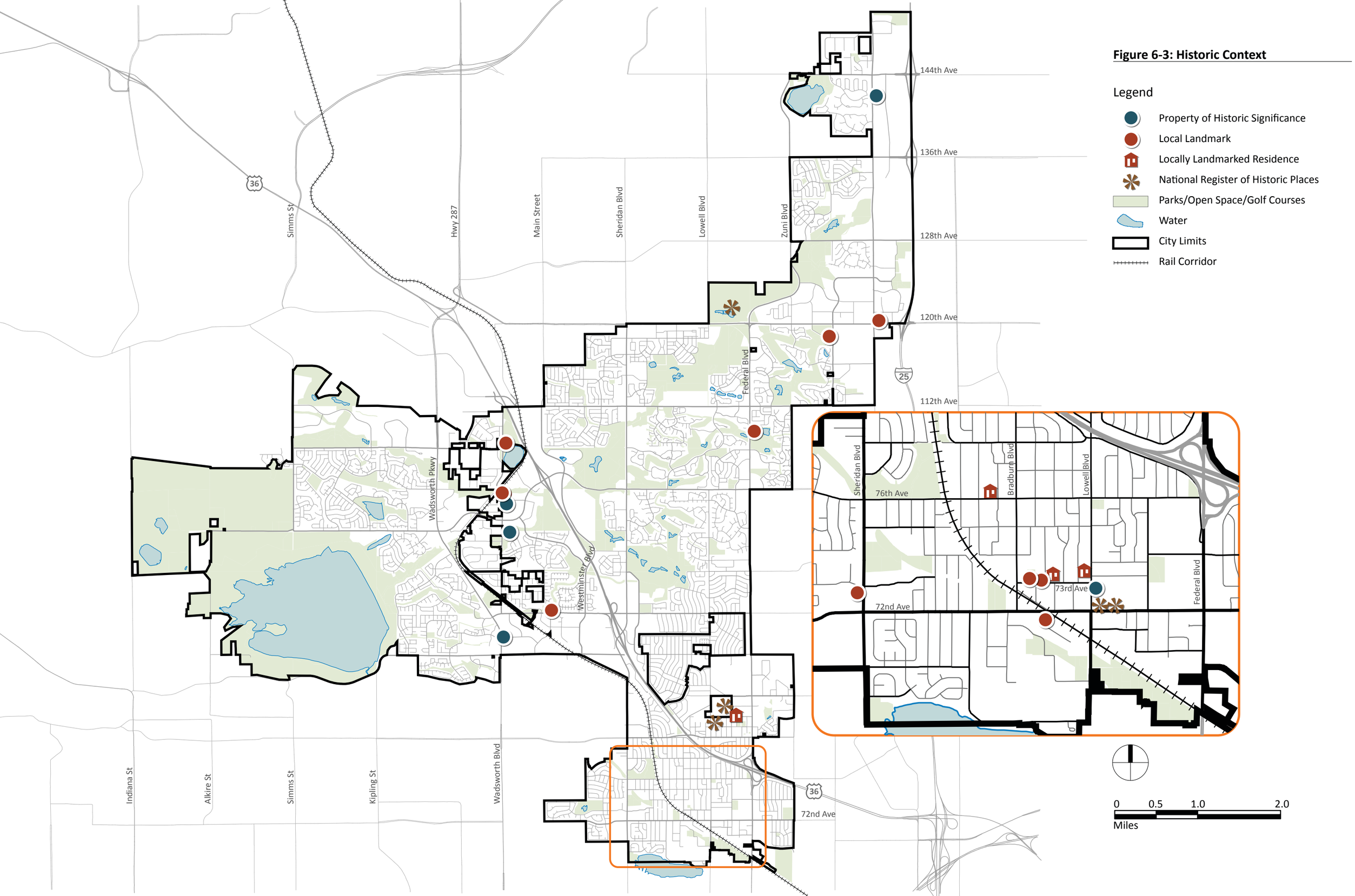


Figure 6-3: Historic Context

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.

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.

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.

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.

Although not the only aspect of sustainability, sustainable design is an important aspect of ensuring Westminster continues to live within its resource means.

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

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.

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.

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.

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.

This small green provides a focal point within the larger Bradburn community.

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 Xaiver 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.

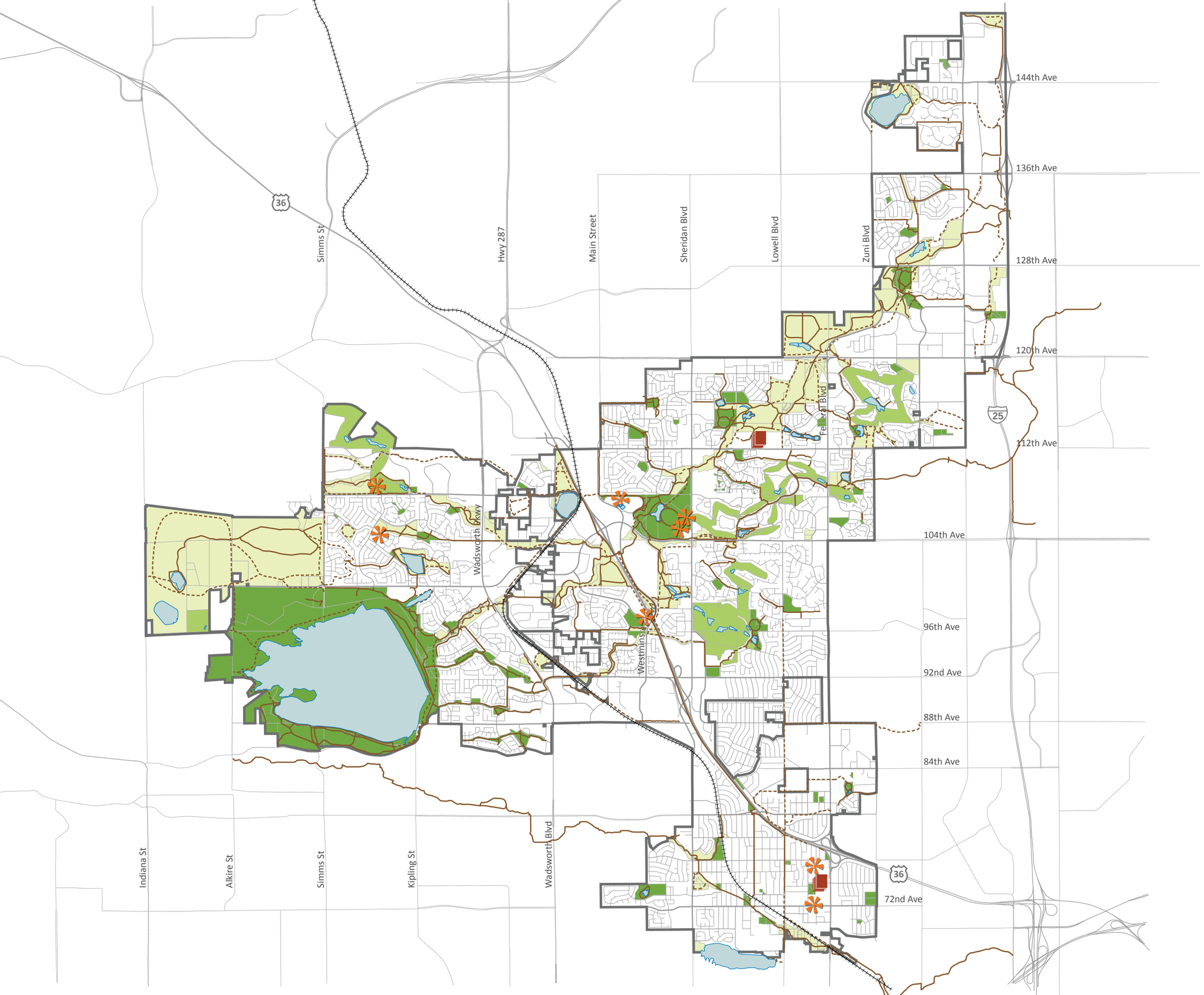


Figure 7-1: Parks, Libraries, Recreation & Open Space

Legend

- Public Parks
- City Owned Open Space
- Golf Courses
- Existing Trails
- Proposed Trails
- City Owned Recreation Facility
- Library
- Water
- City Limits
- Rail Corridor

0 0.5 1.0 2.0
Miles

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.

Existing parks include the regional Standley Lake Park, above, and neighborhood parks like Faversham Park, middle, and Bishop Park, bottom.

Table 7-1: Parks, Recreation and Open Space Inventory

Facility Type	Quantity	Total Acreage
Parks	54	2919.4
Neighborhood Parks	45	259.5
*Community Parks**	7	160.0
Citywide Park	1	205.0
Regional Park	1	2327.0
Undeveloped Parklands		45.3
Special Use Facilities	15	484.0
*Recreation Centers***	5	30.0
Sports Facilities	2	10.0
Golf Courses	2	414.0
*Other Special Use****	6	30.0
Conservation & Open Space		3013.6
Subtotal Public Parks, Open Space and Golf Course Lands		*6,462.3*
Non-City Owned Golf Courses	2	291
Total Parks, Open Space and Golf Course Lands		**6,753.3**

**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
Conservation and Open Space	Conserves natural amenities, views and habitats, providing opportunity for recreation and passive use.	• 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.
Trails	Off-street system of neighborhood-, community- and region-wide trails that extend primarily through parks and open space.	• Concrete or crusher fine surface. • Used for recreation (jogging, walking, biking, riding) as well as bicycle commuting. • Connects to regional trail system.
Regional Parks	Citywide and regional destination that provides regional recreational activities with a diverse landscape and range of active and passive uses.	• 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.
Citywide Parks	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.	• 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.
Community Parks	Provides opportunities for active recreation for the greater community.	• 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.
Neighborhood Parks	Provide a focal point and identity for neighborhoods while offering a mix of active and passive recreation space.	• 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		
Pocket Parks	Provides small, formal passive open space for both residential and commercial users.	• Range from 3,000 square feet up to one acre in size. • Include hardscape and shaded lawn areas, as well as informal seating.
Squares, Plazas, or Greens	Acts as a community gathering and event space.	• 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		
Recreation or Sports Facilities	Serve the leisure, recreational, cultural and fitness needs of the community.	• 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.
School Parks	Playgrounds and school facilities that are accessible by other members of the community.	• 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.

Community facilities include the Westview Recreation Center, top; City Park Recreation Center, middle; and the Legacy Ridge Golf Course.

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.

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.

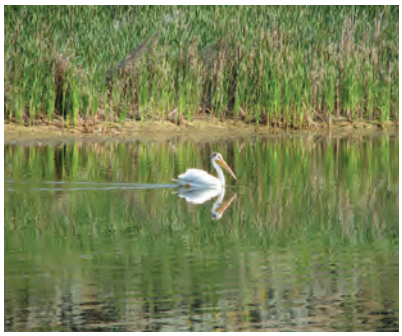
The city's extensive open space system began with authorization of an open space sales tax in 1985 to purchase land for preservation and natural habitat protection. Westminster was only the second city in Colorado to enact a sales tax for an open space acquisition program (after Boulder). As part of 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

Corridor	*Acres*
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

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.

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.

Volunteers in the community help to maintain the city's trail network.

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.

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 mazimized.

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.

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.

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.

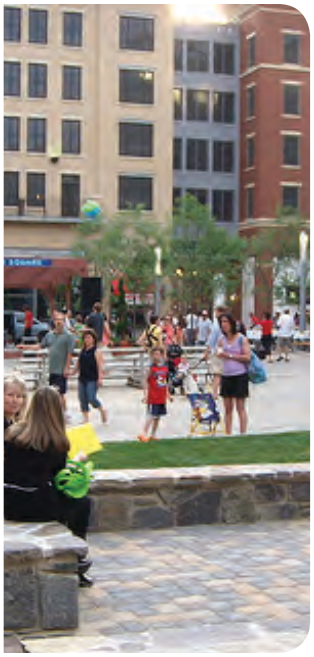
PRLO-P-16 Develop an Open Space Master Plan for Operations and Maintenance.

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.

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.

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.

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.

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.

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 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.

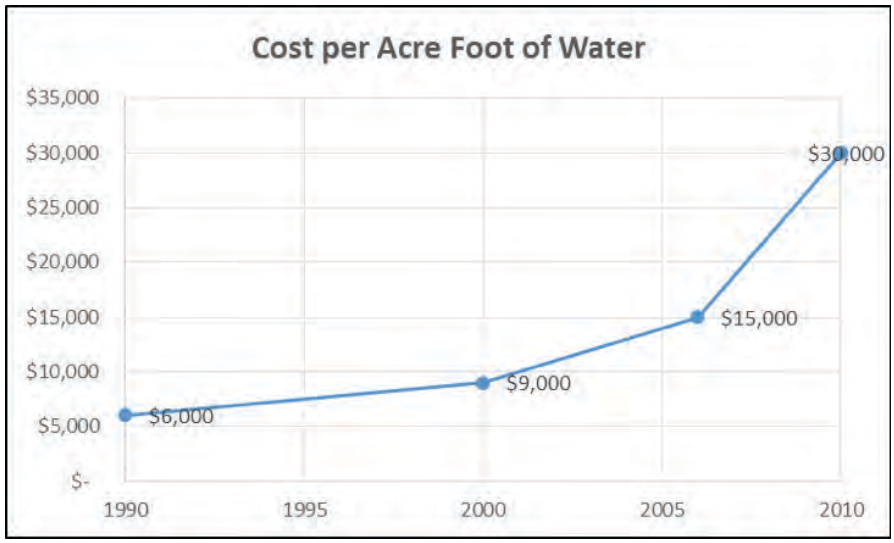
Water Conservation

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

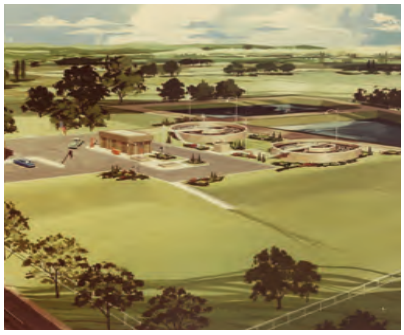


Future Water Supply

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.

Above, the Hyrdopillar provides additional water storage for the city.

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, 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.

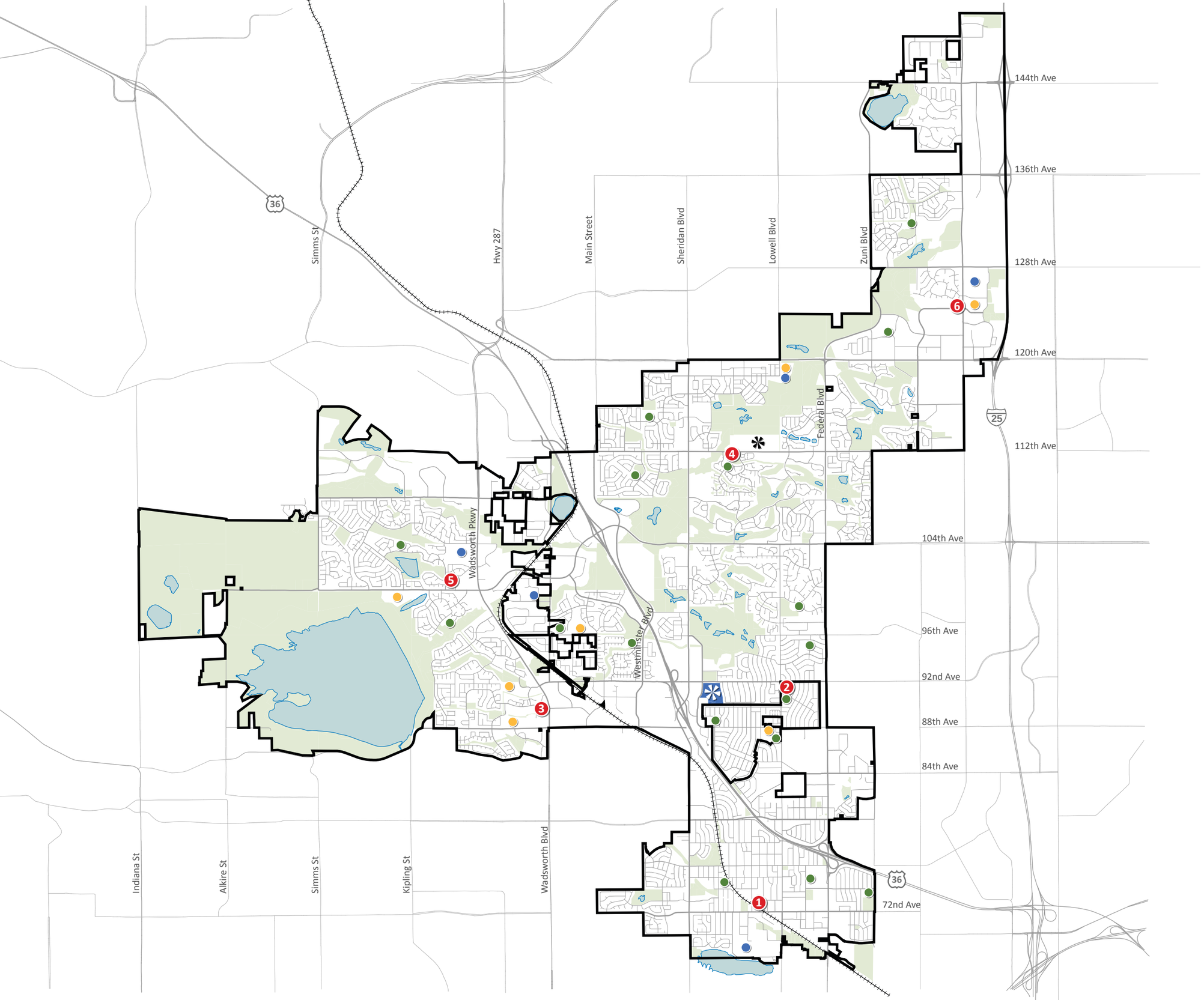


Figure 8-1: Public Facilities

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

0 0.5 1.0 2.0
Miles

Fire & Life Safety Services

Fire Station #2, located at 9150 Lowell Boulevard, is the city's largest fire station facility.

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

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.

The DeSpain School House was one of the first schools built in the city. One of the more recnt schools built is Westminster High School, with a 2012-2013 enrollment of 2,900 students.

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

[1] Front Range Community College, Admissions Department, September 2013.

Table 8-1: Public Schools Serving Westminster

Schools	*District*
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

	Adams 50	*Adams 12*	*Jefferson R-1*
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

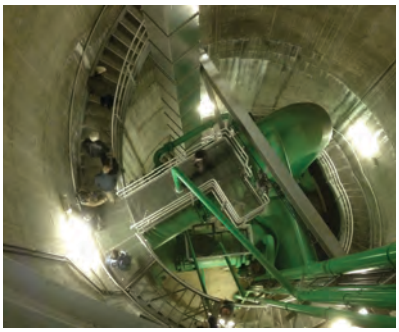
The availability and quality of communications infrastructure directly impacts the city's business environment. While also a priority for residential use, high quality internet, fiber optic and cell service is a key amenity for employers. Although these services are not directly provided by the city, 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

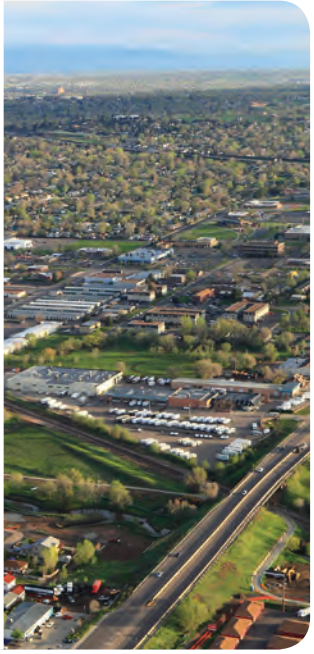
PU-P-28 Require new development to coordinate with all utility providers to assure quality services to residents and businesses.

