Agenda for the
Regular Meeting of the
Englewood City Council
Monday, October 7, 2013
7:30 pm

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

5. Consideration of Minutes of Previous Session.
   a. Minutes from the Regular City Council Meeting of September 16, 2013.

6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
   a. Fire Chief Andrew Marsh will be present to recognize two young Englewood students, Jacob Riner and Ian Lujan, for their actions during an emergency situation.
   b. Daniel Alley of the Englewood Fire Department and a representative of the Muscular Dystrophy Association will be on hand to thank Council for their continuing support.

7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment
8. Communications, Proclamations, and Appointments.

9. Consent Agenda Items.
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 53 – Recommendation from the Utilities Department to approve a bill for an ordinance authorizing a Wastewater Connector’s Agreement with the City of Sheridan Sanitation District. **Staff Source: Stewart H. Fonda, Director of Utilities.**
      ii. Council Bill No. 54 – Recommendation from the Utilities Department to approve a bill for an ordinance approving a Wastewater Collection System Maintenance Standard Agreement with the City of Sheridan. **Staff Source: Stewart H. Fonda, Director of Utilities.**
   b. Approval of Ordinances on Second Reading.
   c. Resolutions and Motions.

10. Public Hearing Items. (None scheduled.)

11. Ordinances, Resolutions and Motions
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 52 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance establishing the 2013 Mill Levy to be collected in 2014. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
      ii. Council Bill No. 50 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance adopting the City of Englewood Budget for Fiscal Year 2014. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
      iii. Council Bill No. 51 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance appropriating funds for the City of Englewood for Fiscal Year 2014. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
      iv. Council Bill No. 48 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance adopting the Budget for the Littleton/Englewood Wastewater Treatment Plant for Fiscal Year 2014. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
v. Council Bill No. 49 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance appropriating funds for the Littleton/Englewood Wastewater Treatment Plant for 2014. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**

b. Approval of Ordinances on Second Reading.

i. Council Bill No. 21, approving the proposed Navajo Apartments Planned Unit Development.

c. Resolutions and Motions.

i. Recommendation from the Community Development Department to adopt a resolution authorizing Community Development Block Grant Application for FY2014. **Staff Source: Harold Stitt, Senior Planner and Janet Grimmett, Housing Finance Specialist.**

ii. Recommendation from the Fire Department to adopt a resolution establishing a Fire Fee Schedule. **Staff Source: Andrew Marsh: Fire Chief and Laura Herblan, Fire Marshal.**

12. General Discussion.

a. Mayor’s Choice.

b. Council Members’ Choice.


15. Adjournment.
COUNCIL COMMUNICATION

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<td>City of Sheridan Sanitation District Connector's Agreement</td>
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INITIATED BY
Utilities Department

STAFF SOURCE
Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION


RECOMMENDED ACTION

At their August 13, 2013 meeting the Englewood Water and Sewer Board recommended Council approval of the City of Sheridan Wastewater Connector's Agreement.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

Sanitary sewer service is provided to districts outside of the Englewood corporate boundaries through the standard connector’s agreement. The Littleton/Englewood Wastewater Treatment Plant is able to receive and treat sewage transmitted by various districts. The attached agreement addresses this service with the district that owns and maintains the sewer mains.

In the City of Sheridan Sanitation District there are approximately 2,000 taps. The City of Sheridan Sanitation District will continue to own the lines and will be responsible for capital improvements in its system. The attached map shows the City of Sheridan Sanitation District boundaries.

The City Attorney’s office has reviewed and approved the standard Connector’s Agreement.

FINANCIAL IMPACT

None.

LIST OF ATTACHMENTS

Minutes from the August 13, 2013 Water and Sewer Board meeting
Proposed Bill for Ordinance
Present: Oakley, Wiggins, Habenicht, Waggoner, Woodward, Burns, Lay, Penn
Absent: Moore, Olson
Also present: Stu Fonda, Director of Utilities, John Bock, Utilities Manager

The meeting was called to order at 5:04 p.m.

1. MINUTES OF THE JULY 9, 2013.

The Board approved the Minutes of the July 9, 2013 Water Board meeting
Motion: To approved the Minutes of the July 9, 2013 Water Board meeting.
Moved: Burns Seconded: Habenicht

Motion approved unanimously.

2. GUEST: BEN NIELSEN, MCLAUGHLIN WATER – UNION AVENUE BIKE PATH.

Ben Nielsen from McLaughlin Water Design Group in River Run Park Project appeared to discuss the proposed Union Avenue Bike Path next to the Englewood raw water intake facility north of Union Avenue. Accommodations for the Union Ave. pump station intersecting bike path were discussed.

The Colorado Water Conservation Board is requesting concept approval and easements for the proposed trail through the property owned by the City of Englewood at the raw water intake facility. The trail is 10’ wide and will cross under Union Ave. South Suburban will operate and maintain the trail. Gates will be constructed to close for routine and emergency maintenance.

Motion: To approve project concept and a Grant of Easement to South Suburban Parks for the Regional Trail Extension at the Englewood Water Intake Facility at Union Avenue, per City Attorney’s approval.
Moved: Burns  Seconded: Waggoner

Motion approved unanimously.

3. OVERPAYMENT FROM CLOSING – 3226 S. CORONA ST.

John Bock appeared to discuss the issue where a title company sent a $200 payment for anticipated water and sewer charges for 3226 S. Corona St. When the final meter reading was figured, the final bill was zero. The amount paid became a credit balance with no further communication from buyer or seller for two months.