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 it's 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

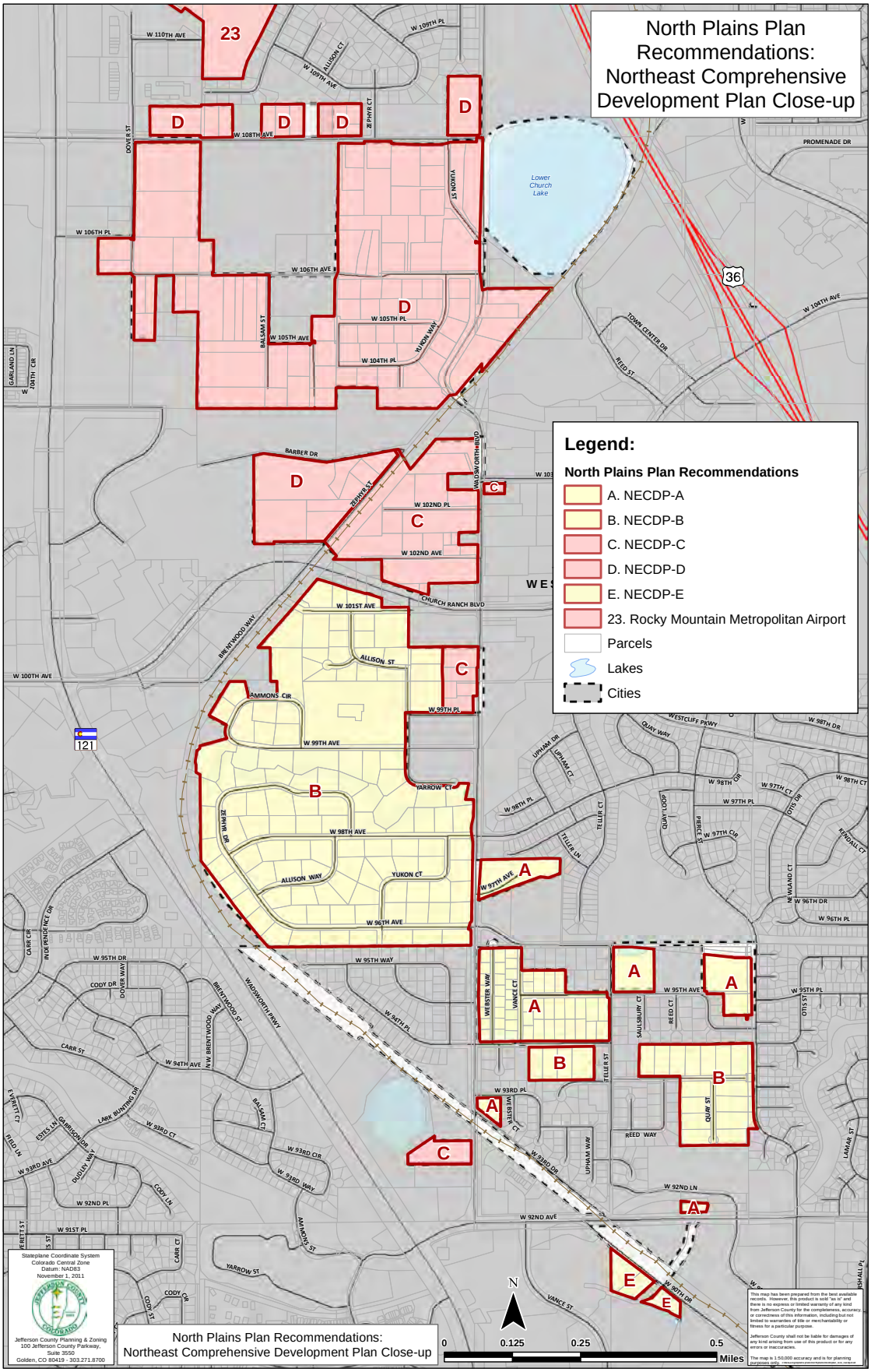
The Parks, Recreation and Libraries Plan provides guidance for improvements to existing city facilities and identifies potential new facilities and programs to serve the needs of the community. Park and facility types are described as well as performance measures. The city's Parks, Recreation and Libraries 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

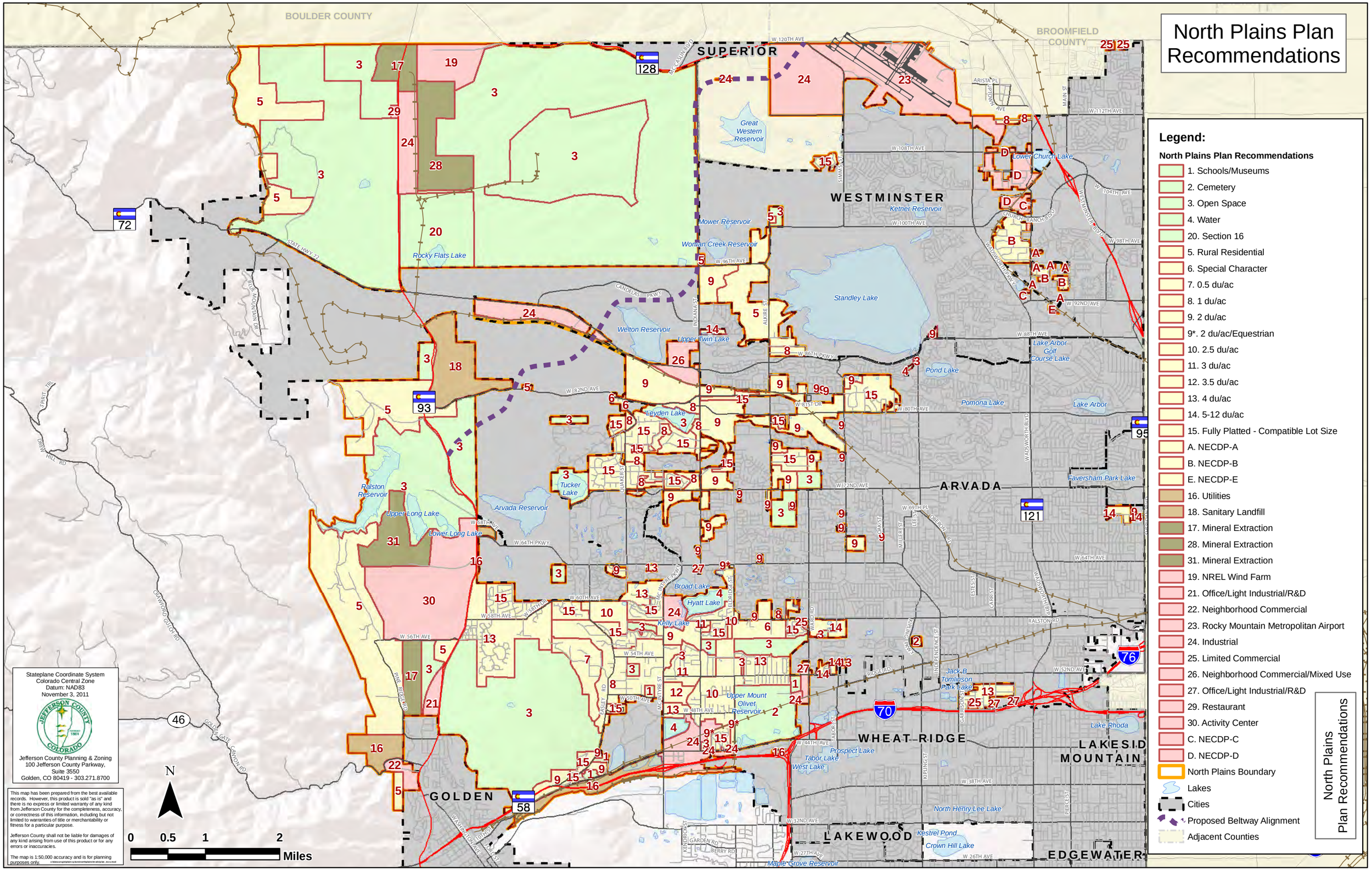
The Utilities Planning and Engineering Division of the city uses several master plans for long term planning of the city's water and wastewater infrastructure. These plans are written and periodically updated to be consistent with land use and development direction established by the Comprehensive Plan. 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



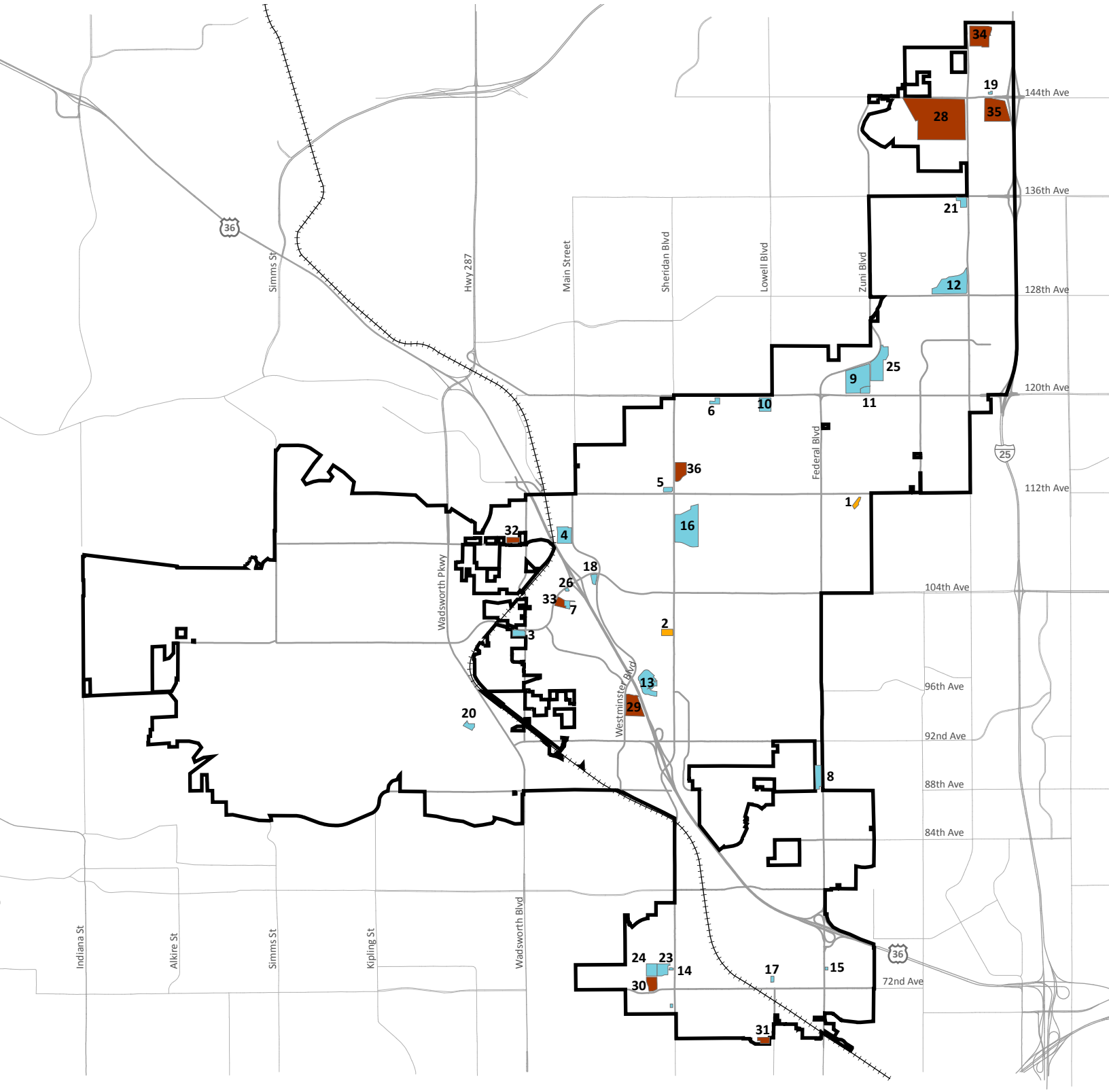
APPENDIX B

Table B-1: Current Development Projects as of October 2013

	Development Name	Acres	Land Use	Dwelling Units	Building Area (sqft.)
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

0 0.5 1.0 2.0
Miles

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.

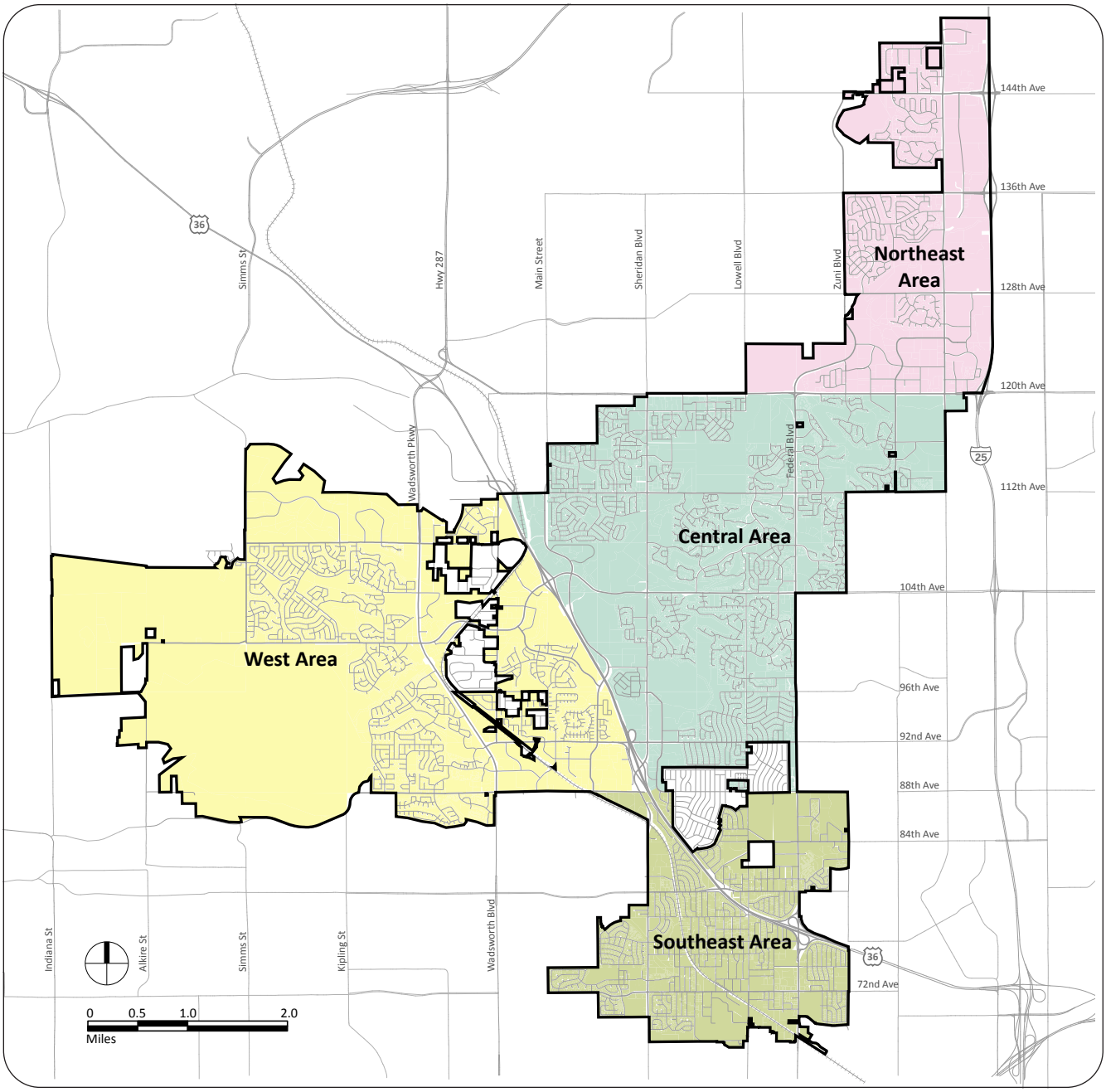
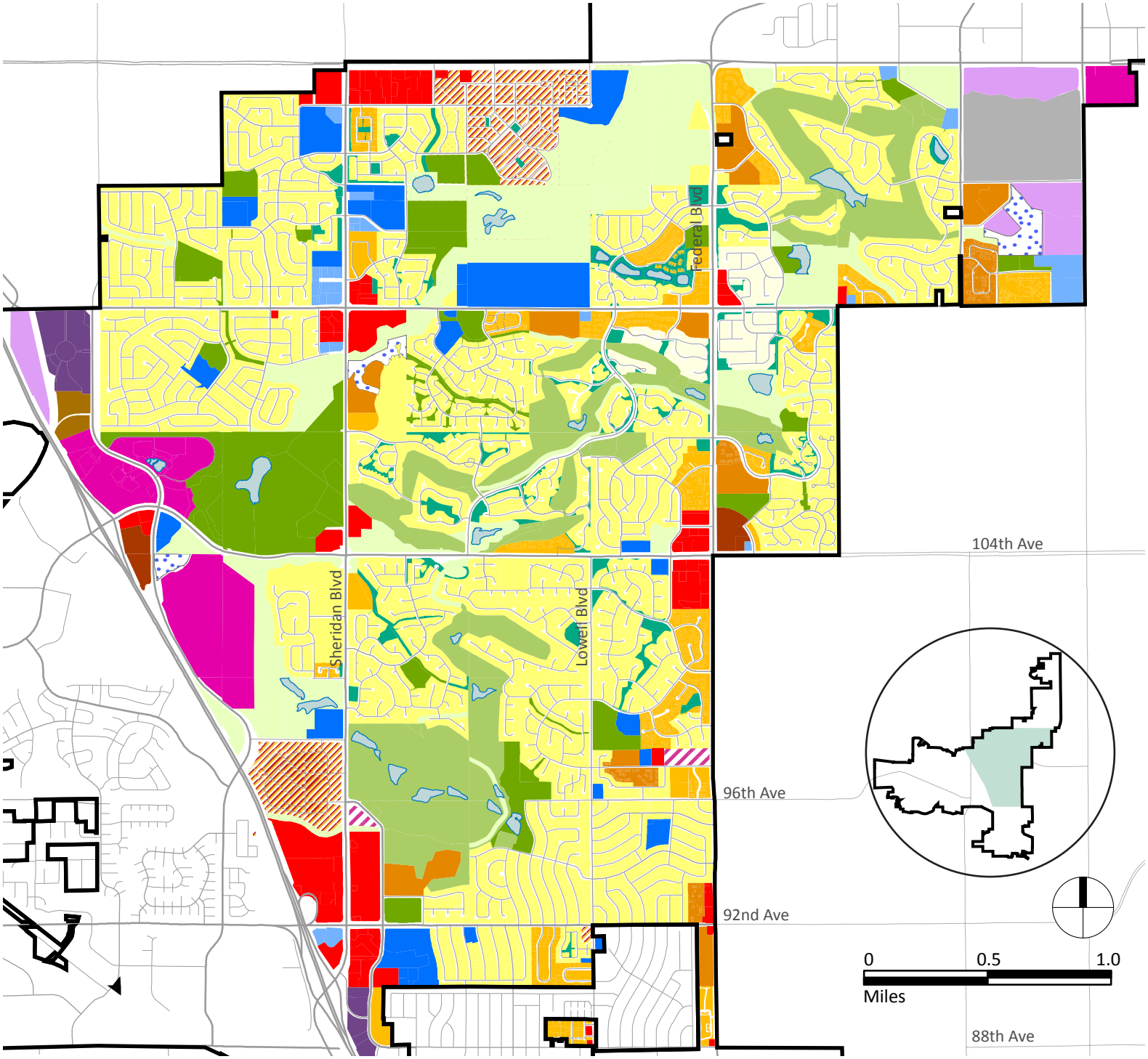
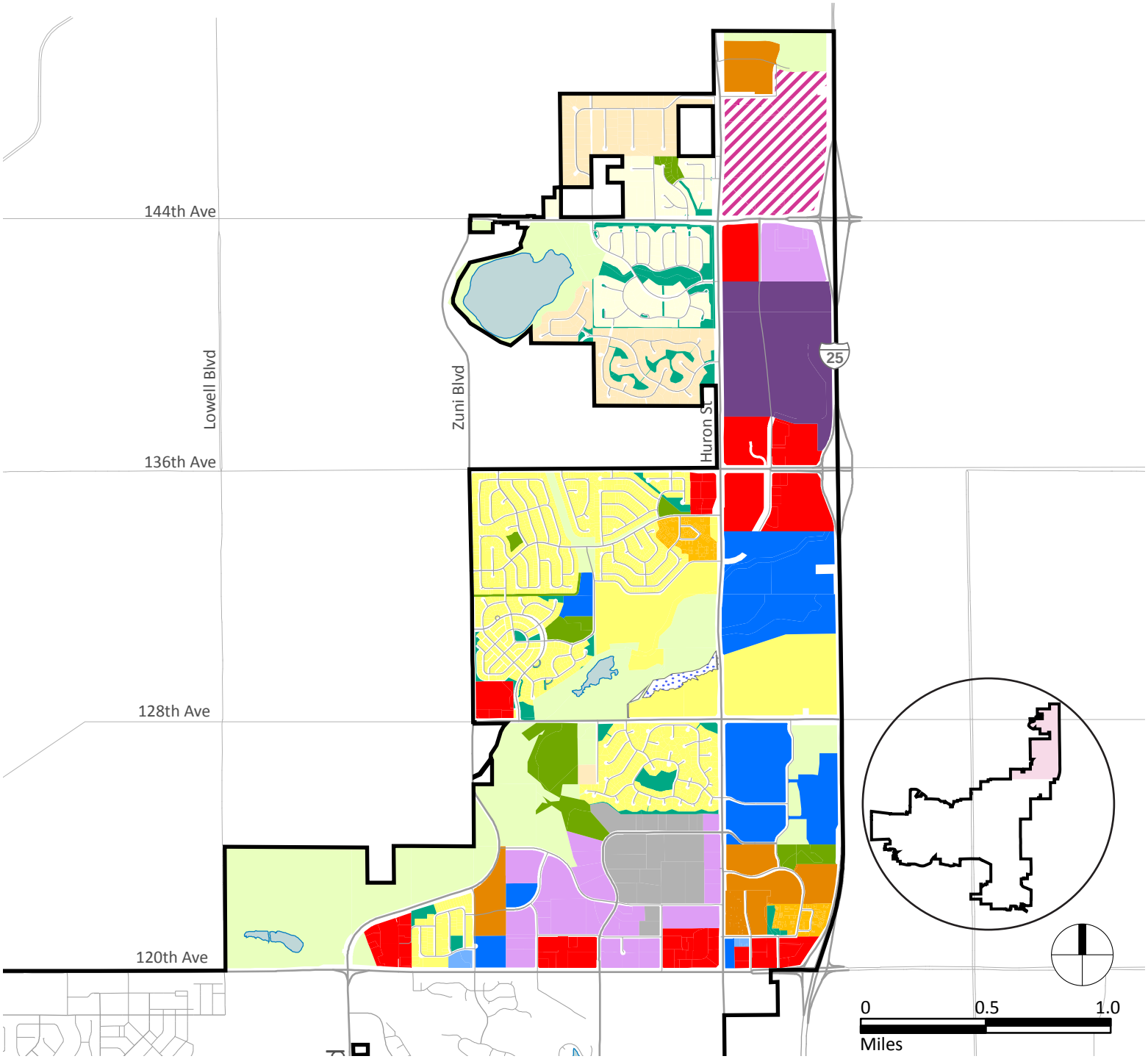


Figure C-1: Central Area Land Use Diagram



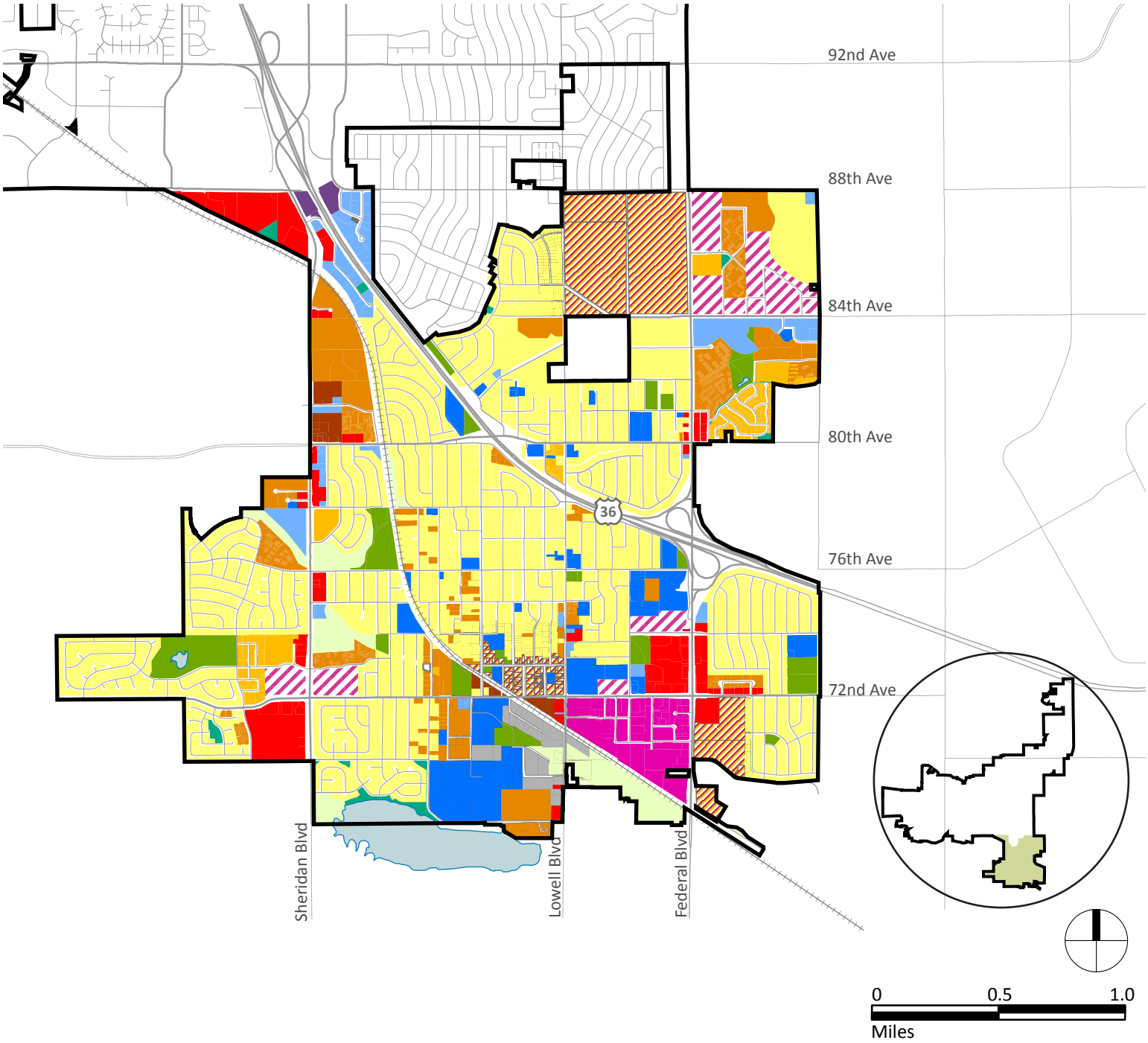
- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- TMUND
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Service Commercial
- Office
- Office/R&D Low Intensity
- Office/R&D High Intensity
- Flex/Light Industrial
- 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

Figure C-2: Northeast Area Land Use Diagram



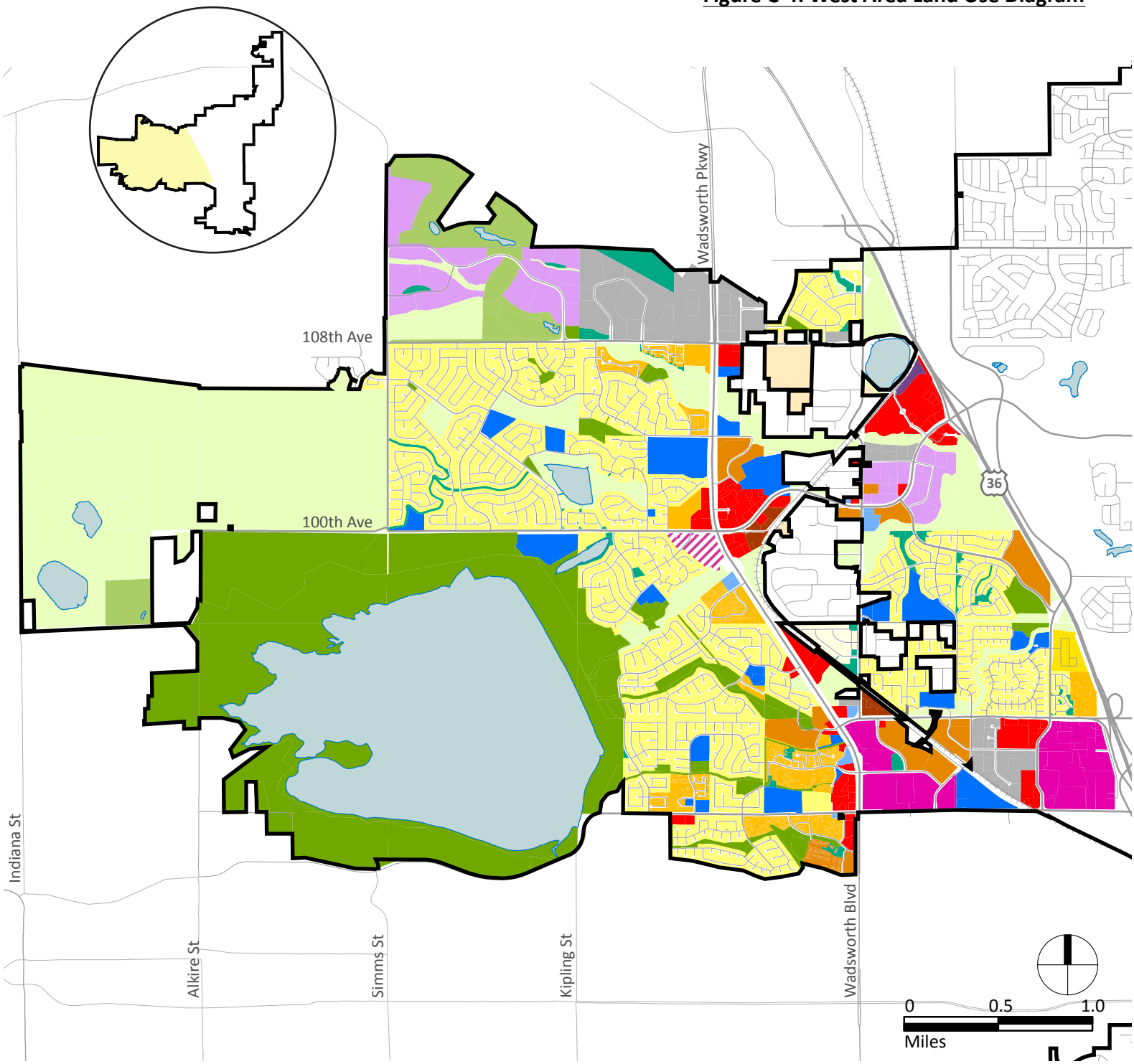
- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- TMUND
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Service Commercial
- Office
- Office/R&D Low Intensity
- Office/R&D High Intensity
- Flex/Light Industrial
- 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

Figure C-3: Southeast Area Land Use Diagram



- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- TMUND
- 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

Figure C-4: West Area Land Use Diagram



- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- TMUND
- 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

WESTMINSTER

Agenda Item 8 D

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading of Councillor's Bill No. 42 re Downtown Westminster Planned Unit Development Rezone

Prepared By: Walter Patrick, Planner II

Recommended City Council Action

Pass Councillor's Bill No. 42 on the second 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.

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.
- 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.
- This Councillor's Bill was unanimously approved on first reading by City Council on October 28, 2013.

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

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
Lindsey - Winter

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

Exhibit A

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.

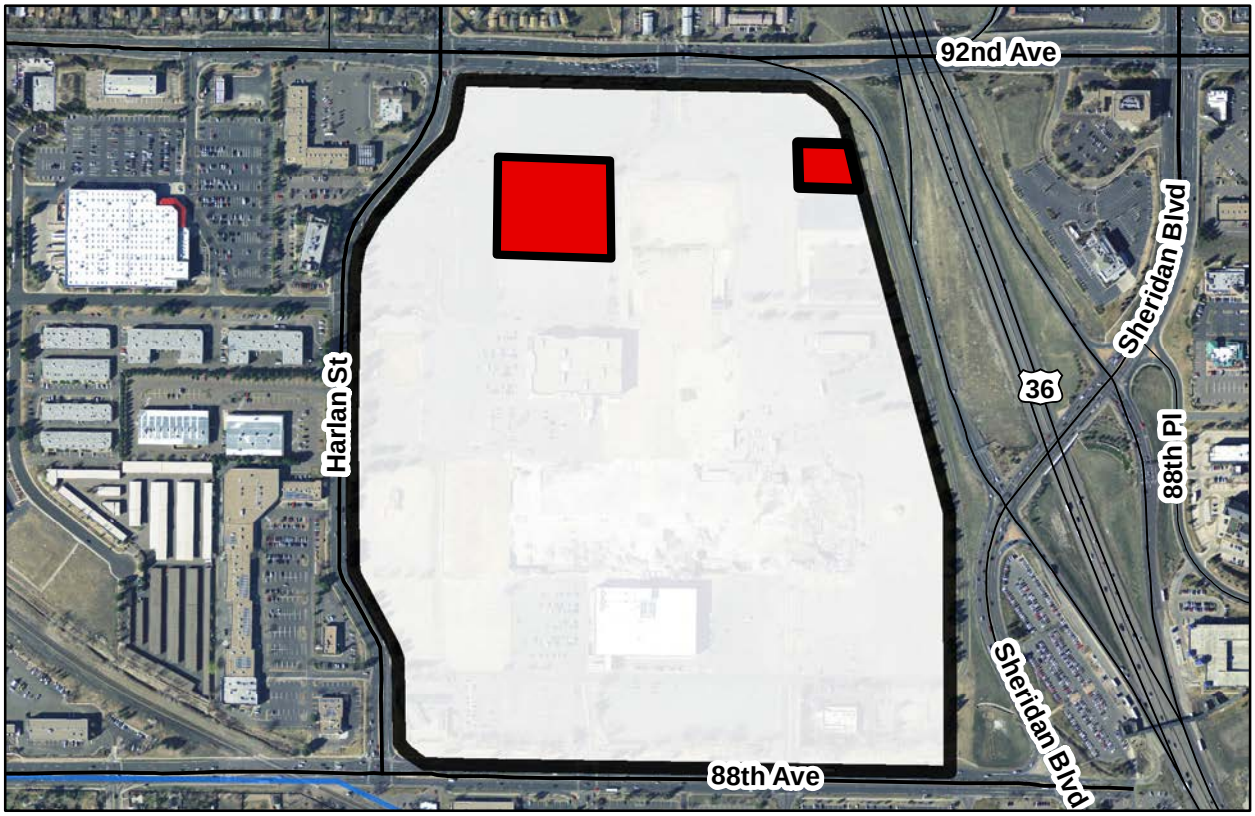
BASIS OF BEARINGS

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

REZONING

Exhibit B

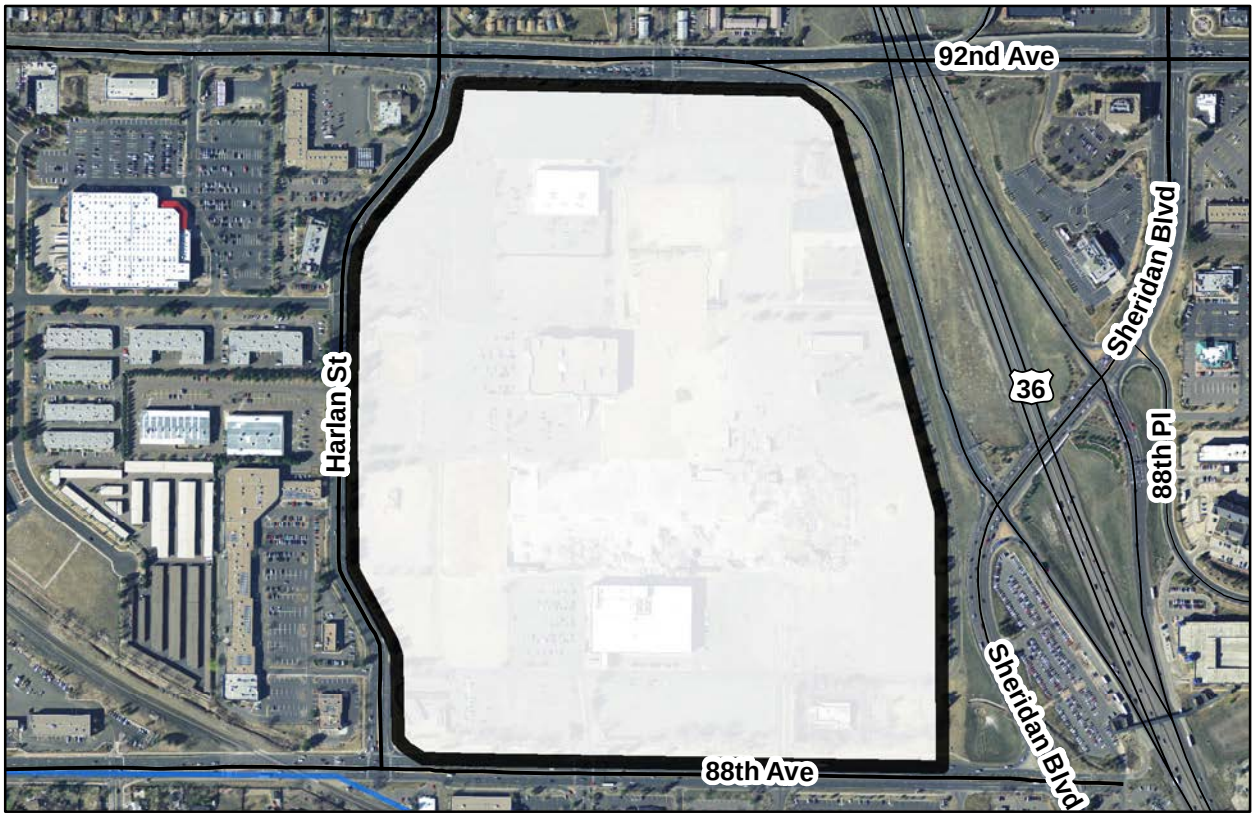


Current Zoning PUD & C-1

0 0.05 0.1 0.2 Miles

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

0 0.05 0.1 0.2 Miles

WESTMINSTER

Agenda Item 8 E

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading of 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 second 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.
- 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.
- This Councillor's Bill was passed on first reading October 28, 2013.

Expenditure Required: $0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. **43**

SERIES OF 2013 INTRODUCED BY COUNCILLORS
Briggs - Kaiser

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'~~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, ~~the~~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-~~10~~11, 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 ~~P~~pay ~~P~~period of ~~C~~contribution. 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 ~~S~~service. 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 Sectiohn 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 ~~P~~provided 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 ~~C~~contribution 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 ~~M~~method of ~~P~~payment of ~~C~~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 Partibipants.~~CONTRIBUTIONS BY CONTRIBUTING PARTICIPANTS:

(1) Mandatory ~~E~~employee ~~C~~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 ~~C~~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-~~12~~4(~~A~~G), W.M.C., shall not be considered voluntary contributions.

(3) Payment of Participant ~~C~~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'sObligations.~~(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 ~~C~~contract of ~~E~~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 ~~L~~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~~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~~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 ~~Subsection~~subsection shall be subject to the provisions of Code Section 414(~~U~~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.~~

(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 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 ~~R~~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)~~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 ~~Subsection~~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 ~~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 ~~A~~amounts. Any amount not mentioned in paragraph (2) of this ~~Subsection~~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 ~~E~~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 ~~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 14-1-5(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 ~~Subsection~~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 (2-½) 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 ~~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~~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 ~~V~~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 ~~R~~retirement. For the purposes of Section 14-1-7(L), Payment for Qualified Health Insurance Premiums, t~~T~~he 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 ~~W~~when ~~T~~there ~~I~~is ~~N~~no ~~D~~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 ~~P~~policies. The Beneficiary of any insurance on a Participant~~'~~'s life shall be determined and designated as provided in Section 14-1-~~8~~9(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 ~~D~~defer ~~B~~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 (F) of this Section.

(3) Distribution of Participant's ~~Accounts~~Interest. Any other provision of this ~~Subsection~~subsection (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-~~7~~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 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.~~(F) 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 ~~R~~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.~~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.~~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 ~~S~~sum ~~D~~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 ~~M~~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 ~~R~~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 ~~Subsection~~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(~~A~~a)(9), including the incidental death benefit provisions of Code Section 401(~~A~~a)(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 ~~C~~commencing ~~P~~prior to ~~D~~death. If distribution of a Participant~~'s interest in the Plan~~'s Interest has commenced~~ prior to the Partipant'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 ~~C~~commencing ~~A~~after ~~D~~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 ~~Subsection~~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 ~~Subsection~~subsection to the recipient determined pursuant to Section 14-1-~~6.~~6, W.M.C.

(4) Distribution to IRA of ~~N~~nonspouse ~~B~~beneficiary. 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~~c)(8)(B)(~~I) or (II)~~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~~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~~l). The requirements of Code Section 402(~~L~~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 ~~R~~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 ~~R~~rules and ~~R~~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 ~~U~~upon ~~R~~retirement, ~~T~~termination of ~~E~~employment, ~~D~~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 ~~U~~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 ~~A~~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 CONTRACS:

(1) Previously ~~P~~purchased ~~C~~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 ~~R~~right to ~~P~~purchase ~~C~~contracts ~~T~~through the ~~P~~plan. A Participant may not purchase any individual insurance or annuity contract through the Plan.

(3) No ~~N~~new ~~G~~group ~~C~~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-~~8~~9(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-~~9~~10: POLICE PENSION BOARD: (2464 3319 3447)

(A) ~~Appointment of Board.~~ APPOINTMENT OF BOARD:

(1) General ~~R~~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 ~~Rules~~Policies and ~~Regulations~~Rules. The Trustee shall serve as Chairperson of the Board.