Staff denied the request from the seller for a refund because refunds can only be granted to existing owners. This is an informational item for the Board in the event the seller, realtor or title company appeal staff's decision. The previous owner called on August 12, 2013 and was told to call and discuss the issue with the title company.

4. ENGLEWOOD WATER CONSERVATION PLAN COMMENTS AND RESPONSES.

The Board received the 2013 Water Conservation Plan Comments and Responses approved by the consultant. The published legal notice and a water rate comparison for Englewood/Denver water charges were also included. The comments and responses will be forwarded to City Council with the final draft of the water conservation plan. After Council approval it will be forwarded to the State for approval.

Motion: Recommend Council approval of the final draft of the 2013 Englewood Water Conservation Plan.

Moved: Habenicht  Seconded: Lay

Motion passed unanimously.

5. WASTEWATER COLLECTION SYSTEM MAINTENANCE STANDARD AGREEMENT FOR THE CITY OF SHERIDAN SANITATION DISTRICT.

The Englewood Utilities Department currently performs sewer maintenance services for the City of Cherry Hills Village, South Englewood Sanitation District and the City of Sheridan. The purpose of the Wastewater Collection System Maintenance Standard Agreement form is to standardize these agreements. The maintenance agreements enable Englewood to perform maintenance of adjacent districts that are too small to fund their own maintenance program.
This also provides a uniform standard of service for adjacent sanitation districts and insures that lines are flushed at least once a year.

Motion: To recommend Council approval of the Wastewater Collection System Maintenance Standard Agreement for City of Sheridan.

Moved: Waggoner Seconded: Burns

Motion approved unanimously.

6. SHERIDAN SANITATION DISTRICT NO. 1 CONNECTOR’S AGREEMENT.

The Littleton/Englewood Wastewater Treatment Plant is able to receive and treat sewage transmitted by various districts. The agreement addresses this service with the district that owns and maintains the sewer mains. The City of Sheridan has approximately 51 taps and will continue to own the lines and be responsible for capital improvements to its system.

Motion: To recommend Council approval of the City of Sheridan Wastewater Connector’s Agreement.

Moved: Waggoner Seconded: Habenicht

Motion approved unanimously.

7. DESIGN AND REPAIR OF 3MG STORAGE TANKS.

Tom Brennan appeared to discuss the design and repair of the 3mg storage tank roofs project. The Board received a proposal from Wiss, Janney, Elstner Engineers (WJE) regarding scope of services proposed for the Phase 3 Roof Structure Rehabilitation and New Roof Design in the amount of $49,500. WJE evaluated various alternatives for the retrofit of the roof slab on the west tank at the S. Clarkson water storage facility. WJE was responsible for the engineering for the first two phases.

Motion: To recommend City Manager approval of the Scope of Services for WJE for the 3 mg roof structure rehabilitation in the amount of $49,500.

Moved: Lay Seconded: Burns

Motion approved unanimously.
8. CHANGE ORDER #02 FOR UV DISINFECTION FACILITY.

Tom Brennan appeared to discuss Change Order #02 that was requested by Asian Construction for the UV Disinfection Project. The change order will cover a tee wall to accommodate the clearwell bypass pipe, materials and installation of two additional 1" conduits along with other minor modifications.

The total cost for Change Order #02 is $46,668.78. The UV project bid was $500,000 below the $4.5 mission budgeted. The change order will be funded by the original UV project account. Completion date of the UV project is expected to be mid to late September, 2013. The section of West Layton Ave. in front of the water plant will be milled and overlayed in early September.

Motion: To recommend City Manager approval of Change Order #02 for the UV Disinfection Project to Asian Construction in the amount of $46,668.78.

Moved: Waggoner Seconded: Habenicht

Motion approved unanimously.

9. LINDSAY MARSH – 4344 S. WASHINGTON ST.

The Board received an update on the delinquent account at 4344 S. Washington St. where the water is turned back on after numerous notices, red-tags and repeated turn-offs. Repeated attempts to contact Ms. March has resulted in no response. After Officer Read left her a phone message on July 29, she returned his call and promised to pay her past due bill. As of August 13, 2013 Ms. Read has not paid. Since this is a violation of the Englewood Municipal Code, the impact team will be ticketing Ms. Marsh.

The Board received copies of the form letters, “Termination of Water Service - Notice of Violation,” and “Broken Sidewalk Water Valve – Notice of Violation.” These forms will be used in future for delinquent accounts where the curb stop is inoperable and/or where the customer turns the water back on after it was turned off for non-payment.

10. ALLEN WATER TREATMENT PLANT RESIDUALS MANAGEMENT AND DISPOSAL EVALUATION.

The Board received a letter from Arcadis outlining potential options for the management and disposal of treatment residuals generated at the Allen Water Treatment Plant that have elevated concentrations of radionuclides. The labor and fee estimate for evaluation of discharging residuals to a waste disposal facility versus discharging residuals to the sewer is $81,670. Aracadis’ first task is for $45,950 for evaluation of discharging residuals to the sewer, and the second is for $35,720 for evaluation of existing waste disposal facilities. Staff recommended proceeding with both options. The City of Aurora may participate financially with task #2.
Motion: To recommend City Manager or Council approval of the Arcadis proposal in the amount of $81,670 for evaluation of discharging residuals to a waste disposal facility versus discharging to the sewer. The City Manager may sign as two contracts or forward together to Council.

Moved: Burns Seconded: Waggoner

Motion approved unanimously

11. COLUMBINE SANITATION DISTRICT SUPPLEMENT #5.

The landowner, Taylor Morrison of Colorado is requesting inclusion into the Columbine Water and Sanitation District and Valley Sanitation District. Supplement #5 is for 31 taps for a residential development consisting of 31 patio homes, all located on approximately 9.63 acres. The property is located on the southeast corner of W. Bowles Ave. and Middlefield Road in the town of Columbine Valley. The name of the development is The Cottages at Columbine Valley, currently the Wolf property.