(2) Procedures for ~~E~~electing the ~~T~~three ~~M~~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 ~~I~~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 ~~I~~into, ~~E~~execute, and ~~T~~terminate ~~C~~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 ~~O~~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 ~~E~~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 ~~H~~hold a ~~D~~designated ~~P~~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 ~~M~~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 II(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-~~10~~11: 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 ~~D~~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 ~~C~~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 ~~E~~expenses; ~~A~~attorney's ~~F~~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 Cco-Ttrustee.~~ Corporate ~~C~~co-~~T~~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 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 ~~R~~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;

~~(c)~~(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 ~~A~~approval ~~R~~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(A~~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 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 ~~City~~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 ~~P~~pay ~~P~~period of ~~C~~contribution. 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 ~~S~~service. 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 ~~P~~provided 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 ~~C~~contribution 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 ~~M~~method of ~~P~~payment of ~~C~~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 Contributing Participants.~~CONTRIBUTIONS BY CONTRIBUTING PARTICIPANTS:

(1) Mandatory ~~E~~employee ~~C~~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 ~~C~~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 ~~Subsection~~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 ~~C~~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 toRetirement 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 ~~C~~contract of ~~E~~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 ~~L~~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 ~~R~~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 ~~Subsection~~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 ~~A~~amounts. Any amount not mentioned in paragraph (2) of this ~~Subsection~~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 ~~E~~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 ~~Subsection~~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 (2-½) 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 ~~V~~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 ~~W~~when ~~T~~there ~~I~~is ~~N~~no ~~D~~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 ~~P~~policies. The Beneficiary of any insurance on a Participant~~'~~'s life shall be determined and designated as provided in Section 14-2-~~8~~9(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 ~~D~~defer ~~B~~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~~F) of this Section.

(3) Distribution of Participant's ~~Accounts~~Interest. Any other provision of this ~~Subsection~~subsection (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 14-2-4(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 ~~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 14-2-7.~~

~~(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 ~~W~~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~~-1-7~~2-7, 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 ~~W~~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 ~~R~~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.~~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~~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 ~~S~~sum ~~D~~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 ~~M~~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 ~~R~~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 ~~Subsection~~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(~~A~~a)(9), including the incidental death benefit provisions of Code Section 401(~~A~~a)(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 ~~C~~commencing ~~P~~prior to ~~D~~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 ~~C~~commencing ~~A~~after ~~D~~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 ~~Subsection~~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 ~~Subsection~~subsection to the recipient determined pursuant to Section 14-2-~~6.~~6, W.M.C.

(4) Distribution to IRA of ~~N~~nonspouse ~~B~~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~~c)(8)(B)(~~I) or (II)~~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 14-2-7(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~~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 ~~R~~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 ~~R~~rules and ~~R~~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 ~~U~~upon ~~R~~retirement, Termination of Employment, ~~D~~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 ~~U~~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 ~~A~~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 ~~S~~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 ~~P~~purchased ~~C~~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 ~~R~~right to ~~P~~purchase ~~C~~contracts ~~T~~through the ~~P~~plan. A Participant may not purchase any individual insurance or annuity contract through the Plan.

(3) No ~~N~~new ~~G~~group ~~C~~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 14-2-~~8~~9(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-~~9~~10: GENERAL EMPLOYEE PENSION BOARD: (2464 3199 3447)

(A) ~~Appointment of Board.~~APPOINTMENT OF BOARD:

(1) General ~~R~~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 ~~E~~electing the ~~T~~three ~~M~~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 ~~I~~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") 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 ~~I~~into, ~~E~~execute, and ~~T~~terminate ~~C~~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 ~~O~~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 ~~E~~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 ~~H~~hold a ~~D~~designated ~~P~~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 ~~M~~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 II(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-~~10~~11: 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 ~~D~~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 ~~C~~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 ~~E~~expenses; ~~A~~attorney's ~~F~~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 ~~T~~trust ~~F~~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 ~~T~~trust ~~F~~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. 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. 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 ~~C~~co-~~T~~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 ~~R~~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

(~~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.

(2) No Participant ~~A~~approval ~~R~~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:

_____
Mayor

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney's Office

WESTMINSTER

Agenda Item 8 F

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading of 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 second reading 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 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 Westminster Municipal Court (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.
- This Councillor's Bill was passed on first reading on October 28, 2013.

Expenditure Required: $0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. **45**

SERIES OF 2013 INTRODUCED BY COUNCILLORS

Kaiser - Major

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:

_____
Mayor

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney's Office

WESTMINSTER

Agenda Item 8 G

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading of 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 second reading authorizing the City Manager to sign an amendment to a lease for agricultural land at the City's Strasburg 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.
- This Councillor's Bill was passed on first reading on October 28, 2013.

Expenditure Required: $0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance with Exhibit A Lease

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. **46**

SERIES OF 2013 INTRODUCED BY COUNCILLORS
Winter - Major

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:

_____
Mayor

_____
City Clerk

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

WESTMINSTER

Agenda Item 8 H

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading for 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 second reading authorizing the City Manager to execute and implement an Economic Development Agreement with DigitalGlobe.

Summary Statement

- This Councillor's Bill was passed on first reading on October 28, 2013.
- 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.

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
Lindsey - Winter

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.

WESTMINSTER

Agenda Item 8 I

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Second Reading for 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 second reading authorizing the City Manager to execute and implement an Economic Development Agreement with Plato BioPharma, Inc.

Summary Statement

- This Councillor's Bill was passed on first reading on October 28, 2013
- 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.

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
Briggs - Kaiser

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.

WESTMINSTER

Agenda Item 10 A-D

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Public Hearing and Action on an Amendment to the Comprehensive Land Use Plan, and the Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan, and Mandalay Gardens – Anthem Tract 63A Official Development Plan

Prepared By: Patrick Caldwell, Planner III

Recommended City Council Action

1) Hold a public hearing.
2) Approve Councillor's Bill No. 49 amending the Comprehensive Land Use Plan changing the designation on the site from Retail/Commercial to R-18. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
    a) There is justification for the proposed change and the Plan is in need of revision as proposed;
    b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan;
    c) The proposed amendment is compatible with existing and planned surrounding land uses; and
    d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3) Approve the Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan. This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
4) Approve the Mandalay Gardens – Anthem Tract 63A Official Development Plan. This recommendation is based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code have been met.

Summary Statement

- This site was annexed into the City in 2008, and a Preliminary Development Plan (PDP) and Official Development Plan (ODP) were approved for an in-line style retail center. A plat was never recorded and the project never moved forward.
- The proposed Comprehensive Land Use Plan (CLUP) change eliminates Retail/Commercial uses on this site.
- The proposed PDP will allow only memory care and similar senior housing options.
- The proposed ODP allows a one-story building of 36,556 gross square feet.
- The proposed development consists of approximately 4.76 acres located on the southwest corner of Church Ranch Boulevard and Wadsworth Boulevard. (See vicinity map on Attachment A)
- The proposed memory care building will house up to 76 residents in 60 rooms.
- The Comprehensive Land Use Plan is proposed for adoption on second reading this evening. If this occurs, the comprehensive land use designation for this property will already be changed to R-18, consistent with the proposal contained in this agenda memo. Staff has consulted with the City Attorney's office, and the appropriate action on the CLUP change ONLY, will be to make a motion to not approve the proposed CLUP change from Retail Commercial to R-18 due to the CLUP having already been amended; and then take action on the proposed approval of a preliminary development plan and official development plan (s), respectively.
- If the CLUP is not passed on 2nd reading this evening, the applicant would like an opportunity to ask for a change in land use designation from retail commercial to R-18. Analysis of this proposed change is contained in this agenda memo.

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

Planning Commission Recommendation

The Planning Commission reviewed this proposal at a public hearing on October 22, 2013. No members of the public spoke in support or opposition to the proposal. The Planning Commission made a recommendation that City Council approve the Comprehensive Land Use Plan amendment changing the designation on the site from Retail/Commercial to R-18. This recommendation is based on a finding that the proposed amendment will be in the public good and that:

a) There is justification for the proposed change and the Plan is in need of revision as proposed;
b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan;
c) The proposed amendment is compatible with existing and planned surrounding land uses; and
d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.

The Planning Commission also recommended the City Council approve the Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan, and the Mandalay Gardens – Anthem Tract 63A Official Development Plan. This recommendation was based on a finding that the criteria set forth in Sections 11-5-14, and 11-5-15 of the Westminster Municipal Code had been met. The motion was unanimously approved (7-0).

Policy Issues

1) Should the City approve an amendment to the CLUP to change the designation of this site from Retail/Commercial to R-18?
2) Should the City approve the Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan?
3) Should the City approve the Mandalay Gardens – Anthem Tract 63A Official Development Plan?

Alternatives

1) Deny the CLUP amendment changing the designation from Retail/Commercial to R-18. This alternative is not supported because a CLUP amendment is required for approval of the Mandalay Gardens – Anthem Tract 63A Preliminary and Official Development Plans.
2) Deny the Preliminary Development Plan for the Mandalay Gardens – Anthem Tract 63A Preliminary Development Plan. This alternative is not recommended because the PDP is in compliance with the criteria set forth in Section 11-5-14 of the Westminster Municipal Code (WMC).
3) Deny the Official Development Plan for the Mandalay Gardens – Anthem Tract 63A Official Development Plan. This alternative is not recommended because the ODP is in compliance with the criteria set forth in Section 11-5-15 of the Westminster Municipal Code (WMC).

Background Information

Nature of Request

A memory care facility for senior age citizens is proposed on the 4.76 acre site. An amendment to the CLUP to allow senior housing, a new PDP, and a new ODP are required.

Location

The site is at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard.

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- Published Notice: Notice of public hearings scheduled before City Council shall be published and posted at least four days prior to such hearings. Notice for the City Council hearing was published in the Westminster Window on October 31, 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. Two signs were posted on the property on October 31, 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 homeowner's associations registered with the City within 300 feet of the subject property. The required notices were mailed on October 31, 2013.

Applicant
Gayeski Capital Equities
905 West 124th Avenue #200
Westminster, Colorado 80234

Property Owner
Gayeski Capital Equities
905 West 124th Avenue #200
Westminster, Colorado 80234

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	Land Use	CLUP Designation
North: Diamond Shamrock Corner Store, and Tract 61 of the Mandalay Gardens Subdivision	PUD	Diamond Shamrock Gas and Convenience Store, Medical Office and Church Ranch Blvd Right-of-Way	Public and Quasi-Public; Office and Retail/Commercial
South: Mandalay Gardens Subdivision	--	Single-Family Residential	NA – Unincorporated Jefferson County
East: Church Ranch Home Place	PUD	Office and Residential	Business Park
West: Mandalay Garden Subdivision	--	Single-Family Residential	NA – Unincorporated Jefferson County

Project Information
The following information provided complies with the City's land development regulations and design guidelines and the criteria contained in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code (attached).

The Westminster Municipal Code requires the owner of the property requesting an amendment to the CLUP to prove the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, "Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed." The proposed skilled nursing facility would not be allowed under the Retail-Commercial designation, and there is an unmet demand for skilled nursing facilities that serve memory care needs in this part of Westminster. A residential use is more compatible with the adjacent large lot development than a retail and commercial use.

2. The proposed amendment must, "Be in conformance with the overall purpose, intent, goals, and policies of the Plan." Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:

   Goal C Provide opportunities for housing in many forms for all incomes, lifestyles, and age groups within the City.

   Goal J3 Encourage a high quality of design for private developments and buildings.

Goal J5 New development shall incorporate natural terrain features in their design.

The proposed Mandalay Gardens – Anthem PDP and ODP meet all of these goals. The skilled nursing memory care units are within a secured building and the outdoor spaces are internal to the building. The building is handicap accessible. The building design is a one-story residential looking structure with abundant landscaping. The detention pond at the low part of the site is designed with a curved edge to give the pond a natural appearance.

3. The proposed amendment must, "Be compatible with existing and surrounding uses." The site is located east and north of single-family detached homes on large lots in unincorporated Jefferson County. The proposed senior housing use would provide a good transition between the large lot residential uses and the commercial uses on the north side of Church Ranch Boulevard and the traffic along that street. To the east of the site is the historic Church Ranch headquarters and its numerous outbuildings. The senior housing use is compatible with the Church Ranch buildings.

4. The proposal must "Not result in detrimental impacts to the City's existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City." The existing and proposed infrastructure is adequate to accommodate the proposed development. The existing water and sewer lines are adequately sized. Church Ranch Boulevard is constructed to its final design, and can accommodate the proposed residential traffic generation. Wadsworth Boulevard operates at below capacity, and this plan will improve the right turn movements and pedestrian safety there with the installation of a turn lane, a curb, gutter, sidewalk, and landscaping on the west side of Wadsworth Boulevard.

- Traffic and Transportation:
  - On the north edge of the site, Church Ranch Boulevard is built to its full width with a detached sidewalk. There is no curb cut access proposed directly from the site to Church Ranch Boulevard.
  - At the east edge of the site, Wadsworth Boulevard has no curb or gutter. Curb, gutter, sidewalk, and a 17 ft. wide landscape area behind the sidewalk will be constructed as part of the improvements to Wadsworth Boulevard. The existing traffic signal will be shifted a few feet to accommodate a handicap ramp. The primary access to the site is from Wadsworth Boulevard and the access is located at the southeast corner of the site. A full turn access to Wadsworth Boulevard is allowed.
  - At the west edge of the site, a secondary access exists to 101st Avenue, and no improvements are needed, or anticipated there.
  - No significant transportation impacts are anticipated with the construction of this memory care facility. There is a staff on duty 24 hours. Service deliveries, resident outings for medical care, and visitors are the typical traffic to and from the site. Visitors and outings are typically very limited in number due to the diminished mental condition of the residents.

- Site Design: The site consists of one lot. Access points to the adjacent roads are at the northwest corner and at the southeast corner of the lot. A continuous drive lane will provide access to all sides of the building. Parking at the west, north and east sides of the building is accessed from this drive lane. The main entrance is at the north facing Church Ranch Boulevard. Service access is at the south side of the building. A trash enclosure and a screened transformer/generator are at the west side of the site. The detention pond is at the low point of the site near the southeast part of the site. Thick landscaping at the north and east will eventually screen the site from the adjacent major arterials. Two outdoor courtyards are provided internal to the building. The building is a secured facility for patient safety, so the outdoor courtyards are not available to the general public.

- Architectural Design: The building is a single story of a residential design. Stone, lap siding, shingled eaves, and an architectural style asphalt roof compose the primary exterior materials. A framed double hung window style, masonry wrapped porch columns and roof brackets contribute to a modified Arts and Crafts style exterior appearance. Although the building footprint is a general rectangle of approximately 300 ft. by 140 ft., there are wall sections that extend 3 to 10 ft. in various locations. These extensions break up the main wall plane and create a handsome residential appearance.

- Landscape Design: On the site two trees will remain in place, and four trees will be relocated. Three trees will be removed. The caliper inch of the three trees to be removed totals 46 caliper inches. The replacement per caliper inch is a 2 to 1 ratio, so eighteen additional trees with a minimum of 2.5 caliper inches would be required. The developer here has chosen to use shrubs instead of trees. The substitution for a tree to a shrub is a 10 to 1 ratio. For the eighteen replacement trees there will be 180 shrubs installed on the site. These are in addition to the other required shrubs.

- Public Land Dedication: The memory care facility is considered a type of skilled nursing facility. Skilled nursing facilities are exempt from a public land dedication requirement.

- Park Development Fee: The memory care facility is considered a type of skilled nursing facility. Skilled nursing facilities are exempt from a park development fee requirement.

- School Land Dedication: The memory care facility is considered a type of skilled nursing facility. Skilled nursing facilities are exempt from a school land dedication requirement.

Signage: A facility identification sign is proposed at the northeast corner of the site. The sign will be a monument style sign that complies with WMC 11-11-7(E) Permanent Residential Subdivision Identification Signs.

Service Commitment Category: On January 28, 2013 the City Council awarded 21 Service Commitments (for up to 60 units) in the Category E – Senior Housing for this project. For each attached Senior Housing Unit .35 service commitments are awarded. .35/21 = 60 units. The project is considered to be a skilled nursing facility with 24 hour care for residents. Some of the units will have more than one bed. The proposal is for 60 units with a total of 76 beds, and satisfies all of the commitments made in the competition.

Referral Agency Responses
There were no negative replies from any of the referral agencies.

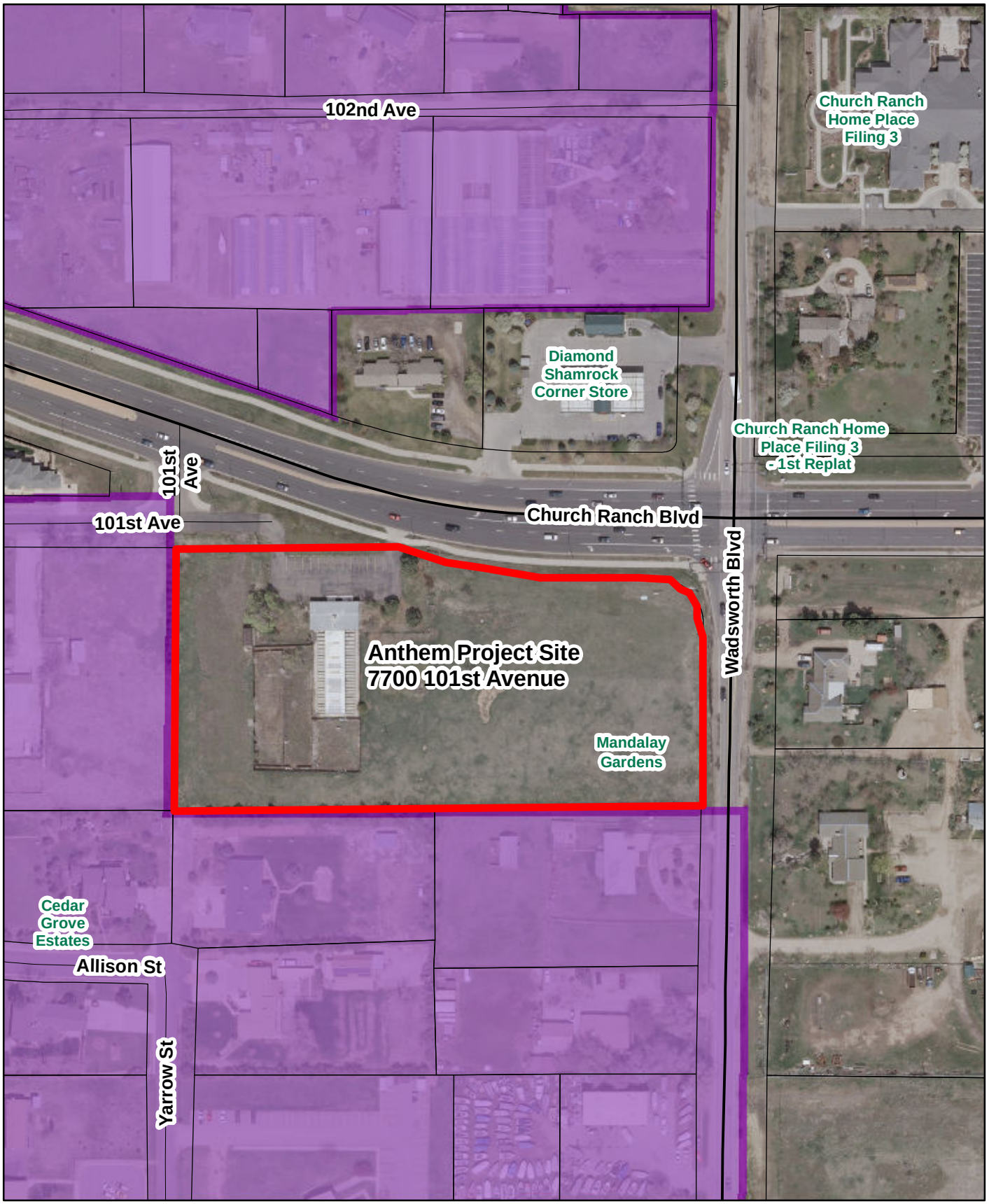
Neighborhood Meeting and Public Comments
A neighborhood meeting was held for this property on July 18, 2013. All adjacent property owners within 300 feet were mailed notice of the public hearing. One property owner, west of, and across 101st Avenue attended and expressed support for the project. An adjacent property owner along the south edge of the site had concerns with perimeter fencing. The proposal is for a 6 ft. wood picket fence with masonry columns spaced at 65 ft. intervals. The adjacent property owner expressed satisfaction with the fence. City staff has not received any additional comments from the adjacent property owners.

Strategic Plan
The requests meet the City Council's Strategic Plan goals of *Vibrant Neighborhoods in One Livable Community*; and *Beautiful and Environmentally Sensitive City*. The development of this lot improves the residential character of the neighborhood, and enhances the neighborhood with the addition of street trees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments
- Attachment A – Vicinity Map
- Attachment B – Criteria and Standards for Land Use
- Ordinance (CLUP Amendment)
- Exhibit A - Comprehensive Land Use Plan Map



DWG - 14 October 2013

Mandalay Gardens - Anthem Project
Vicinity Map

0 125 250 500 Feet

N W E S

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has "the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan…" (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City's existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (PUD) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The PUD exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The PUD is compatible and harmonious with existing public and private development in the surrounding area.
5. The PUD provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The PUD has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.

2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.

2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. **49**

SERIES OF 2013 INTRODUCED BY COUNCILLORS

_____

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds that:

a. An application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, incorporated herein by reference, requesting a change in the land use designations from "Retail-Commercial" to "R-18" for the 6.74-acre property located at the southwest corner of Church Ranch Boulevard and Wadsworth Boulevard.

b. Such application has been referred to the Planning Commission, which body held a public hearing thereon on October 22, 2013, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. Notice of the public hearing before Council has been provided in compliance with W.M.C.§ 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C.§11-4-16(D).

d. Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. The owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal C1a for the provision of "adequate, safe and well-serviced housing for all age groups and special needs populations".

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows: Tract 63A, Mandalay Gardens, to "R-18", as depicted on the map attached as Exhibit A.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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 11th of November, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of November, 2013.

ATTEST:

_____
Mayor

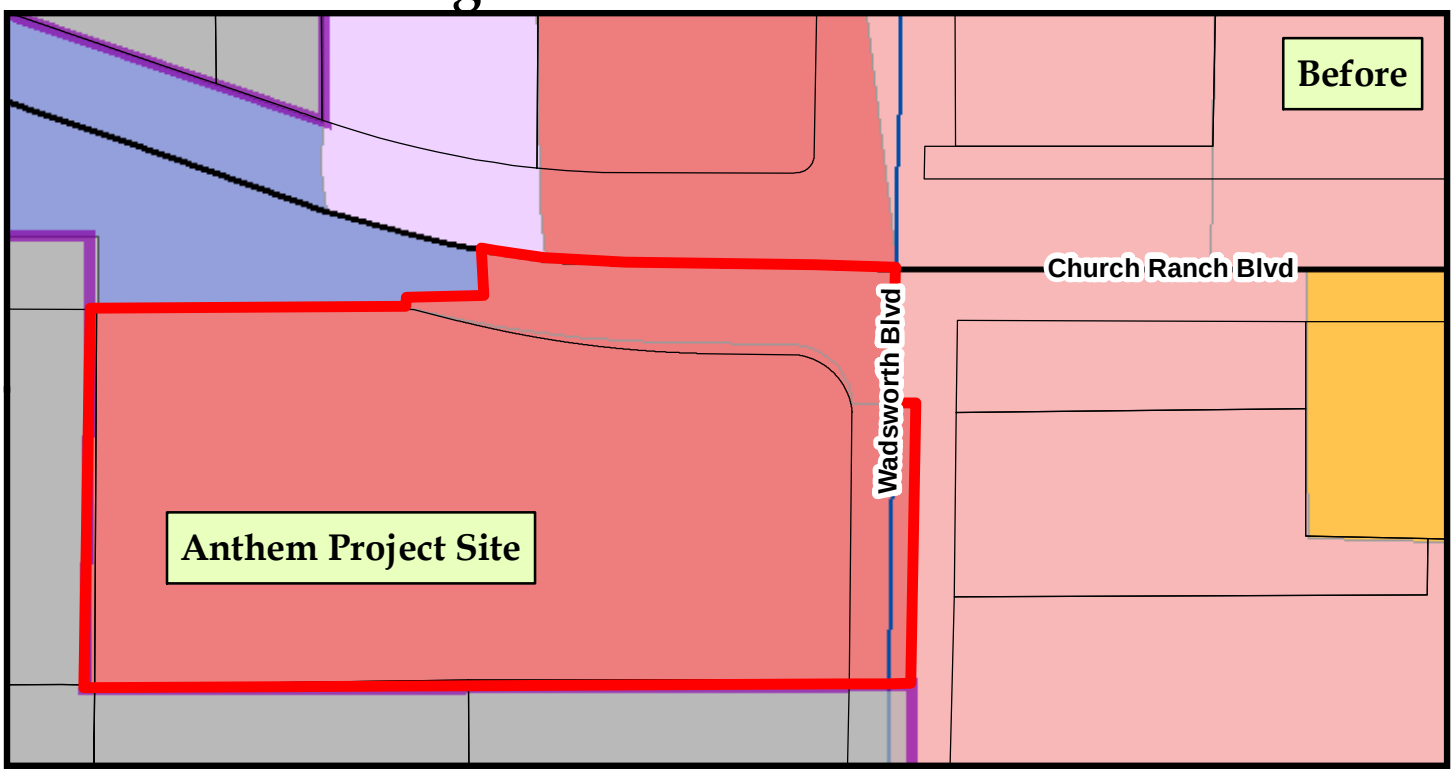
_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney's Office

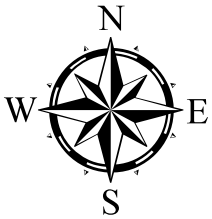
EXHIBIT A

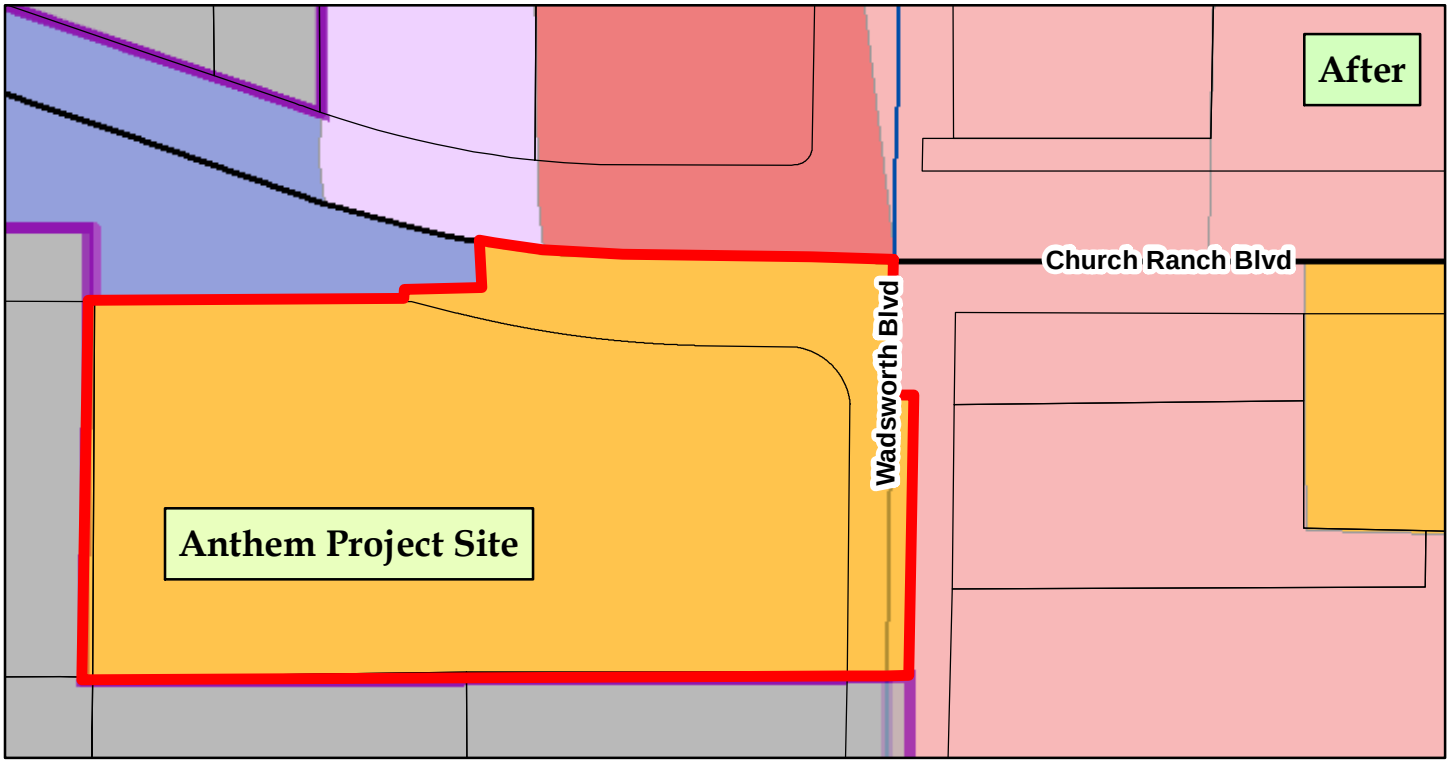
Mandalay Gardens - Anthem Project:
CLUP Change from Retail Commercial to R-18



Comprehensive Land Use Plan (CLUP) Designations

- R-18
- Retail Commercial
- Business Park
- Office
- Public/Quasi Public
- (Not in City Limits)





DWG - 14 October 2013

WESTMINSTER

Agenda Item 10 E

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Resolution No. 31 re North Huron Urban Renewal Area

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Adopt Resolution No. 31 amending the North Huron Urban Renewal Area to add the right of way area needed for Orchard Parkway and the McKay Drainageway.

Summary Statement

- The City is planning to construct Orchard Parkway between 144th Avenue to 138th Avenue as well as the McKay Drainageway project in 2013 or 2014. Most of the land needed for these projects occurs within the boundaries of the North Huron Urban Renewal Area (URA). However, a portion of the land needed for these projects is located on the Orchard Lakes property that was annexed to the City after the North Huron URA was formed by City Council.

- This proposed amendment to the North Huron URA would add the right of way (ROW) areas needed for Orchard Parkway, 142nd Avenue and the McKay Drainageway on the Orchard Lakes property to the URA boundaries.

- The City's legal advisors have concluded that this would constitute a minor amendment to the North Huron URA.

Expenditure Required: $ 0

Source of Funds: N/A

Policy Issue

Should the City expand the boundaries of the North Huron URA to include the right of way areas on the Orchard Lakes property needed for Orchard Parkway and the McKay Drainage way?

Alternative

Do not add the right of way areas to the URA. This would not allow URA funds to be used to construct Orchard Parkway or the McKay Drainageway across the Orchard Lakes property. Both of these projects begin and end within the URA and provide great benefits to the URA. It is logical that the improvements on the Orchard Lakes property also be funded in part with URA funds.

Background Information

On January 26, 2004, the City Council adopted a resolution to create the North Huron URA, which is generally bounded by 150th Avenue, I-25, 128th Avenue and Huron Street. (See attached map.) The URA is about 1,000 acres in size. At the time the property owned by the Fonay family was not included since it had not yet been annexed to the City. The Fonay parcel (subsequently sold to a developer and now called Orchard Lakes) is bounded by I-25, 140th Avenue, Huron Street and 142nd Avenue. The Orchard Lakes property was subsequently annexed to the City in 2008.

As a way to stimulate further development within the URA, staff is pursuing the construction of Orchard Parkway between 138th Avenue and 144th Avenue including across the Orchard Lakes property. Orchard Parkway already exists between 136th Avenue and 138th Avenue. 142nd Avenue would also be constructed between Huron Street and Orchard Parkway. Urban renewal funds would be used to construct the roadway.

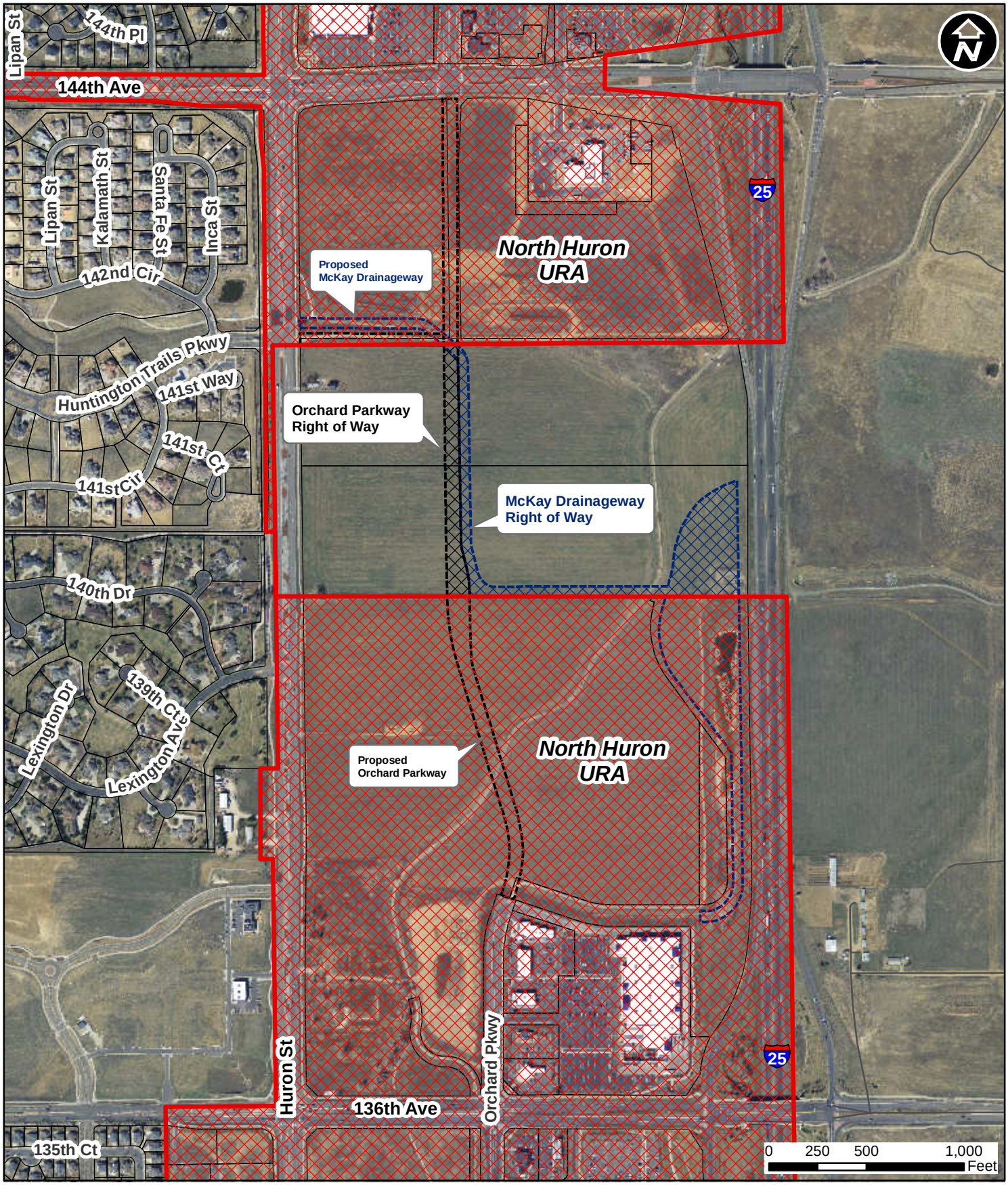
City staff is also pursing the Phase II completion of the McKay Drainageway project between I-25 and Huron Street. Phase I was completed a few years ago between I-25 and the Big Dry Creek through the City of Thornton. Phase II of this project will reduce the flood plain area west of I-25 within Westminster and make the area more attractive for development. Adding the Orchard Lakes property to the URA will enable urban renewal funds to be spent for this project on the property.

The City Attorney's Office in consultation with the City's urban renewal attorney, Malcolm Murray, have concluded that adding the right of way for Orchard Parkway and the McKay Drainageway on the Orchard Lakes property constitutes a minor amendment to the URA. Therefore, to incorporate the amendment to the URA, the City Council needs to approve the attached resolution.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments: North Huron URA Map
Resolution
- Exhibit A - North Huron Urban Renewal Plan
- Exhibit B - Legal Descriptions



North Huron URA

Orchard Parkway ROW

McKay Drainageway ROW

Assessor Parcels

North Huron Urban Renewal Area

3-20-2013

RESOLUTION

RESOLUTION NO. **31** INTRODUCED BY COUNCILLORS

SERIES OF 2013 _____

A RESOLUTION APPROVING THE REVISED NORTH HURON URBAN RENEWAL PLAN AND FINDING THAT THE AMENDMENT OF THE NORTH HURON URBAN RENEWAL PLAN IS A MINOR MODIFICATION AND THAT ADOPTION OF THE REVISED NORTH HURON URBAN RENEWAL PLAN IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF WESTMINSTER, COLORADO.

WHEREAS, pursuant to Resolution No. 5, Series of 2004, adopted on January 26, 2004, the City Council approved the North Huron Urban Renewal Plan (the "Plan") pursuant to the Colorado Urban Renewal Law (the "Act") ; and

WHEREAS, the North Huron Urban Renewal Area which is subject to the North Huron Urban Renewal Plan is described in Exhibit A to this Resolution; and

WHEREAS, it is now desirable to add the area described in Exhibit B to the North Huron Urban Renewal Area in order to accomplish the goals of the North Huron Urban Renewal Plan; and

WHEREAS, inclusion of the area described in Exhibit B ("Additional Area") will assist in accomplishing the purposes of the North Huron Urban Renewal Plan; and

WHEREAS, the Additional Area constitutes right of way or the owner of any private property in the Additional Area has consented to the inclusion of the property; and

WHEREAS, the amendment to the North Huron Urban Renewal Plan to include the Additional Area does not substantially change the Plan in land area, land use, design, building requirements, or procedure set forth in the North Huron Urban Renewal Plan; and

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

1. The inclusion of the Additional Area in the North Huron Urban Renewal Area does not substantially change the North Huron Urban Renewal Plan in land area, land use, design, building requirements, or procedure set forth in the North Huron Urban Renewal Plan and that the inclusion of the Additional Area in the North Huron Urban Renewal Area is a minor modification of the North Huron Urban Renewal Plan.

2. The North Huron Urban Renewal Plan, as amended, will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the North Huron Urban Renewal Area by private enterprise in accordance with the City of Westminster Comprehensive Land Use Plan.

3. The North Huron Urban Renewal Area is amended to include the Additional Area described in Exhibit B hereto. The North Huron Urban Renewal Area, including the Additional Area and the North Huron Urban Renewal Plan as amended hereby is approved.

PASSED AND ADOPTED this 11 day of November, 2013.

_____
Mayor

ATTEST: APPROVED AS TO LEGAL FORM:

_____ _____
City Clerk City Attorney's Office

EXHIBIT "A"

NORTH HURON

URBAN RENEWAL PLAN

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

JANUARY 2004

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I-25/HURON STREET AREA DEVELOPMENT PLAN

JANUARY 2004

I. INTRODUCTION

1.1 Preface

This I-25/Huron Street Area Development 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 Reinvestment 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 Westminster Center is the area bounded by I-25 on the east, 124th Avenue extended on the south, Huron Street on the west, and 152nd Avenue on the north except for three areas where the boundaries extend west of Huron Street, including the extended right-of-way of 144th Avenue. The area is approximately 918 acres in size. It is currently vacant or used as agricultural. The area is the northern gateway to the City of Westminster and to the Denver metropolitan area along I-25. The Westminster Comprehensive Land Use Plan and the I-25 Corridor Plan prepared by the City of Westminster and the City of Thornton anticipate that this area is a prime development corridor with extensive office, retail, and mixed use developments.

The I-25 Corridor Plan has been prepared jointly by the Cities of Thornton and Westminster and covers the area on both sides of I-25 from 124th Avenue extended to 152nd Avenue. The area east of I-25 to Washington Street is in the Thornton and the area west of I-25 to Huron is in Westminster. The I-25 Corridor Plan envisions joint development of the area with the two cities sharing in the costs of interchange improvements on along I-25 and coordinated development of transit-oriented improvements. The I-25 Corridor Plan represents a model of cooperation between municipalities that otherwise could have found themselves in an unproductive competition for developments while ignoring the impacts of that development on the adjacent city. The City of Thornton has also recently adopted an Urban Renewal Plan for much of the area studied in the I-25 Corridor Plan, extending from 144th Avenue north to State Highway 7 and from I-25 east to Washington Street with the exception of two parcels that extend further east.

The I-25 Corridor Plan has the following goals:

- Create a high quality "Gateway Image" which conveys the values of each city
- Balance complementary land uses within identifiable sub-districts
- Allow for adequate transportation and transit systems to serve the area
- Enhance drainage systems improvements that maximize function and aesthetics within the corridor
- Develop economic stability through value-creation and value-retention
- Coordinate planning and engineering for transportation and storm drainage
- Develop parks, recreation and trails to serve the area

There are three major impediments to achieving the goals of the I-25 Corridor Plan. First, there are major floodplains in the area covered by the I-25 Corridor Plan as a result of inadequate drainage under I-25 and stormwater from the McKay Lake area, Big Dry Creek, Shay Ditch and Quail Creek. These floodplains affect a number of parcels and adversely effect the development of the area. Secondly, there are mineral rights, including oil and gas leases and severed mineral interests, which impede development. Finally, there is inadequate public infrastructure, including roads, water utilities and sewage facilities, to support the type of urban development contemplated by the I-25 Corridor Plan.

Implementation of this Plan would mitigate or remove these obstacles to develop by providing the financial mechanism for supporting necessary drainage and utility improvements and by allowing the removal of adverse conditions of title.

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.

I-25 Corridor Plan: The land use plan prepared by the City of Westminster and the City of Thornton for the Area, which is a part of the Comprehensive Land Use Plan of the City of Westminster.