Motion: To recommend Council approval of a Bill for an Ordinance approving Columbine Sanitation District Supplement #5 for Taylor Morrison of Colorado, Inc.

Moved: Waggoner Seconded: Burns

Motion approved unanimously.

STATEMENT FROM DAVID HILL, WATER ATTORNEY.

The Board received David Hill's water rights communication dated August 8, 2013. Mr. Hill's review discussed what is happening in cases with United Water and East Cherry Creek Valley and Bebe Draw.

Meeting adjourned at 6:50 p.m.

The next Englewood Water Board meeting will be Tuesday, September 10, 2013 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage
Recording Secretary
WATER & SEWER BOARD

PHONE VOTE - WEDNESDAY, SEPTEMBER 3, 2013

Phone Vote Roll Call.

Contacted: Clyde Wiggins, Chuck Habenicht, Tom Burns, Kells Waggoner, Jim Woodward, Linda Olson, Jo Lay, Wayne Oakley, John Moore, Randy Penn

1. MINUTES OF THE AUGUST 13, 2013 MEETING.

Motion: Approve minutes of the August 13, 2013 Water and Sewer Board meeting.

Moved: Waggoner Seconded: Penn

Motion passed unanimously.

The next Water and Sewer Board meeting will be Tuesday, October 8, 2013 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage
Recording Secretary
BY AUTHORITY

ORDINANCE NO. SERIES OF 2013 COUNCIL BILL NO. 53
INTRODUCED BY COUNCIL MEMBER

A BILL FOR

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL WASTEWATER CONNECTOR’S AGREEMENT BETWEEN THE CITY OF SHERIDAN AND THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood owns and operates a sewage system, including a sewage treatment plant which is jointly owned and operated with the City of Littleton known as the L/E Wastewater Treatment Plant (WWTP); and

WHEREAS, the L/E WWTP provides sanitary sewer service to districts outside of the Englewood corporate boundaries through a standard connector’s agreement; and

WHEREAS, the City of Sheridan desires to utilize the L/E WWTP for treatment of the City’s sewage; and

WHEREAS, the City of Sheridan has approximately 2,000 taps; and

WHEREAS, the L/E WWTP is situated physically as to be able to receive and treat the sewage from a designated area served by the City of Sheridan and gathered by its sanitary sewage system; and

WHEREAS, the City of Sheridan will continue to own the lines and will be responsible for capital improvements and maintenance in its system; and

WHEREAS, the Englewood Water and Sewer Board reviewed and recommended approval of the City of Sheridan Wastewater Connector’s Agreement at the August 13, 2013 meeting;

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

Section 1. The Intergovernmental Agreement between the City of Englewood and the City of Sheridan entitled “Wastewater Connector’s Agreement for the City of Sheridan, Colorado” is hereby approved; a copy is attached hereto as Exhibit 1.

Section 2. The Mayor is authorized to execute and City Clerk to attest and seal the Intergovernmental “Wastewater Connector’s Agreement For the City of Sheridan”, for and on behalf of the Englewood City Council.
Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of October, 2013.

Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

__________________________
Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

__________________________
Loucrishia A. Ellis
WASTEWATER CONNECTOR'S AGREEMENT
For the City of Sheridan, Colorado

Sewer Contract No. __________

THIS AGREEMENT, made and entered into this ________ day of ________, 20__ to be effective as of October 22, 2013 by and between the CITY OF ENGLEWOOD, COLORADO, a municipal corporation, hereinafter referred to as "City," acting by and through its duly elected, qualified and authorized Mayor and City Clerk, and the CITY OF SHERIDAN, a municipal corporation of the State of Colorado, hereinafter called "Sheridan," acting by and through its authorized Mayor and City Clerk.

WITNESSETH

WHEREAS, the City owns and operates a sewage system, including a sewage treatment plant which is jointly owned and operated with the City of Littleton, so situated physically as to be able to receive and treat the sewage from a designated area served by Sheridan and gathered by Sheridan's sanitary-sewage system; and

WHEREAS, it is the desire of Sheridan to utilize the facilities owned by the City for the treatment of sewage and the City is willing to serve designated area of Sheridan for treatment of sewage under certain conditions;

NOW, THEREFORE, IN CONSIDERATION of the promises and for other good and valuable consideration hereinafter set forth, it is mutually agreed by the parties as follows:

1. The City hereby agrees under the conditions hereinafter set forth, to treat the sewage originating from Sheridan's sanitary sewer system within the area served by Sheridan as approved by the City and as indicated in the description attached hereto, incorporated herein and marked as "Exhibit A."

Sheridan specifically agrees to prevent sewage from any area other than that described herein, from being discharged into Sheridan's sanitary sewage system connected to the City's trunk line and to prevent connections to the system from or in any area other than those described herein.

2. In the operation of Sheridan's sanitary sewer system, Sheridan agrees that all applicable Code provisions and rules and regulations of the City, including amendments thereto during the term of the contract, shall be the minimum standards for Sheridan's system. Sheridan further agrees to abide by all applicable state and federal laws, rules, regulations, or permits, including those of the Environmental Protection Agency (the EPA) as they become effective or implemented or upon notice from the City. Sheridan shall inform all users, contractors and subcontractors of such standards, rules and regulations upon inquiry from such persons, and shall not furnish any information inconsistent therewith. In this regard, it shall be the responsibility of Sheridan to obtain the applicable requirements from the appropriate governing body. The City shall attempt to maintain and provide information on all requirements to Sheridan; however, the City
does not guarantee the accuracy or completeness of government regulations other than the City's own regulations.