Plan: This I-25/Huron Street Area Development 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 I-25/Huron Street Area Development 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 I-25/Huron Street Area Conditions Survey prepared by Clarion Associates, dated November 2003, 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 I-25/Huron Street Area Conditions Survey found multiple conditions of blight which indicate that at least 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) Defective and inadequate street layout: Existing streets and roads are inadequate to support development contemplated by the I-25 Corridor Plan.

b) Unusual topography: A substantial proportion of the Plan Area is in floodplain.

c) Conditions that endanger life and property: Floodplain and floodway conditions endanger life and property in a substantial proportion of the Plan Area.

d) Inadequate public improvements: Water, sewer, and transportation systems are inadequate to support the planned development of the area.

e) Defective or unusual condition of title: A substantial proportion of the Plan Area is affected by severed mineral estates which impair planning and financing of development.

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 threat 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. Projects that have been initially identified include the mitigation and consolidation of flood hazard areas, the widening and improvement of Huron Street and its appurtenant intersections and the construction of a new interchange off of I-25 at 144th Avenue as well as the reconstruction and widening of 14^{4th} Avenue.

2.3 Planning Approval

A general plan for the City of Westminster, known as the Comprehensive Land Use Plan ("CLUP"), has been adopted by the City Council. In addition the I-25 Corridor Plan has been prepared by the City Council to guide the development of the Plan Area. This I-25/Huron Street Area Development Plan has been submitted to the Planning Commission for review and recommendations as to its conformity with the CLUP and the I-25 Corridor Plan. The Planning Commission met on December 9, 2003 and has submitted its written recommendations to the City Council. This Plan has also been submitted to the Board of County Commissioners of Adams County as required by the Urban Renewal Law.

2.4 Public Hearing

The City Council of the City of Westminster held a public hearing to consider this 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.

2.5 Boundaries of the I-25/Huron Street Area Development Plan Area

The boundaries of the I-25/Huron Street Area Development Plan Area are set forth in Figure 1 attached hereto. The Plan Area is designated as an urban renewal area by this Plan.

2.6 Other Findings

2.6.1 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.

2.6.2 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.

2.6.3 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.

2.6.4 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 decent, safe and sanitary dwelling accommodations and business locations can be made available.

2.6.5 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.

2.6.6 WEDA may, in its discretion, issue bonds, including revenue bonds or other obligations, to the extent permitted by law.

2.6.7 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.

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 CLUP and the I-25 Corridor Plan. The objectives for the Plan include the following:

- Provide an efficient system of streets, roads and other transportation facilities necessary to support urban development.
- Provide an adequate system of drainage improvements to eliminate floodplain and floodway conditions.
- Provide necessary water, sewer and other utility facilities necessary for development of the Plan Area.
- Eliminate adverse conditions of title that impede development.
- Provide employment opportunities in an attractive setting.

- Support transit-oriented developments that take advantage of major transit and roadway improvements in the I-25 Corridor.

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 as set forth herein; installation, construction and reconstruction of public improvements as set forth herein; elimination of unhealthful, unsanitary or unsafe conditions; mitigation of floodway and floodplain 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 a goal 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.

4.3 Relocation Assistance and Payments

In the event it is necessary to relocate or displace any residents, 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, stormwater and other drainage 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 primary method of financing the projects undertaken in furtherance of this Plan shall be the use of sales tax and property 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. Certain portions of sales tax receipts from the Plan Area have previously been committed to support the construction of certain transportation improvements as a result of an intergovernmental agreement between the City of Westminster and the City of Thornton. All property and available sales taxes collected within the Plan Area shall be divided as follows:

a) That portion of property and available sales taxes equal to the amount collected within the boundaries of the Plan Area in the twelve-month period ending on the last day of the month prior to the effective date of the approval of this 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 WEDA may legally provide otherwise under the Urban Renewal Law, the portion of such property and available sales 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 WEDA's obligations with respect to any project, including 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) WEDA for financing or refinancing, in whole or in part, the reinvestment projects.

c) When such bonds, loans, advances, and 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 the adoption of this Plan for the construction of the projects' improvements, any excess property and available sales tax collections not allocated pursuant to this paragraph or any Cooperation Agreement between WEDA and City or other taxing jurisdiction, shall be paid into the funds of said jurisdiction or public body. Unless and until the total property and available sales tax collections in the Plan Area exceed the base year property and available sales tax collections in the Plan Area, as provided in paragraph a), above, all such property and available sales tax collections shall be paid into the funds of the appropriate public body. WEDA reserves the right to enter into Cooperation Agreements with select taxing jurisdictions relative to allocation of incremental tax revenues.

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 WEDA 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., or in any Cooperation Agreement between WEDA and a county, the City or a special district.

e) WEDA and the City may, by Cooperation Agreement or other agreement, provide for the method by which available sales tax increments shall be allocated and paid to WEDA pursuant to the provisions of this Plan and the Urban Renewal Law. Such agreements, and similar agreements between WEDA and other public bodies, may provide for additional assistance by the City and cooperation between WEDA and the City in support of the projects as may be more fully set forth in the provisions of such Cooperation Agreement or other agreement.

5.2 Additional Taxing Entities

WEDA recognizes that tax increment financing is the primary tool for funding redevelopment activities. However, Colorado law allows the creation of additional political subdivisions within a municipality to provide services within a defined area. These entities include metropolitan and other special districts as well as business improvement districts. These districts have available certain taxing powers that can generate revenues in addition to those generated by tax increment financing.

WEDA is committed to exploring a variety of strategies and mechanisms to complement tax increment financing. WEDA recognizes that 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

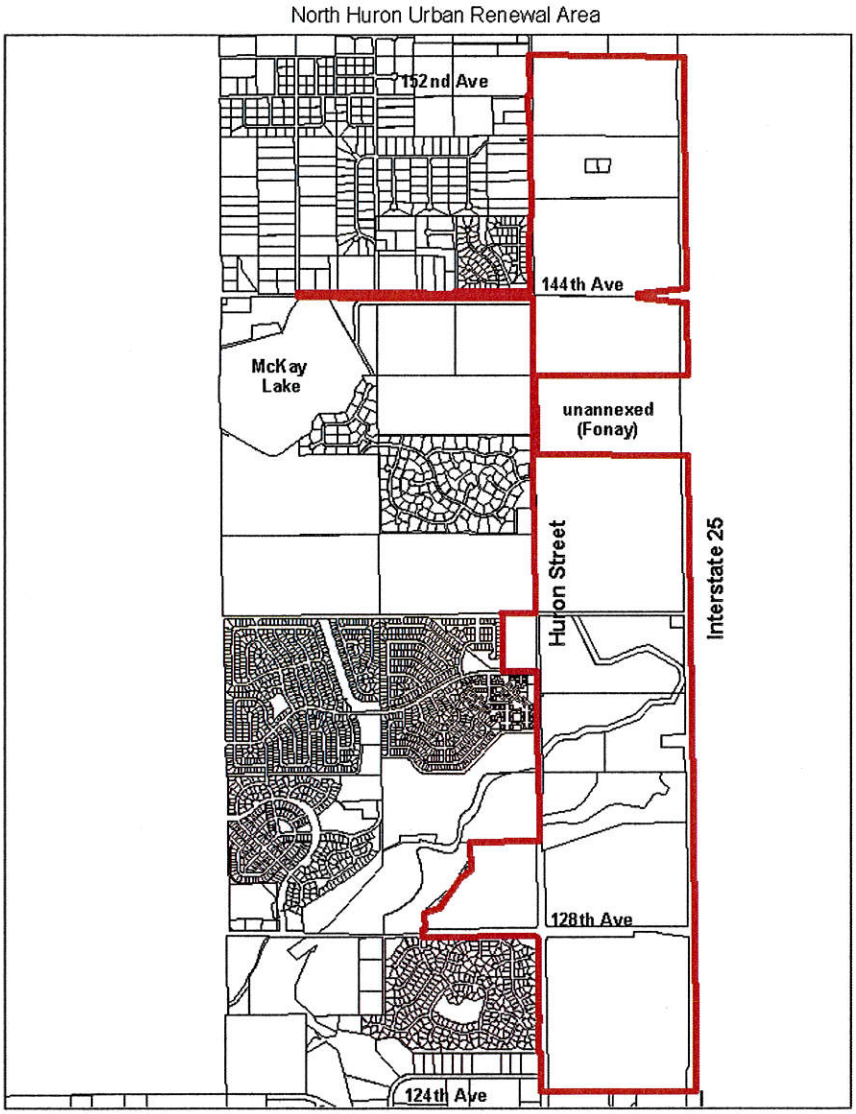
WEDA may require a participating interest in private development projects for which it provides financial assistance. Public assistance is frequently needed for redevelopment projects in order to fill the gap between traditional equity and debt financing and the additional costs of a redevelopment project. 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.

FIGURE 1

I-25/Huron Street Area Development Plan Area



LEGAL DESCRIPTION
FOR
AN ADDITION TO THE NORTH HURON URBAN RENEWAL AREA

A parcel of land in the Northwest Quarter of Section 22, Township 1 South, Range 68 West of the Sixth Prime Meridian, County of Adams, State of Colorado, more particularly described as follows:

> The West 30 Feet of the South Half of the Northwest Quarter of Section 22, Township 1 South, Range 68 West of the 6th Prime Meridian.

Said parcel contains 39,672.7 square feet, more or less.

RIGHT OF WAY DESCRIPTION FOR 142ND AVENUE:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16 CORNER OF SECTION 21 AND SAID SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M.; THENCE SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 141.01 FEET TO THE EAST RIGHT OF WAY FOR HURON STREET AS DESCRIBED IN DEED RECORDED AS REC. NO. 20050620000646950, SAID POINT BEING THE **POINT OF BEGINNING;**

THENCE CONTINUING SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 712.29 FEET;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 64.37 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE 15.57 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 89°13'27", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 45°19'31" WEST, 14.05 FEET;

THENCE NORTH 89°56'14" WEST, PARALLEL WITH AND 54.50 FEET SOUTH OF THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 702.43 FEET TO THE EAST RIGHT OF WAY OF HURON STREET AS DESCRIBED IN DEED RECORDED AS REC. NO. 200506200006469500;

THENCE NORTH 00°42'47" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 54.50 FEET TO THE **POINT OF BEGINNING**;

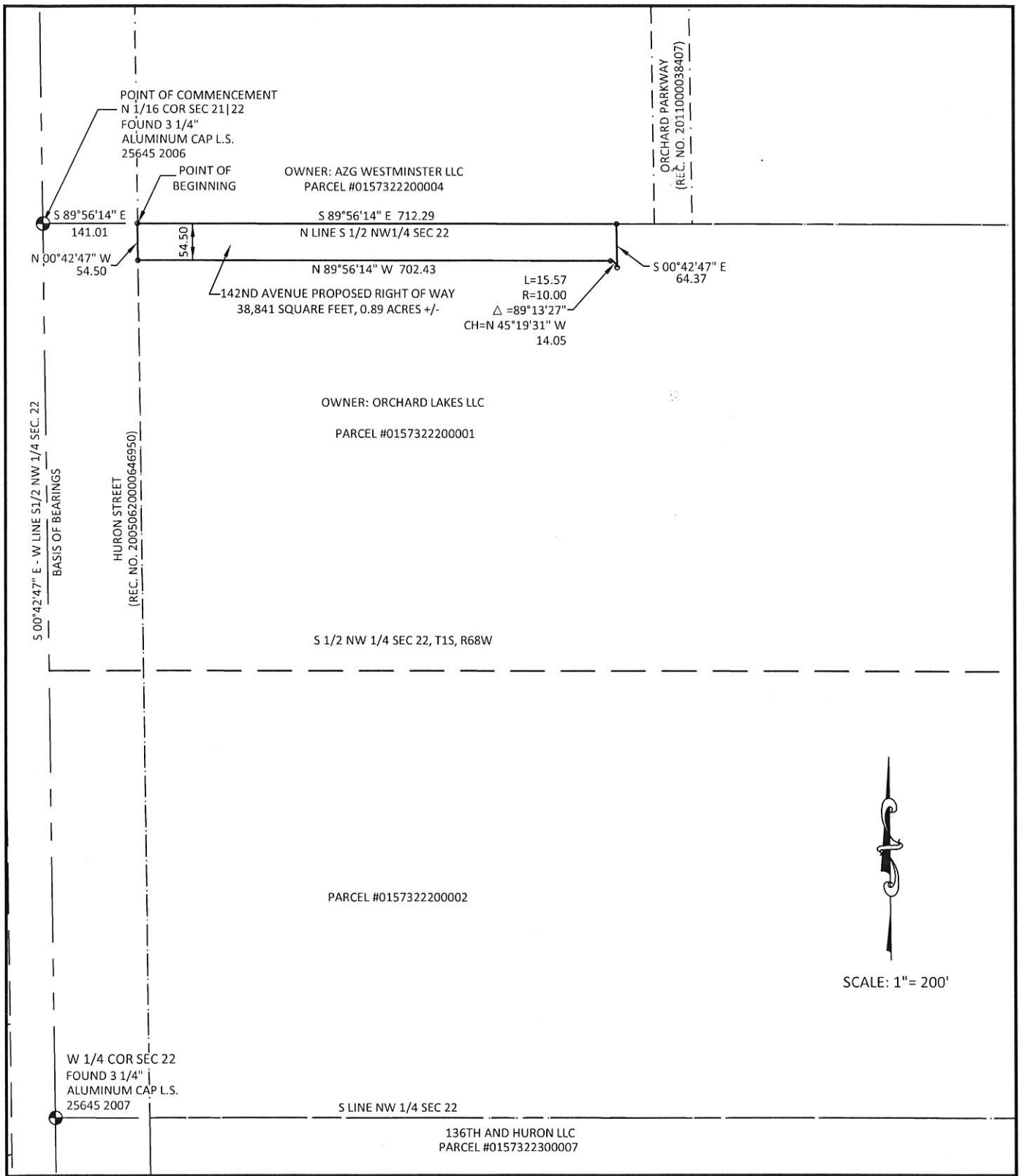
SAID PARCEL CONTAINS A GROSS AREA OF 38,841 SQUARE FEET (0.89 ACRES), MORE OR LESS.

BASIS OF BEARINGS: ASSUMED SOUTH 00°42'47" EAST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, SAID LINE BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE NORTH 1/16 CORNER SEC. 21|SEC. 22 AND BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE WEST ¼ CORNER AS SHOWN HEREON.

Laine A. Landau 7/15/2013

COLORADO LICENSED
LAINE A. LANDAU
31159
PROFESSIONAL LAND SURVEYOR

LAINE A. LANDAU
COLORADO L.S. 31159
FOR AND ON BEHALF OF WILLIAMS, SMITH & ASSOCIATES, P.C.
219 N. TIMBERLINE RD. SUITE B
FORT COLLINS, CO 80524



WILLIAM H. SMITH & ASSOCIATES P.C. SURVEYING CONSULTANTS 550 EAST SECOND NORTH GREEN RIVER, WY PHONE: 307-875-3638 307-875-3639 www.whsmithpc.com	LOCATION: 142ND AVENUE RIGHT OF WAY WITHIN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, OF THE 6TH PM. CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO	ORCHARD LAKES, LLC 310 EAST 5TH STREET LOVELAND, COLORADO 80537
DRAWN BY: LAL / CHECKED BY: LAL		RIGHT OF WAY EXHIBIT
PROJECT NO: OL LLC / JOB NO: 2012011		OWNER: ORCHARD LAKES LLC
REVISIONS:		SCALE: 1"=200'
		DATE: 7/15/2013 / SHEET 2 OF 2

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RIGHT OF WAY DESCRIPTION FOR ORCHARD PARKWAY:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16 CORNER OF SECTION 21 AND SAID SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M.; THENCE SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 853.31 FEET TO THE **POINT OF BEGINNING;**

THENCE CONTINUING SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 112.01 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, ORCHARD PARK PLACE FILING NO. 1, RECORDED IN ADAMS COUNTY AS RECEPTION NO. 2011000038407;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 157.37 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 21.26 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 217.50 FEET, A CENTRAL ANGLE OF 5°35'59", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 02°05'12" WEST, 21.25 FEET;

THENCE SOUTH 04°53'11" WEST, A DISTANCE OF 72.67 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 17.84 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 182.50 FEET, A CENTRAL ANGLE OF 5°35'59", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 02°05'12" WEST, 17.83 FEET;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 519.46 FEET;

THENCE SOUTH 07°47'27" EAST, A DISTANCE OF 73.04 FEET;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 36.08 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 116.92 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 779.50 FEET, A CENTRAL ANGLE OF 08°35'39", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 05°00'37" EAST, 116.81 FEET;

THENCE SOUTH 09°18'26" EAST, A DISTANCE OF 186.47 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 125.32 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 835.50 FEET, A CENTRAL ANGLE OF 8°35'39", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 05°00'37" EAST, 125.21 FEET;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 0.33 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE NORTH 89°57'18" WEST, ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 158.01 FEET;

THENCE NORTH 00°42'47" WEST, A DISTANCE OF 1322.22 FEET TO THE **POINT OF BEGINNING**;

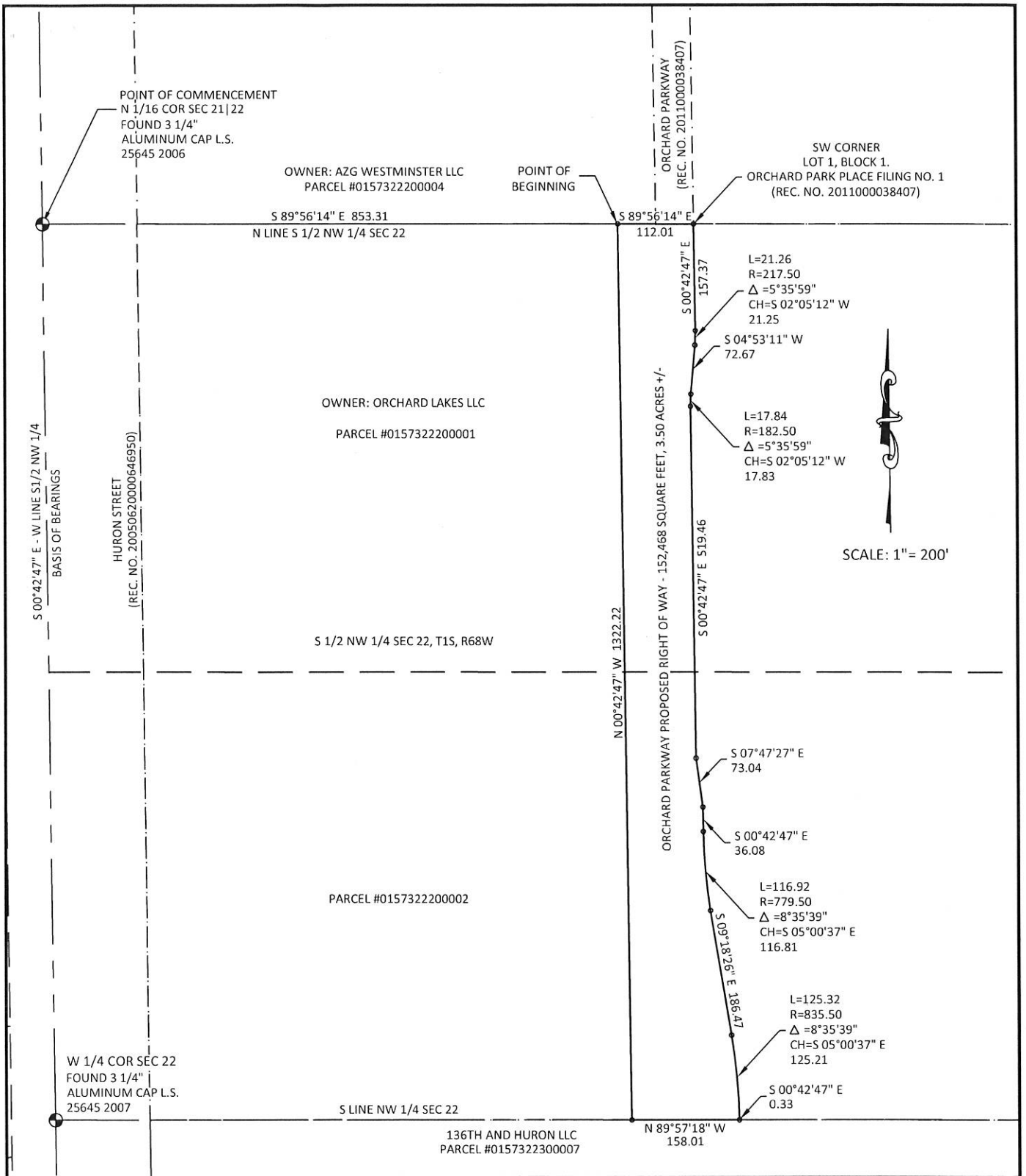
SAID PARCEL CONTAINS A GROSS AREA OF 152,468 SQUARE FEET (3.50 ACRES), MORE OR LESS.

BASIS OF BEARINGS: ASSUMED SOUTH 00°42'47" EAST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, SAID LINE BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE NORTH 1/16 CORNER SEC. 21|SEC. 22 AND BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE WEST ¼ CORNER AS SHOWN HEREON.

Laine Landau 2/15/23

COLORADO LICENSED
LAINE A. LANDAU
31159
PROFESSIONAL LAND SURVEYOR

LAINE A. LANDAU
COLORADO L.S. 31159
FOR AND ON BEHALF OF WILLIAM H. SMITH & ASSOCIATES, P.C.
219 N. TIMBERLINE RD. SUITE B
FORT COLLINS, CO 80524



WILLIAM H. SMITH & ASSOCIATES P.C. SURVEYING CONSULTANTS 550 EAST SECOND NORTH GREEN RIVER, WY PHONE: 307-875-3638 307-875-3639 www.whsmithpc.com	LOCATION: ORCHARD PARKWAY RIGHT OF WAY WITHIN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, OF THE 6TH PM. CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO	ORCHARD LAKES, LLC 310 EAST 5TH STREET LOVELAND, COLORADO 80537
DRAWN BY: LAL / CHECKED BY: LAL		RIGHT OF WAY EXHIBIT
PROJECT NO: OL LLC / JOB NO: 2012011		OWNER: ORCHARD LAKES LLC
REVISIONS:		SCALE: 1"=200'
		DATE: 7/15/2013 / SHEET 3 OF 3

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PROPERTY OWNER: ORCHARD LAKES LLC

RIGHT OF WAY DESCRIPTION FOR THE McKAY OUTFALL & POND:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:
COMMENCING AT THE NORTH 1/16 CORNER OF SECTION 21 AND SAID SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M.; THENCE SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 935.32 FEET TO THE EAST RIGHT OF WAY FOR ORCHARD PARKWAY AS SHOWN ON PLAT RECORED AS REC. NO. 2011000038407, SAID POINT BEING THE **POINT OF BEGINNING A;**

THENCE CONTINUING SOUTH 89°56'14" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 40.33 FEET;

THENCE SOUTH 43°29'57" EAST, A DISTANCE OF 65.55 FEET;

THENCE SOUTH 31°37'18" EAST, A DISTANCE OF 107.36 FEET;

THENCE SOUTH 00°24'11" EAST, A DISTANCE OF 60.52 FEET;

THENCE SOUTH 02°48'17" WEST, A DISTANCE OF 320.61 FEET;

THENCE SOUTH 00°42'47" EAST, A DISTANCE OF 375.46 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 159.16 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 659.50 FEET, A CENTRAL ANGLE OF 13°49'40", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 07°37'37" EAST, 158.78 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT;

THENCE 263.24 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 75°24'50", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 52°14'52" EAST, 244.65 FEET;

THENCE SOUTH 89°57'18" EAST, PARALLEL WITH AND 120.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 538.40 FEET;

THENCE NORTH 71°08'30" EAST, A DISTANCE OF 94.24 FEET TO THE WESTERLY RIGHT OF WAY FOR THE BULL CANAL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE 115.53 FEET ALONG THE WESTERLY RIGHT OF WAY OF SAID BULL CANAL, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 185.00 FEET, A

CENTRAL ANGLE OF 35°46'50", AND BEING SUB-TENDED BY A CHORD WHICH BEARS SOUTH 21°38'29" WEST, 113.66 FEET;

THENCE SOUTH 39°31'54" WEST, ALONG THE WESTERLY RIGHT OF WAY OF SAID BULL CANAL, A DISTANCE OF 58.11 FEET TO **POINT A1**, SAID POINT BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE NORTH 89°57'18" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 548.77 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 421.19 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 75°24'50", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 52°14'52" WEST, 391.44 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

THENCE 188.12 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 779.50 FEET, A CENTRAL ANGLE OF 13°49'40", AND BEING SUB-TENED BY A CHORD WHICH BEARS NORTH 07°37'37" WEST, 187.67 FEET;

THENCE NORTH 00°42'47" WEST, A DISTANCE OF 36.08 FEET;

THENCE NORTH 07°47'27" WEST, A DISTANCE OF 73.04 FEET;

THENCE NORTH 00°42'47" WEST, A DISTANCE OF 519.46 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 17.84 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 182.50 FEET, A CENTRAL ANGLE OF 05°35'59", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 02°05'12" EAST, 17.83 FEET;

THENCE NORTH 04°53'11" EAST, A DISTANCE OF 72.67 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 21.26 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 217.50 FEET, A CENTRAL ANGLE OF 5°35'59", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°05'12" EAST, 21.25 FEET;

THENCE NORTH 00°42'47" WEST, A DISTANCE OF 157.37 FEET TO THE **POINT OF BEGINNING A**;

SAID PARCEL A CONTAINS A GROSS AREA OF 248,277 SQUARE FEET (5.70 ACRES), MORE OR LESS.

PARCEL B:
COMMENCING AT **POINT A1** DESCRIBED ABOVE; THENCE CONTINUING SOUTH 89°57'18" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 122.20 FEET TO THE EASTERLY RIGHT OF WAY OF SAID BULL CANAL, THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, AND THE **POINT OF BEGINNING B**;

THENCE 185.42 FEET ALONG THE EASTERLY RIGHT OF WAY OF SAID BULL CANAL, ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 37°56'32", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 16°32'50" EAST, 182.05 FEET;

THENCE NORTH 09°25'55" EAST, A DISTANCE OF 40.38 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE 249.92 FEET, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 43°23'31" AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 31°07'41" EAST, 243.99 FEET;

THENCE NORTH 52°49'26" EAST, A DISTANCE OF 203.67 FEET;

THENCE SOUTH 62°13'09" EAST, A DISTANCE OF 83.07 FEET;

THENCE SOUTH 00°45'07" EAST, A DISTANCE OF 507.94 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE NORTH 89°57'18" WEST, A DISTANCE OF 427.04 FEET TO **POINT OF BEGINNING B.**

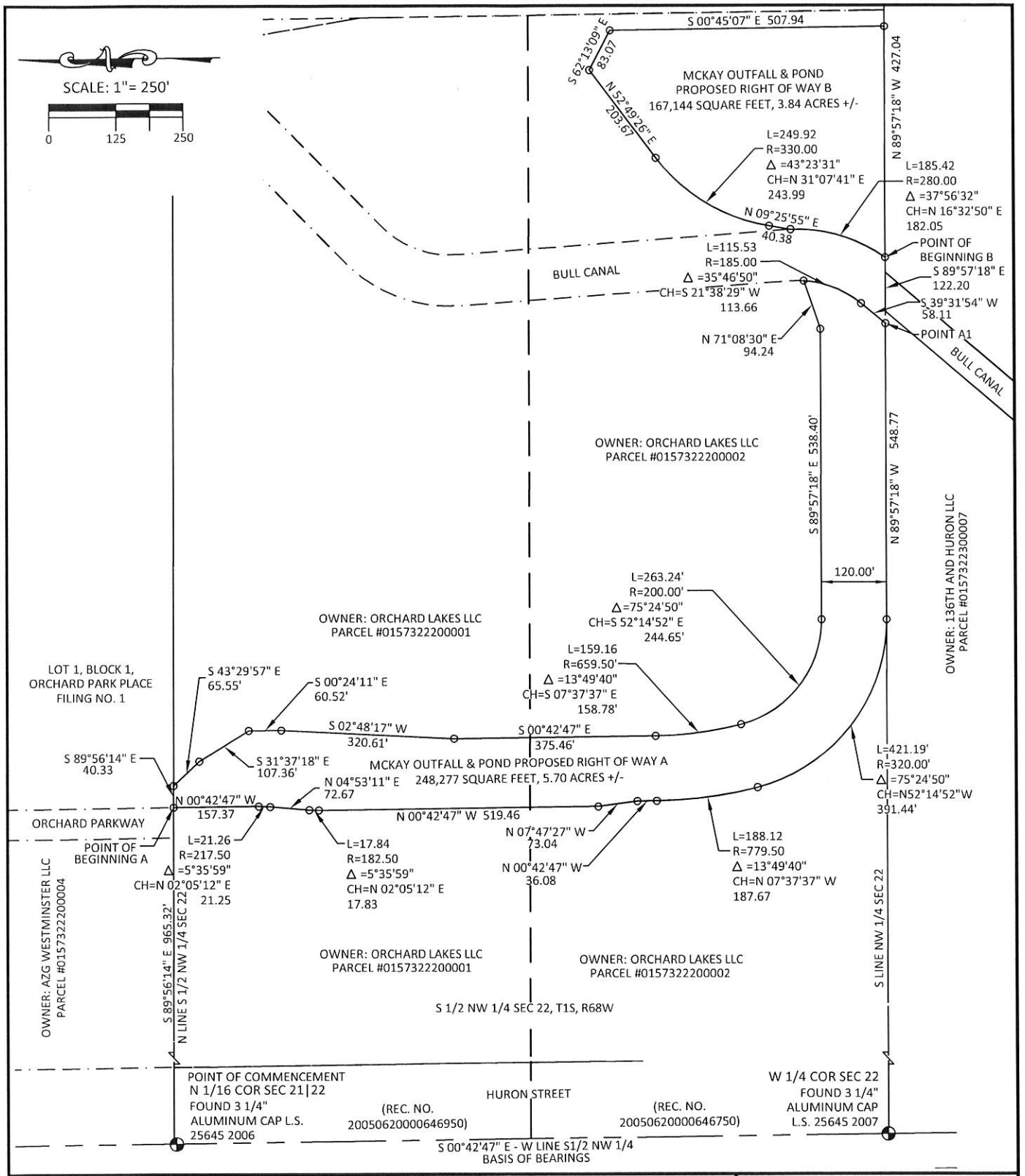
SAID PARCEL B CONTAINS A GROSS AREA OF 167,144 SQUARE FEET (3.84 ACRES), MORE OR LESS.

BASIS OF BEARINGS: ASSUMED SOUTH 00°42'47" EAST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, SAID LINE BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE NORTH 1/16 CORNER SEC. 21|SEC. 22 AND BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE WEST ¼ CORNER AS SHOWN HEREON.

Laine A. Landau 7/15/08

LAINE A. LANDAU
COLORADO L.S. 31159
FOR AND ON BEHALF OF WILLIAM SMITH & ASSOCIATES, P.C.
219 N. TIMBERLINE RD. SUITE B
FORT COLLINS, CO 80524

COLORADO LICENSED
LAINE A. LANDAU
31159
PROFESSIONAL LAND SURVEYOR



WILLIAM H. SMITH & ASSOCIATES P.C. SURVEYING CONSULTANTS 550 EAST SECOND NORTH GREEN RIVER, WY PHONE: 307-875-3638 307-875-3639 www.whsmithpc.com	LOCATION: McKAY OUTFALL & POND RIGHT OF WAY A & B WITHIN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, OF THE 6TH PM. CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO	ORCHARD LAKES, LLC 310 EAST 5TH STREET LOVELAND, COLORADO 80537
DRAWN BY: LAL / CHECKED BY: LAL		RIGHT OF WAY EXHIBIT
PROJECT NO: OL LLC / JOB NO: 2012011		OWNER: ORCHARD LAKES LLC
REVISIONS:		SCALE: 1"=250'
		DATE: 7/15/2013 / SHEET 4 OF 4

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HURON STREET IMPROVEMENTS
LEGAL DESCRIPTION
PARCEL ROW_17B

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED AT RECEPTION NO. C1231493 IN THE OFFICE OF THE CLERK AND RECORDER OF ADAMS COUNTY, COLORADO, SITUATED WITHIN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 22, WHENCE THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 22 IS ASSUMED TO BEAR SOUTH 00°42'36" EAST 1322.43 FEET WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE ALONG THE NORTHERLY LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 22 SOUTH 89°56'09" EAST 30.00 FEET TO THE EXISTING EASTERLY RIGHT-OF-WAY OF NORTH HURON STREET, BEING A LINE PARALLEL WITH AND DISTANT 30.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 22, AND THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 89°56'09" EAST 111.01 FEET TO A LINE PARALLEL WITH AND DISTANT 141.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 22;

THENCE ALONG SAID PARALLEL LINE SOUTH 00°42'36" EAST 661.19 FEET TO THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 22;

THENCE ALONG SAID SOUTHERLY LINE NORTH 89°56'42" WEST 111.01 FEET TO SAID EXISTING EASTERLY RIGHT-OF-WAY OF NORTH HURON STREET;

THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY AND SAID PARALLEL LINE NORTH 00°42'36" WEST 661.21 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.685 ACRES (73,394 SQ. FT.), MORE OR LESS.

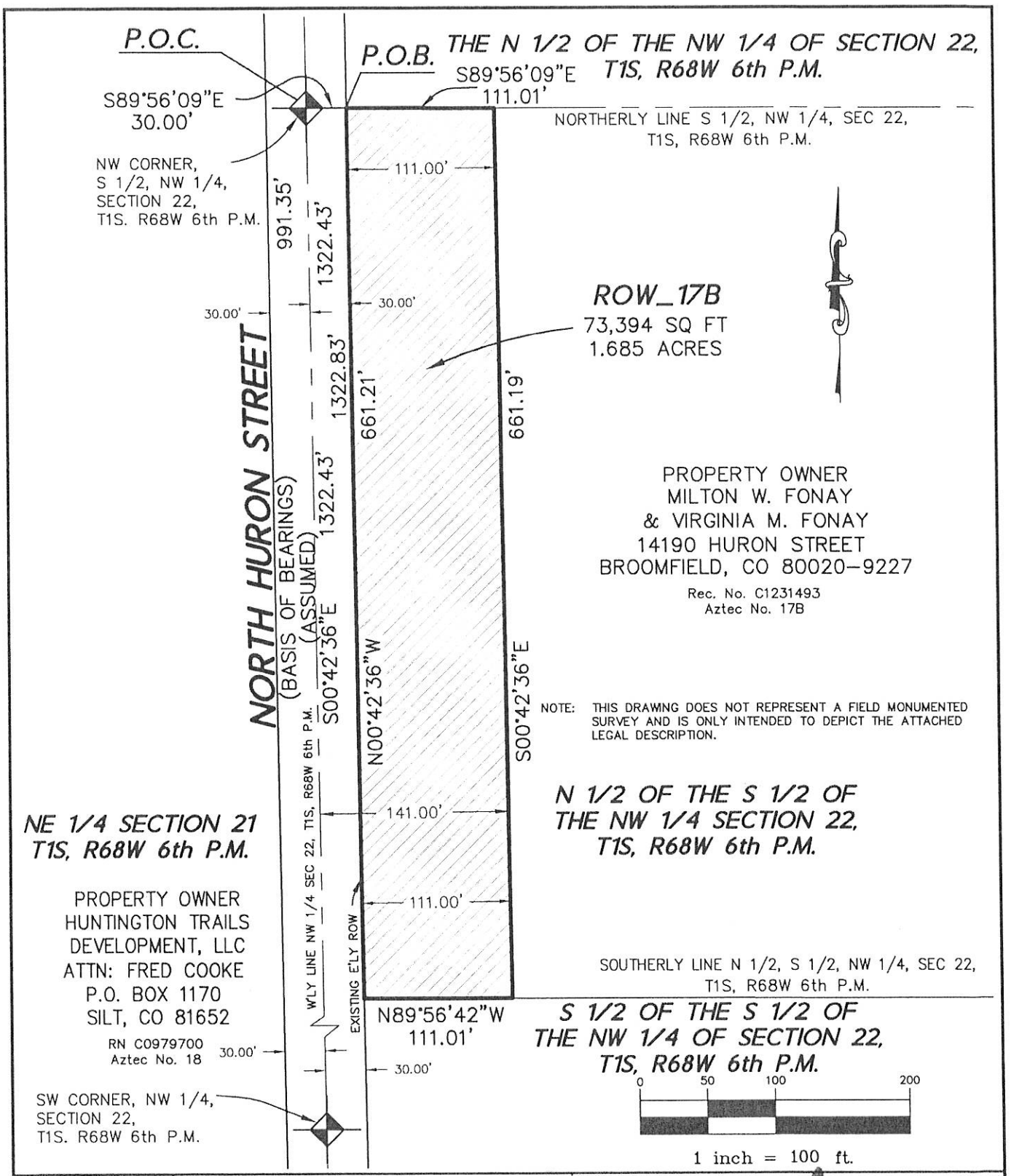
EXHIBIT ATTACHED AND MADE A PART HEREOF.

COLORADO REGISTERED
RICHARD E. BLACK
37915
04-18-05
PROFESSIONAL LAND SURVEYOR

RICHARD E. BLACK
COLORADO PROFESSIONAL LAND SURVEYOR P.L.S. 37915

EXHIBIT A
SHEET 1 OF 2

HURON STREET IMPROVEMENTS
DRAWING EXHIBIT
PARCEL ROW_17B



PATH: P:\30303-01\DWG DWG NAME: ROW_17B-R.DWG DWG: REB CHK: RDS DATE: 4/17/05 SCALE: 1" = 100'	AZTEC CONSULTANTS, inc. 8000 South Lincoln Street, Unit 5 Littleton, Colorado 80122 Phone: (303)713-1898 Fax: (303)713-1897	EXHIBIT A SHEET 2 OF 2 JOB NUMBER 30303-01 OF SHEETS

PROPERTY OWNER: ORCHARD LAKES LLC

RIGHT OF WAY DESCRIPTION FOR THE McKAY OUTFALL & POND:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL C:
COMMENCING AT THE WEST 1/4 CORNER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M.; THENCE SOUTH 89°57'18" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 1843.20 FEET TO THE WESTERLY RIGHT OF WAY OF THE BULL CANAL AND **POINT OF BEGINNING C;**

THENCE NORTH 39°31'54" EAST, ALONG THE WESTERLY RIGHT OF WAY OF SAID BULL CANAL, A DISTANCE OF 58.11 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE 115.53 FEET ALONG THE WESTERLY RIGHT OF WAY OF SAID BULL CANAL, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 35°46'50", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 21°38'29" EAST, 113.66 FEET;

THENCE NORTH 71°08'30" EAST, A DISTANCE OF 23.78 FEET;

THENCE NORTH 77°23'01" EAST, A DISTANCE OF 74.44 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID BULL CANAL AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE 185.42 FEET ALONG THE EASTERLY RIGHT OF WAY OF SAID BULL CANL, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 37°56'32", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 16°32'50" WEST, 182.05 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE NORTH 89°57'18" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 122.20 FEET TO THE **POINT OF BEGINNING C**;

SAID PARCEL C CONTAINS A GROSS AREA OF 17,136 SQUARE FEET (0.39 ACRES), MORE OR LESS.

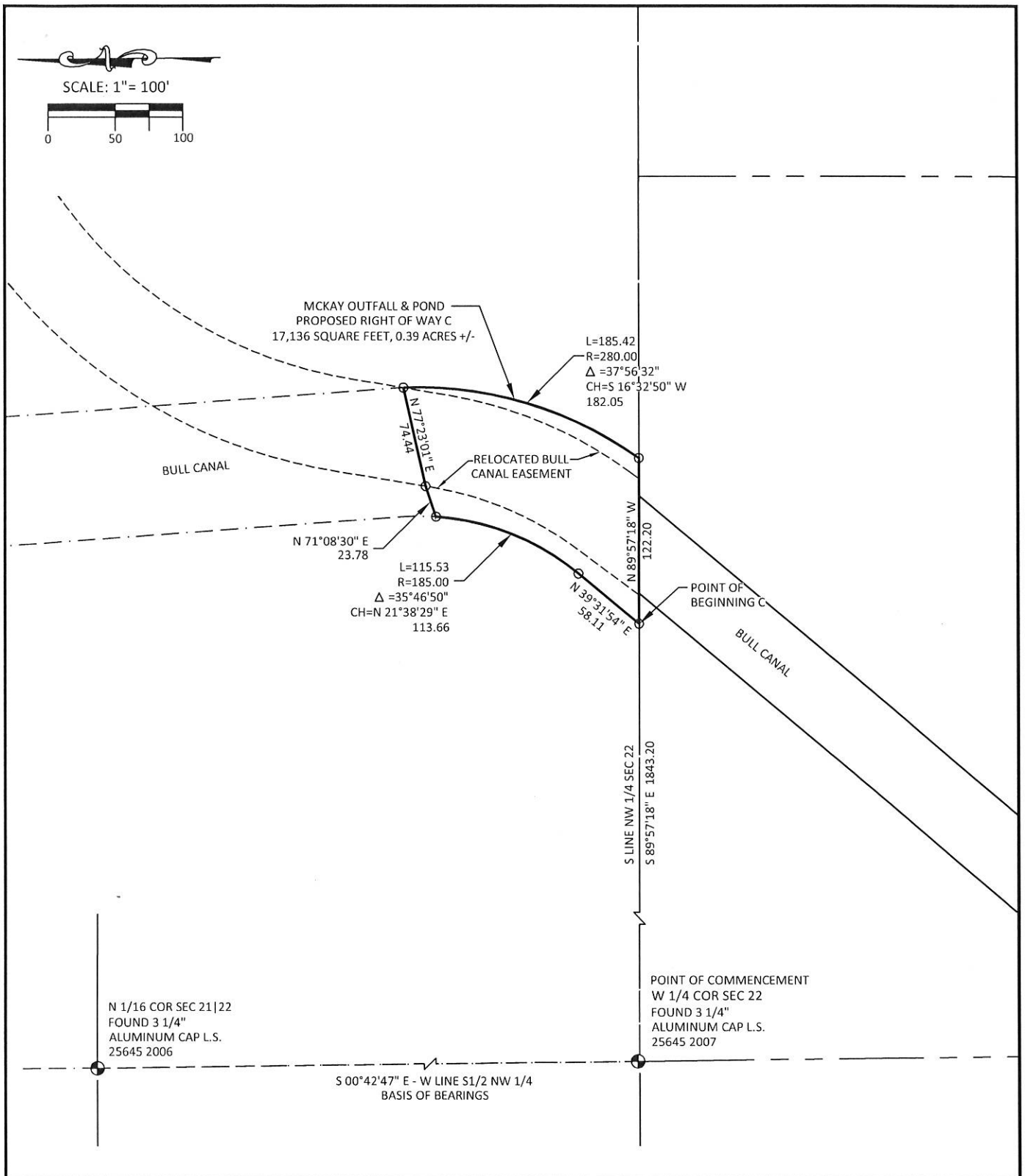
SAID PARCEL C IS SUBJECT TO AN EASEMENT FOR THE RELOCATED BULL CANAL.