3. Regarding the provision of sewer service, the City's permitting requirements shall be followed by Sheridan and its users. All sewer plans, specifications and methods of work within Sheridan shall be submitted to the City in writing and approved by the City prior to any construction or tap in Sheridan's designated area. No permit shall be final and no service shall be provided to property until construction is approved, in writing by the City.

4. Sheridan shall be responsible for the proper maintenance of its sewer system and shall rectify any problems or conditions which have been determined by Sheridan or the City to be detrimental to the City's treatment process or system. Should the City determine that any discharge enters the sewer system contrary to applicable laws, ordinances, statutes, rules, regulations or permits, Sheridan agrees to proceed at once to take whatever lawful means may be necessary to rectify any such problem or condition.

5. The City shall have the right to allocate service under this Contract, and the City may deny additional service for any utility-related reason, but in no event will the City terminate or refuse any service without cause. The City shall have the right to disconnect service to any area annexed by Sheridan when such annexation takes place without prior written City approval.

Within one year of this agreement, Sheridan shall provide the City with an estimate of the number of equivalent service taps needed for the next five (5) years under current zoning and planned build out in Sheridan's area as shown on Exhibit A. Sheridan shall continue to monitor zoning changes within its area to estimate its tap requirements and provide the City with notice of tap requirements for the next five (5) year period of time which shall be given to the City on each anniversary date of this Agreement in a form satisfactory to the City.

6. The City may impose and collect reasonable fees, tolls and charges, which shall be uniform as to all outside-City users for the services provided by the City under this Connector's Agreement.

The City shall bill Sheridan users directly for all applicable City charges for services rendered under this Agreement. Should any user not pay the City, the City shall bill Sheridan and Sheridan shall pay the amount due to City within forty-five (45) days of such billing. These charges are subject to adjustment by the City from time to time. When such adjustment to these charges are made, the City shall give Sheridan forty-five (45) days advance written notice.

The City may bill and collect "District Charges" imposed by Sheridan as an additional item to be billed and collected by the City along with the City's Treatment charge and other fees. The "District Charges" received by the City shall be remitted by the City to Sheridan annually; less an amount equal to the City and Sheridan charges which remain delinquent. Sheridan shall notify the City of any changes in the "District charges" to be imposed and the remittance schedule before May 1st of each year.

7. Subject to the terms of the Taxpayer's Bill of Rights (TABOR), Article XX, Section 10 or the Colorado Constitution, the term of this Agreement is for a period of three (3) years
from the date of execution and automatically renews for six (6) subsequent three (3) year periods unless either party gives a minimum of six (6) months written notice, during which time Sheridan agrees that all effluent produced from taps within Sheridan shall not be in violation of any federal, state or City laws, rules or regulations, or any other applicable governmental regulations or the permits under which the City operates its sewage treatment system. The City agrees, during the term hereof, to treat said effluent and to maintain adequate facilities for treating the same.

8. Sheridan agrees that it will maintain, at its own expense, all lines now owned and operated by Sheridan, it being specifically agreed that the City assumes no responsibility should any of Sheridan’s lines become clogged, damaged, or require maintenance. Sheridan shall, if it deems necessary, notify its users of Sheridan’s procedure to remedy service disruption.

9. The City is providing only sewage treatment service and, pursuant thereto; incidental use of the City’s sewage lines shall be governed only by this individual contract with Sheridan and the City does not, by this Contract, offer treatment service except in strict accordance with the terms hereof. This Contract does not offer, and shall not be construed as offering, sewage treatment service to the public generally or to any area outside the limits of Sheridan’s service area described in Exhibit A.

10. This Contract may not be assigned, sold or transferred by Sheridan without the City’s written consent.

11. Should any federal law, rule, permit or regulation or should a decree or order of a court render void or unenforceable any provision of this Contract, in whole or in part, the remainder shall remain in full force and effect.

12. Sheridan shall enforce this Agreement and each of its terms and conditions within the area described in “Exhibit A.” Sheridan shall refuse to serve a user or potential user; disconnect the service of any user pursuant to appropriate law; or take other appropriate action in the event of:

   a. Nonpayment of such user of any charge made by the City for services;
   b. Any violation or noncompliance by such user with the terms of this Agreement;
   c. Any violation or noncompliance by such user with the applicable laws, rules, permits or regulations of the City, the United States government, including the EPA, the State of Colorado, the Department of Health, or other law, rule, permit or applicable regulation.

13. Continued breach of this Agreement by Sheridan and/or its users shall be considered cause for the City to terminate this Agreement. Should Sheridan fail to promptly rectify a breach of any provisions identified herein, after notice thereof, the City may take such steps and do such work as it deems necessary to enforce this Agreement, including litigation and specifically a right to injunction or specific performance against Sheridan or any of its users as is necessary to protect the City’s system and operations. The prevailing party shall be entitled to expenses and costs of suit, including attorney fees.
14. Should more than one district be connected to a sewer line, all districts on the sewer line who are in breach of this Agreement shall be jointly and severally liable for any such breach of this Agreement and each such district shall immediately, after notice, rectify any problem or condition detrimental to the treatment process arising within its legal boundaries. When more than one district is connected to a sewer line, and the City discovers any violation of the terms of this connector’s agreement; the City shall not be required to prove which district is at fault but shall make available to all such affected districts all information developed or accumulated by the City pertaining to such breach. Nothing contained herein shall preclude a claim for indemnity or contribution by any District against another District or city connected to a common sewer line. C.R.S. 13-21-111.5, as amended shall govern the percentage of liability of any district or city on a common sewer line in the event the City seeks to impose liability based upon negligence or fault.