BASIS OF BEARINGS: ASSUMED SOUTH 00°42'47" EAST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, SAID LINE BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE NORTH 1/16 CORNER SEC. 21|SEC. 22 AND BY A FOUND 3 ¼" ALUMINUM CAP, L.S. 25645 AT THE WEST ¼ CORNER AS SHOWN HEREON.

Laine A. Landau

LAINE A. LANDAU
COLORADO L.S. 31159
FOR AND ON BEHALF OF WILLIAM H. SMITH & ASSOCIATES, P.C.
219 N. TIMBERLINE RD. SUITE
FORT COLLINS, CO 80524

COLORADO LICENSED
LAINE A. LANDAU
31159
PROFESSIONAL LAND SURVEYOR



WILLIAM H. SMITH & ASSOCIATES P.C. SURVEYING CONSULTANTS 550 EAST SECOND NORTH GREEN RIVER, WY PHONE: 307-875-3638 307-875-3639 www.whsmithpc.com	LOCATION: McKAY OUTFALL & POND RIGHT OF WAY C WITHIN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, OF THE 6TH PM. CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO	ORCHARD LAKES, LLC 310 EAST 5TH STREET LOVELAND, COLORADO 80537
DRAWN BY: LAL / CHECKED BY: LAL		RIGHT OF WAY EXHIBIT
PROJECT NO:WESTMINSTER / JOB NO: 2012.010.00		OWNER: ORCHARD LAKES LLC
REVISIONS:		SCALE: 1"=100'
		DATE: 7/15/2013 / SHEET 4 OF 4

\\CAD1-HP\Data\2012010 - Orchard Parkway Blue Sky\ET-OL-ORCHARD PARKWAY.dwg

WESTMINSTER

Agenda Item 10 F&G

Agenda Memorandum

City Council Meeting
November 11, 2013

SUBJECT: Orchard Parkway - Construction Contract and Construction Engineering Services Contract

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

1. Authorize the City Manager to award the project and execute a contract with Scott Contracting, Inc. in the amount of $7,179,248.95 for the construction of Orchard Parkway between 137th Avenue and 144th Avenue, and 142nd Avenue between Orchard Parkway and Huron Street; and authorize a construction contingency of $300,000.

2. Authorize the City Manager to execute a construction engineering services contract for the Orchard Parkway Project with JR Engineering in the amount of $322,540; and authorize a construction services contingency of $10,000.

Summary Statement

- Over the past several years, property owners have expressed interest in developing the land bounded by 136th Avenue, 144th Avenue, I-25 and Huron Street. The roadway network within this area will cross three different ownerships with each owner being responsible for the construction of the roads abutting their property. Rather than having these roads constructed in segments, the owners requested that the City construct the entire roadway system with the owners then reimbursing the City for the cost of designing and constructing this project. The owners have dedicated the needed rights-of-way to construct all of the facilities, and one ownership, Arizona Gold Properties (AZG), has already paid its share ($2.4M) of the cost of this project.
- The City is able to "front" the cost of these roadway improvements through a recent appropriation of approximately $6.5 million of funds from the Westminster Economic Development Authority (WEDA) into the City's General Capital Improvement Fund. This money, coupled with the AZG cash-in-lieu of improvements payment, provides sufficient funding to construct the project. City staff believes that it is wise strategy to build Orchard Parkway as a single, City-sponsored project in order to demonstrate to potential end-users that the area is ripe for development.
- Requests for bids for the construction of the project were advertised in the Daily Journal for four weeks, and bids were opened on October 24. Five bids were received and opened, and the lowest bidder is Scott Contracting, Inc. with a bid of $7,179,248.95.
- Proposals for Construction Management services were solicited from several design firms with JR Engineering submitting the most qualified proposal of the three firms that responded. Their proposed fee is in the amount of $322,450.
- The proposed construction and design contingencies of $300,000 and $10,000 are appropriate for a project of this size and complexity.

Expenditure Required: $7,811,788.95

Source of Funds: General Capital Improvement Fund – Orchard Parkway Project

Policy Issue

Should the City proceed with the construction of Orchard Parkway as a City-sponsored project with future cost reimbursements to be made by developers of adjacent properties?

Alternative

An alternative to the proposed action is to delay the construction of Orchard Parkway until developers of adjacent properties are positioned to make these improvements themselves. This alternative is not recommended because the recently received bids are favorable, the project is fully funded and the installation of the roadway in a piecemeal fashion would not be desirable. Additionally, the completion of this roadway will likely accelerate the pace of development in the area.

Background Information

For many years, the owners of the properties bounded by I-25, 136th Avenue, Huron Street and 144th Avenue have expressed an interest in developing their properties. In addition, the Saint Anthony North Hospital complex, currently under construction, is increasing the need to complete the infrastructure around this site so it will be functional when the hospital opens in 2014. Orchard Parkway will be the main north-south road serving these properties. This major street will be located half way between I-25 and Huron Street running between 136th Avenue and 144th Avenue. The first segment of the street located between 136th Avenue and the approximate 137th Avenue alignment was constructed several years ago by the developer of the Lowe's building supplies store project. The road will be a two lane facility between 136th Avenue and 142nd Avenue and a four lane facility between 142nd Avenue and 144th Avenue. It will include a raised landscaped median, on-street bicycle lanes and all attendant utilities.

Developers typically construct these improvements abutting their properties. However, in this particular instance the owners have asked the City to construct all of these improvements in a more unified manner. Staff agrees with this approach mainly due to the number of ownerships that are involved. It is likely that the various properties will not be developed within identical time frames, so Orchard Parkway could evolve as a disjointed series of dead end segments if left as a development responsibility. The characteristic that distinguishes Orchard Parkway from almost all other major streets within the City is that no width of roadway whatsoever currently exists between 144th Avenue and the approximate 137th Avenue alignment. This is very different from the evolution of a typical arterial street in which an historic, two-lane facility is incrementally widened by developers along the corridor. In short, Orchard Parkway would not be functional until the last segment is constructed by a developer of any one of the adjacent tracts along the route, and this could take several years to occur.

Once construction of the proposed project is completed, City staff will establish a recovery agreement to obtain reimbursement from each owner of abutting land for the design and construction of the cost of the project. The recovery payment plus accrued interest would be repaid to the City as each property abutting Orchard Parkway develops. One particular owner, AZG, has already paid the City for their portion of the project in the amount of $2.4 million and, therefore, would not be subject to the recovery.

The roadway construction package for this project was advertised in the Daily Journal for four weeks, and bids were opened on October 24. Five contractors submitted bids on this project with the low bid of $7,179,248.95 being submitted by Scott Contracting, Inc. It is recommended that City Council award the construction contract to Scott Contracting, Inc.

The bid results are as follows:

Bidder	**Amount of Bid**
Scott Contracting, Inc	$7,179,248.95
New Design Construction	$7,401,749.35
American West	$7,688,249.70
Edge Contracting	$7,936,884.20
Hudick Excavating, Inc.	$8,286,125.00
Roadway Contract Engineer's Estimate from United Civil Design	$7,296,690.00

To perform engineering construction services on this project, Staff requested proposals from several firms and received responses from WH Pacific, Wilson and Company and JR Engineering. JR's proposal was the most comprehensive and complete, and their final negotiated proposed fee of $322,540 was the lowest of all of the respondents.

Staff has reviewed the results of the bidding procedure and recommends that the low bidder for the roadway contract, Scott Contracting, Inc. be awarded the contract for construction of the project in the amount of $7,179,248.95. Staff is familiar with Scott Contracting, Inc. and are confident that the company will complete this project in a timely and professional manner.

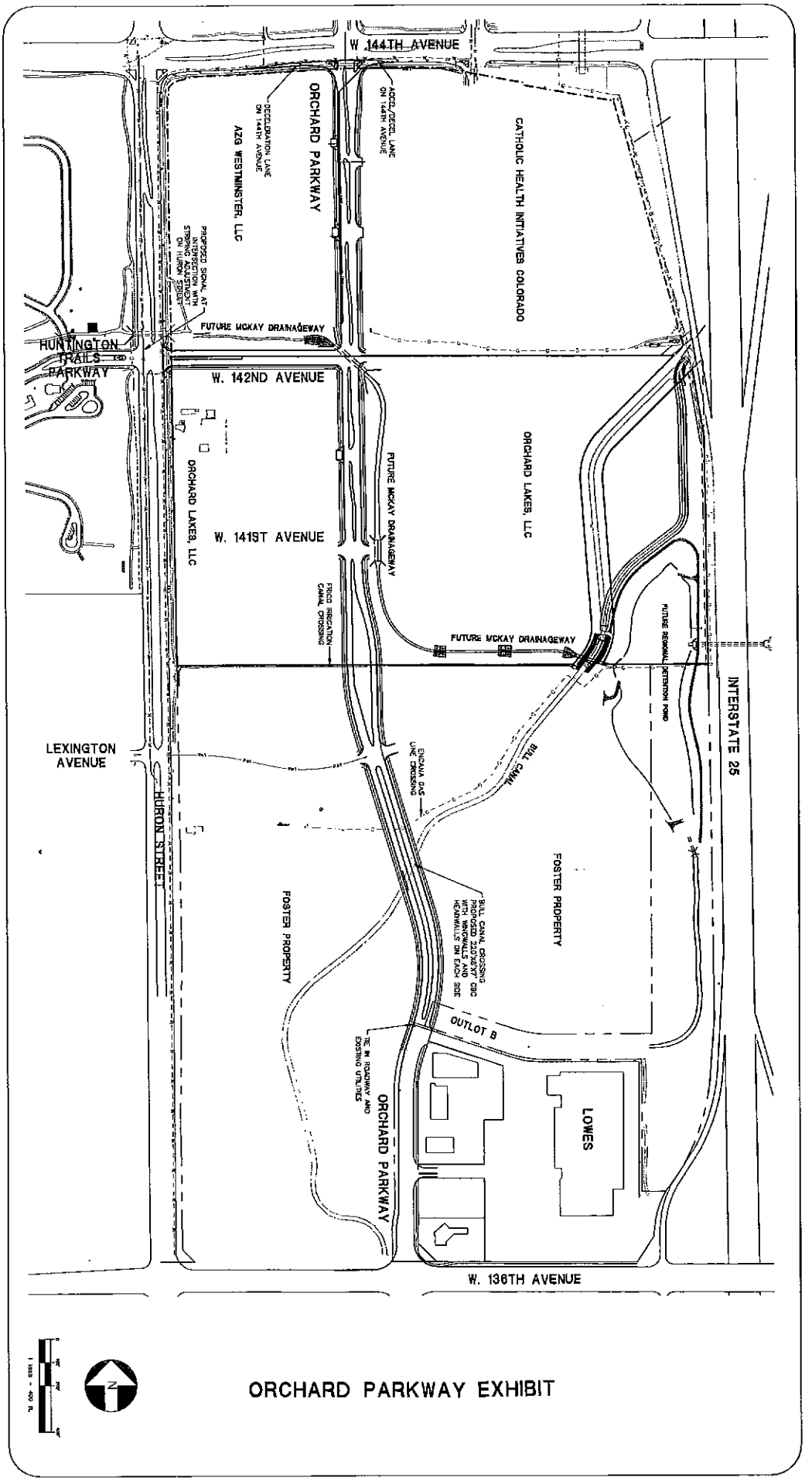
The requested construction contingency of $300,000 is 4.18% of the overall construction budget. This is a reasonable contingency for a project of this size and complexity. The $10,000 construction engineering contingency is also appropriate for this size of project.

The construction of the Orchard Parkway, 137th Avenue to 144th Avenue, and 142nd Avenue, Orchard Parkway to Huron Street, Project fulfills the City Council's goals of providing a Strong, Balanced Local Economy, a Financially Sustainable City Government Providing Exceptional Services, a Safe and Healthy Community, Vibrant Neighborhoods In One Livable Community and a Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Orchard Parkway Exhibit



ORCHARD PARKWAY EXHIBIT

AGENDA

WESTMINSTER HOUSING AUTHORITY
SPECIAL MEETING

MONDAY, November 11, 2013

AT 7:00 P.M.

1. **Roll Call**

2. **Minutes of Previous Meeting** (August 12, 2013)

3. **Public Hearings and New Business**

   A. Resolution No. 54 re Supplemental Appropriation to 2013 Budget

4. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER HOUSING AUTHORITY
MONDAY, AUGUST 12, 2013 AT 7:11 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Winter, and Board Members Atchison, Briggs, Kaiser, Major and Lindsey. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Administrative Secretary.

MINUTES OF PRECEDING MEETING

Board Member Briggs moved, seconded by Kaiser, to approve the minutes of the meeting of January 28, 2013 as written and distributed. The motion carried unanimously.

RESOLUTION NO. 53 AUTHORIZING SUPPLEMENTAL APPROPRIATION TO 2013 BUDGET

Board Member Atchison moved, seconded by Lindsey, to adopt Resolution No. 53 authorizing a supplemental appropriation of $2,200,000 to the 2013 Westminster Housing Authority Budget and transferring the funds to the City's General Capital Improvement Fund, South Westminster TOD Project. On roll call vote, the motion passed unanimously.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 7:12 p.m.

_____
Chairperson

ATTEST:

_____
Administrative Secretary

WHA Agenda Item 3 A

Agenda Memorandum

Westminster Housing Authority
November 11, 2013

SUBJECT: Resolution No. 54 re Supplemental Appropriation to 2013 Budget

Prepared By: Karen Creager, Special Districts Accountant
Tony Chacon, Senior Projects Coordinator

Recommended Board Action

Adopt Resolution No. 54 authorizing a supplemental appropriation of $50,000 to the 2013 Westminster Housing Authority budget.

Summary Statement

- At the time of the 2013 budget adoption, Staff did not foresee the need to provide funding to assist in preparing a development plan for the Northgate Area (aka Pomponio property), located at the southeast corner of 72nd Avenue and Federal Boulevard, given limited developer interest.

- By mid-2013 the area brought heightened interest from the housing development community given the improving Denver Metro housing market and the forthcoming commuter rail station to be built two blocks to the west.

- Meanwhile, impediments relative to the site continue to impede development activity, including the inadequacy of infrastructure and water delivery issues, environmental contamination, and multiple property ownerships.

- Staff believes it highly beneficial for the Westminster Housing Authority (WHA) to assist the City by participating in the preparation of a development plan and implementation strategy for the area to provide guidance on future development and facilitate new development activity as early as late 2014 or early 2015.

- The 2013 WHA budget was approved by the Board on January 14, 2013 providing for only $6,000 in contractual services primarily to operational costs, and which is insufficient to retain needed consulting services to prepare a development plan and strategy.

- Staff is requesting that a supplemental appropriation in the amount of $50,000 be made to the 2013 WHA budget to allow staff proceed with preparation of a development plan and strategy for the Northgate Area.

- Adequate funds for the budget amendment are available from carryover in the WHA account.

Expenditure Required: $50,000

Source of Funds: 2012 WHA Carryover

Policy Issue

Should WHA appropriate funds as set forth in the attached Resolution?

Alternatives

The Board could decide not to appropriate the funds for the planning consulting contract at this time. This is not recommended as a development plan and strategy for the entire Northgate Area is needed to ensure that the area is developed in a manner consistent with the City's vision for the area and facilitates new development activity in the near future.

Background Information

The Northgate Area is an approximate 70-acre development/redevelopment site located south of 72nd Avenue, north of the Burlington Northern Santa Fe Railroad (BNSF) tracks, and east of Federal Boulevard to an existing residential neighborhood and the former Sundstrand plant property, and is comprised of five ownership parcels. Development on the property is currently limited to a small shopping center anchored by the vacant Liborio Market, Nancy's restaurant, a small apartment building, a single family home (Leonard Pomponio residence), Goodwill Industries, AutoZone and a convenience gas station. The vast majority of the area, approximately 40 acres, remains undeveloped.

Staff has been unable to attract new development to the area for a multitude of reasons with a significant factor being a negative perception of the immediate community by developers. Of more significant consequence are the development related issues and impediments directly associated with the land. First, the multiple ownership, combined with conflicting zoning designations and a lack of a vision for the area, has led to disparate development expectations on the part of each property owner. Secondly, a substantial portion of the undeveloped land has groundwater contamination that can ultimately impact decisions on the type and configuration of new development. Thirdly, the lack of infrastructure and water supply issues continue to impede interest in new development. Northgate is currently not in the City of Westminster water utilities service area, but is within the Northgate Water District, which has a contract with Denver Water to provide water. However, required extensive and costly improvements to the main supply line, along with virtually no current financial capacity on the part of the Northgate Water District, make it financially difficult for developers to pursue development.

All of these obstacles and impediments will continue to plague the City's attempts to attract developers. As such, it is in the interest of the City to work towards resolving these issues to the greatest extent possible so as to promote new development. An initial step in this process is to establish a development vision for the entire development area to codify land use allowances and development expectations, and establish a development framework with which the primary utilities needs can be designed. Following up the completion of a visioning plan with a development implementation strategy will then put the area in a stronger position to take advantage of the improving housing market, thereby leading to new development activity within a relatively short period of time.

A prospective developer has expressed an interest in pursuing a single family/townhouse project on a large section of the site south of 70th Avenue and possibly expanding his development interest to property to the north premised on the aforementioned issues being addressed adequately. Given this immediate interest, Staff proposes to proceed with the preparation of a development plan and implementation strategy.

The 2013 WHA budget was approved by the Board on January 14, 2013 providing for only $6,000 in contractual services to primarily cover operational costs. This amount is insufficient to cover the cost of retaining a consultant for this project. Accordingly, Staff is requesting a supplemental appropriation of $50,000 to the 2013 budget that will allow Staff to proceed with preparation of the plans utilizing consulting services. Although WHA currently has no anticipated revenue in 2013 or 2014, there is approximately $145,420 of 2012 carryover earmarked for operating needs that is available to fund the request and maintain funding for 2014 WHA operations.

The prospective developer has agreed to provide an additional minimum of $50,000 of his own funds to be matched with the WHA contribution, and expects to pay upwards of another $200,000 - $300,000 in private investment towards completing full planning and zoning entitlements for a development project. With completion of the plan and implementation strategy, and pending the prospective developer's success in negotiating a land purchase(s), the developer anticipates commencing with construction on new single family homes and townhouses by late 2014 or early 2015.

The supplemental appropriation request is consistent with and in support of the City of Westminster Strategic Plan goals of "Vibrant Neighborhoods in One Livable Community" by facilitating new development activity in the South Westminster Revitalization Area, and "Strong, Balance Local Economy" by supporting new development that will eventually generate higher wage earning households and new businesses that will enhance revenue generation.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachment - Resolution

WESTMINSTER HOUSING AUTHORITY

RESOLUTION NO. **54** INTRODUCED BY BOARD MEMBERS

SERIES OF 2013 _____

2013 BUDGET SUPPLEMENTAL APPROPRIATION

WHEREAS, the Westminster Housing Authority (the "Authority") is a political subdivision of the State of Colorado, duly organized, existing, and acting pursuant to C.R.S. section 29-4-201 et seq. (the "Act"), and

WHEREAS, the Authority was created to carry out the purposes of a public housing authority pursuant to the Act; and

WHEREAS, the Authority adopted an operating budget for the fiscal year (FY) 2013 on January 14, 2013; and

WHEREAS, there are carryover funds available from 2012 to cover consulting costs related to a development plan for the Northgate Area; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Housing Authority: The $50,000 budget increase shall be allocated to WHA Expenditure accounts as described below.

The adjustments will amend the budget accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2600.40020.0000	$2,217,500	$50,000	$2,267,500
Total Change to Revenues			$50,000	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contractual Services	26010900.67800.0000	$6,000	$50,000	$56,000
Total Change to Expenses			$50,000	

The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED 11th day of November, 2013.

ATTEST:

_____
Chairperson

_____
Secretary