15. This Contract shall not be used as a legal defense or prohibition to the mandatory consolidation of facilities by either party as may be required by the laws of the State of Colorado of all existing sewer collection systems and facilities to a governmental entity created to assume responsibility for sewer service in the area in which both the City and State are a part under statutory or constitutional authority.

CITY OF ENGLEWOOD, COLORADO

______________________________
Randy P. Penn, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk
THE CITY OF SHERIDAN

[Signature], Mayor

ATTEST:

[Signature], City Clerk

CITY OF SHERIDAN
STATE OF COLORADO

CITY SEAL
The accuracy of the data within this map is not to be taken used as data produced by a Registered Professional Land Surveyor for the State of Colorado. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on the ground survey and represents only the approximate relative location of property boundaries.
COUNCIL COMMUNICATION

Date          Agenda Item          Subject
October 7, 2013 9 a ii            Wastewater Collection System
                                      Maintenance Standard
                                      Agreement for City of Sheridan

INITIATED BY
Utilities Department

STAFF SOURCE
Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council approved a standard sanitary sewer connector’s agreement in January 1988.

RECOMMENDED ACTION

At their August 13, 2013 meeting the Englewood Water and Sewer Board recommended Council approval of the City of Sheridan Wastewater Collection System Maintenance Standard Agreement.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The maintenance agreements are to enable Englewood to perform sewer maintenance on adjacent districts that are too small to fund their own maintenance program. By having a larger service area, the additional revenue allows Englewood to purchase better equipment, which also benefits the inside City residents. This also provides a uniform standard of service for the adjacent sanitation districts and insures that lines are flushed at least once a year.

Englewood currently performs sewer maintenance services for the City of Cherry Hills Village, South Englewood Sanitation District and the City of Sheridan. The purpose of the proposed Wastewater Collection System Maintenance Standard Agreement form is to standardize these agreements.

Other districts, like Southgate are large enough to have their own maintenance crews or contract their maintenance with an established private company. In the agreement the districts will continue to own the mains in their district and be responsible for capital improvements.

FINANCIAL IMPACT

Englewood bills and collects inside City sewer rates from these outside district customers, which include maintenance fees.

LIST OF ATTACHMENTS

Minutes from the August 13, 2013 Water and Sewer Board meeting
Proposed Bill for Ordinance
WATER & SEWER BOARD
MINUTES
TUESDAY, AUGUST 13, 2013

Present: Oakley, Wiggins, Habenicht, Waggoner, Woodward, Burns, Lay, Penn
Absent: Moore, Olson
Also present: Stu Fonda, Director of Utilities, John Bock, Utilities Manager

The meeting was called to order at 5:04 p.m.

1. MINUTES OF THE JULY 9, 2013.

The Board approved the Minutes of the July 9, 2013 Water Board meeting

Motion: To approved the Minutes of the July 9, 2013 Water Board meeting.
Moved: Burns Seconded: Habenicht

Motion approved unanimously.

2. GUEST: BEN NIELSEN, MC LAUGHLIN WATER – UNION AVENUE BIKE PATH.

Ben Nielsen from McLaughlin Water Design Group in River Run Park Project appeared to discuss the proposed Union Avenue Bike Path next to the Englewood raw water intake facility north of Union Avenue. Accommodations for the Union Ave. pump station intersecting bike path were discussed.

The Colorado Water Conservation Board is requesting concept approval and easements for the proposed trail through the property owned by the City of Englewood at the raw water intake facility. The trail is 10' wide and will cross under Union Ave. South Suburban will operate and maintain the trail. Gates will be constructed to close for routine and emergency maintenance.

Motion: To approve project concept and a Grant of Easement to South Suburban Parks for the Regional Trail Extension at the Englewood Water Intake Facility at Union Avenue, per City Attorney's approval.
Moved: Burns Seconded: Waggoner

Motion approved unanimously.

3. OVERPAYMENT FROM CLOSING – 3226 S. CORONA ST.

John Bock appeared to discuss the issue where a title company sent a $200 payment for anticipated water and sewer charges for 3226 S. Corona St. When the final meter reading was figured, the final bill was zero. The amount paid became a credit balance with no further communication from buyer or seller for two months.

Staff denied the request from the seller for a refund because refunds can only be granted to existing owners. This is an informational item for the Board in the event the seller, realtor or title company appeal staff’s decision. The previous owner called on August 12, 2013 and was told to call and discuss the issue with the title company.

4. ENGLEWOOD WATER CONSERVATION PLAN COMMENTS AND RESPONSES.

The Board received the 2013 Water Conservation Plan Comments and Responses approved by the consultant. The published legal notice and a water rate comparison for Englewood/Denver water charges were also included. The comments and responses will be forwarded to City Council with the final draft of the water conservation plan. After Council approval it will be forwarded to the State for approval.

Motion: Recommend Council approval of the final draft of the 2013 Englewood Water Conservation Plan.

Moved: Habenicht Seconded: Lay

Motion passed unanimously.

5. WASTEWATER COLLECTION SYSTEM MAINTENANCE STANDARD AGREEMENT FOR THE CITY OF SHERIDAN SANITATION DISTRICT.

The Englewood Utilities Department currently performs sewer maintenance services for the City of Cherry Hills Village, South Englewood Sanitation District and the City of Sheridan. The purpose of the Wastewater Collection System Maintenance Standard Agreement form is to standardize these agreements. The maintenance agreements enable Englewood to perform maintenance of adjacent districts that are too small to fund their own maintenance program.
This also provides a uniform standard of service for adjacent sanitation districts and insures that lines are flushed at least once a year.

Motion: To recommend Council approval of the Wastewater Collection System Maintenance Standard Agreement for City of Sheridan.

Moved: Waggoner Seconded: Burns

Motion approved unanimously.

6. SHERIDAN SANITATION DISTRICT NO. 1 CONNECTOR'S AGREEMENT.

The Littleton/Englewood Wastewater Treatment Plant is able to receive and treat sewage transmitted by various districts. The agreement addresses this service with the district that owns and maintains the sewer mains. The City of Sheridan has approximately 51 taps and will continue to own the lines and be responsible for capital improvements in its system.

Motion: To recommend Council approval of the City of Sheridan Wastewater Connector's Agreement.

Moved: Waggoner Seconded: Habenicht

Motion approved unanimously.

7. DESIGN AND REPAIR OF 3MG STORAGE TANKS.

Tom Brennan appeared to discuss the design and repair of the 3mg storage tank roofs project. The Board received a proposal from Wiss, Janney, Elstner Engineers (WJE) regarding scope of services proposed for the Phase 3 Roof Structure Rehabilitation and New Roof Design in the amount of $49,500. WJE evaluated various alternatives for the retrofit of the roof slab on the west tank at the S. Clarkson water storage facility. WJE was responsible for the engineering for the first two phases.

Motion: To recommend City Manager approval of the Scope of Services for WJE for the 3 mg roof structure rehabilitation in the amount of $49,500.

Moved: Lay Seconded: Burns

Motion approved unanimously.
8. CHANGE ORDER #02 FOR UV DISINFECTION FACILITY.

Tom Brennan appeared to discuss Change Order #02 that was requested by Aslan Construction for the UV Disinfection Project. The change order will cover a tee wall to accommodate the clearwell bypass pipe, materials and installation of two additional 1" conduits along with other minor modifications.

The total cost for Change Order #02 is $46,668.78. The UV project bid was $500,000 below the $4.5 million budgeted. The change order will be funded by the original UV project account. Completion date of the UV project is expected to be mid to late September, 2013. The section of West Layton Ave. in front of the water plant will be milled and overlayed in early September.

Motion: To recommend City Manager approval of Change Order #02 for the UV Disinfection Project to Aslan Construction in the amount of $46,668.78.

Moved: Waggoner Seconded: Habenicht

Motion approved unanimously.

9. LINDSAY MARSH – 4344 S. WASHINGTON ST.

The Board received an update on the delinquent account at 4344 S. Washington St. where the water is turned back on after numerous notices, red-tags and repeated turn-offs. Repeated attempts to contact Ms. March has resulted in no response. After Officer Read left her a phone message on July 29, she returned his call and promised to pay her past due bill. As of August 13, 2013 Ms. Read has not paid. Since this is a violation of the Englewood Municipal Code, the impact team will be ticketing Ms. Marsh.

The Board received copies of the form letters, “Termination of Water Service – Notice of Violation,” and “Broken Sidewalk Water Valve – Notice of Violation.” These forms will be used in future for delinquent accounts where the curb stop is inoperable and/or where the customer turns the water back on after it was turned off for non-payment.

10. ALLEN WATER TREATMENT PLANT RESIDUALS MANAGEMENT AND DISPOSAL EVALUATION.

The Board received a letter from Arcadis outlining potential options for the management and disposal of treatment residuals generated at the Allen Water Treatment Plant that have elevated concentrations of radionuclides. The labor and fee estimate for evaluation of discharging residuals to a waste disposal facility versus discharging residuals to the sewer is $81,670. Arcadis’ first task is for $45,950 for evaluation of discharging residuals to the sewer, and the second is for $35,720 for evaluation of existing waste disposal facilities. Staff recommended proceeding with both options. The City of Aurora may participate financially with task #2.
Motion: To recommend City Manager or Council approval of the Arcadis proposal in the amount of $81,670 for evaluation of discharging residuals to a waste disposal facility versus discharging to the sewer. The City Manager may sign as two contracts or forward together to Council.

Moved: Burns Seconded: Waggoner

Motion approved unanimously

11. COLUMBINE SANITATION DISTRICT SUPPLEMENT #5.

The landowner, Taylor Morrison of Colorado is requesting inclusion into the Columbine Water and Sanitation District and Valley Sanitation District. Supplement #5 is for 31 taps for a residential development consisting of 31 patio homes, all located on approximately 9.63 acres. The property is located on the southeast corner of W. Bowles Ave. and Middlefield Road in the town of Columbine Valley. The name of the development is The Cottages at Columbine Valley, currently the Wolf property.

Motion: To recommend Council approval of a Bill for an Ordinance approving Columbine Sanitation District Supplement #5 for Taylor Morrison of Colorado, Inc.

Moved: Waggoner Seconded: Burns

Motion approved unanimously.

STATEMENT FROM DAVID HILL, WATER ATTORNEY.

The Board received David Hill's water rights communication dated August 8, 2013. Mr. Hill's review discussed what is happening in cases with United Water and East Cherry Creek Valley and Bebe Draw.

Meeting adjourned at 6:50 p.m.

The next Englewood Water Board meeting will be Tuesday, September 10, 2013 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage
Recording Secretary
WATER & SEWER BOARD

PHONE VOTE - WEDNESDAY, SEPTEMBER 3, 2013

Phone Vote Roll Call.

Contacted: Clyde Wiggins, Chuck Habenicht, Tom Burns, Kells Waggoner, Jim Woodward, Linda Olson, Jo Lay, Wayne Oakley, John Moore, Randy Penn

1. MINUTES OF THE AUGUST 13, 2013 MEETING.

Motion: Approve minutes of the August 13, 2013 Water and Sewer Board meeting.

Moved: Waggoner    Seconded: Penn

Motion passed unanimously.

The next Water and Sewer Board meeting will be Tuesday, October 8, 2013 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage
Recording Secretary
BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. 54
INTRODUCED BY COUNCIL
MEMBER __________

A BILL FOR

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL WASTEWATER COLLECTION SYSTEM MAINTENANCE AGREEMENT BETWEEN THE CITY OF SHERIDAN AND THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood owns and operates a sewage system, including a sewage treatment plant which is jointly owned and operated with the City of Littleton known as the L/E Wastewater Treatment Plant (WWTP); and

WHEREAS, the L/E WWTP provides sanitary sewer service to districts outside of the Englewood corporate boundaries through a standard connector’s agreement; and

WHEREAS, Wastewater Collection System Maintenance Agreements enable the City of Englewood to perform sewer maintenance on adjacent districts that are too small to fund their own maintenance program; and

WHEREAS, by having a larger service area, the additional revenue allows Englewood to purchase better equipment, which also benefits Englewood City residents; and

WHEREAS, provide maintenance agreements for a uniform standard of service for adjacent sanitation districts and insures that lines are flushed at least once a year; and

WHEREAS, the City of Englewood currently performs sewer maintenance services for the City of Sheridan as well as Cherry Hills Village and South Englewood Sanitation District; and

WHEREAS, other districts, such as Southgate are large enough to have their own maintenance crews or contract their maintenance with an established private company; and

WHEREAS, this agreement provides that the district will continue to own the mains in its district and be responsible for capital improvements; and

WHEREAS, the Englewood Water and Sewer Board reviewed and recommended approval of the City of Sheridan Wastewater Collection System Maintenance Agreement at the August 13, 2013 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:
Section 1. The Intergovernmental Agreement between the City of Englewood and the City of Sheridan entitled “Wastewater Collection System Maintenance Agreement for the City of Sheridan, Colorado” is hereby approved; a copy is attached hereto as Exhibit 1.

Section 2. The Mayor is authorized to execute and City Clerk to attest and seal the Intergovernmental “Wastewater Collection System Maintenance Agreement For the City of Sheridan”, for and on behalf of the Englewood City Council.

Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of October, 2013.

Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

_________________________
Randy P. Penn, Mayor

ATTEST:

_________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 11th day of October, 2013.

_________________________
Loucrishia A. Ellis
WASTEWATER COLLECTION SYSTEM MAINTENANCE AGREEMENT

An Agreement, dated this _____ day of ________________, 20___,
between the City of Sheridan, Colorado ____________________________
(System Owner or Owner) and the City of Englewood, a Colorado municipality (Englewood),
regarding the maintenance of a certain wastewater collection system (System):

WHEREAS, the Owner owns and operates a wastewater collection system, hereinafter
System, consisting of easements, collector and transmission lines, cleanouts and manholes
(system facilities), this system is used to provide sanitary sewer service to the system’s customers
in parts of Arapahoe County; and

WHEREAS, the System Owner’s wastewater collection system is shown on Exhibit “A”,
attached hereto and incorporated herein by reference; and

WHEREAS, Owner does not currently own or operate any maintenance equipment for such a
system; and

WHEREAS, Englewood owns and operates its own wastewater collection system, exclusive
of the Owner’s system, and has the equipment and personnel available to maintain the Owner’s
system as well as its own system;

Now, therefore, Owner and Englewood hereby covenant and agree as follows:

1. Englewood shall provide normal, routine, flushing and cleaning maintenance services for
the Collection System facilities, as shown in Exhibit A, as needed to provide efficient,
continuous and economical service within the Owner’s System. Flushing and cleaning of
the System shall be considered normal and routine maintenance.

2. Englewood’s maintenance of all system facilities in the System, except for the construction
of new or additional facilities, shall include:

   (a) The annual cleaning and inspection of the System as described in Exhibit A. Such
cleaning and inspecting may include visual and TV inspections, root-sawing,
chemical line treatment and the jet flushing of lines, as conditions warrant.

   (b) Responding to all emergency calls and taking the appropriate remedial action and
cleanup, if necessary. The Owner will pay for the cleanup resulting from a stoppage
or backup in any customer’s individual service line caused by a malfunction in an
Owner’s line. Englewood, without prior approval from the Owner, is authorized to
contract for any such cleanup, which the Owner hereby agrees to pay. If the
malfunction in an Owner’s line is occasioned by Englewood’s actions, Englewood
shall pay for the cleanup. This determination shall be solely Englewood’s.
Englewood shall respond to requests to locate the sewer mains, collector lines and manholes in this system. Englewood will not be responsible for locating privately owned sewer service laterals in this system other than to indicate where the laterals are connected to the mains to the best of Englewood's knowledge as indicated by its records.

Englewood shall be responsible for marking all Owner's facilities and System upon notice from the statewide one-call system, UNCC or its successor, pursuant to C.R.S. 9-1.5-101, et seq., marking the same in the manner and within the time established by that statute. Englewood shall be responsible for the marking only; the Owner shall pay the monthly fees to UNCC or its successor to notify Englewood to make such markings.

Owner agrees that it will assume ownership of any existing wastewater Collection System facilities within the Collection System to facilitate this maintenance agreement with Englewood. Any additional service facilities needed to serve the area shall be constructed at the Owner's expense, to Englewood standards, and the Owner agrees to assume ownership of the Collection System upon the deeding to the Owner by the property owners. Ownership shall be by written conveyance. However, each such conveyance must be approved by Englewood before it becomes a part of the Collection System which is the subject of this Agreement.

Owner shall continue to own the Collection System. Any rights-of-way utilized in the system shall continue to be held in Owner's name and shall be maintained by Owner. Owner further agrees to acquire and hold right-of-ways or easements of sufficient size to permit operation and maintenance activities on any public or private property where existing or future facilities are located, and to maintain those rights-of-way and easements free of landscaping, structures or other obstructions which would interfere with Englewood's maintenance obligations under this Agreement. Englewood shall not be obligated to maintain sewer lines where adequate right-of-way, free and clear of landscaping or obstructions does not exist. In such circumstances, if authorized in writing by Owner, Englewood at its option, may attempt to perform the maintenance without any liability whatsoever for damage to private property.

Prior to the Parties entering into this Agreement for wastewater Collection System maintenance, the Collection System shall be televised and videotaped to determine the condition of the system. The cost of this procedure shall be borne by System Owner and the video tape shall be provided to Englewood. Any repair or rehabilitation necessitated, in the opinion of Englewood, shall be at the sole expense of Owner.

Customers on the System shall have additional fees added to their existing wastewater treatment bills to cover the cost of providing this maintenance service. The amount added for normal, routine flushing and cleaning maintenance services shall be at a rate which is based on the same estimated annual cost per linear foot of sewer main that Englewood charges for normal, routine flushing and cleaning within the Englewood Wastewater Collection System. The rate may be changed from time to time, but the amount shall be the rate necessary for Englewood to recover its normal maintenance costs for the Owner's System. It is the intent of this agreement that Englewood recover from Owner, the amount of revenue necessary to cover its reasonable maintenance costs and avoid a situation where the citizens of Englewood subsidize customers of the Owner's System.
In the alternative, for the services rendered as herein defined, the System Owner may elect to pay to Englewood an annual maintenance fee as established or amended from time to time by the City, during the term of this Agreement. This fee shall be payable quarterly, in arrears by the 10th day of the month following the end of each calendar quarter, one-fourth (1/4) of the annual amount. Payments for any partial calendar quarter at the beginning or the end of this Agreement shall be prorated based on the number of days of service provided by Englewood, divided by the number of calendar days in the quarter affected. All payments made pursuant to this Agreement, shall be to the City of Englewood, Department of Utilities, and remitted in care of the Director of Utilities at 1000 Englewood Parkway, Englewood, CO 80110.

7. The Owner, by this Agreement, grants and conveys to Englewood a license, but not ownership, over all the wastewater facilities in the System. System Owner agrees that it will not exercise any dominion whatsoever over any of the wastewater collection facilities in the system which are inconsistent with the performance by Englewood of its rights and obligations hereunder. It is agreed that “license”, as used in this Agreement, shall mean the right to use, connect, disconnect, modify, rehabilitate, extend, enlarge, replace, improve, convey, abandon or otherwise dispose of any and all of the Collection System facilities, but only in so far as is reasonably necessary to perform Englewood’s maintenance operations under this Agreement. Should the Owner not approve the replacement or improvement of some portion of the Collection System which does not meet Englewood’s minimum standards, Englewood may, at its option, continue to maintain that portion to the best of its ability, but shall not be held responsible for any inadequacies or failures of said portion which may occur as a result of the substandard condition. Responsibility for such inadequacies or failures shall be with the Owner upon written notice to the Owner by Englewood.

The Owner agrees that Englewood is not obligated to enlarge or extend or bring up to any standards any existing facilities in the Collection System.

8. The Owner shall obtain and pay any fees for street cut permits for Englewood when such permits are necessary for Collection System maintenance work. The Owner shall be responsible for asphalt or concrete replacement costs in street or sidewalk cuts made by Englewood for System maintenance.

9. This Agreement is contingent on Owner having a current Standard Connector’s Agreement with Englewood. If the Standard Connector’s Agreement expires and is not renewed, Englewood has the option to discontinue maintenance service to the system and to cease collecting fees for the maintenance service. By providing maintenance service, for the system, Englewood does not release the Owner from its responsibilities and obligations as set forth in the Standard Connector’s Agreement, nor does Englewood, incur any liability resulting from the maintenance of the Owner’s Collection System.

10. All general rules and regulations and amendments thereto placed in force by Englewood concerning the operation, conditions of service and procedures relating to the installation of new services in the System, shall be as fully enforceable in the System as in Englewood. The Owner agrees to exercise its authority to enforce Englewood’s applicable sanitary sewer system ordinances and rules including those made to protect the collection and transport systems and the treatment facilities; to assure Englewood that any new
installations in the Collection System are constructed to the standards of Englewood; and to assure collection of delinquent accounts.

11. No enlargement of the Collection System or any other amendment of this Agreement shall be made unless it is, by mutual agreement, in writing.

12. The Owner further agrees to abide by all applicable State and Federal laws, rules, regulations or permits, including those of the Environmental Protection Agency System Owner shall employ or contract the services of a Certified Collection System Operator as required by the Colorado Water Quality Control Act, Article 9 of Title 25, C.R.S. The Owner agrees to exercise its authority to assist Englewood in enforcing its applicable sanitary sewer system ordinances and rules including those made to protect the collection and transport systems and treatment facilities; to assure that any new installations in the Collection System are to the standards of Englewood; and to guarantee collection of delinquent accounts.

13. It is agreed that for failure of the Owner or Englewood to perform their duties under this Agreement, in all its essential parts, either Party may terminate this Agreement. Prior to such termination, the terminating Party shall provide written notice to the other Party of the deficiency and provide adequate time, not to exceed one year to correct these deficiencies. Not to exceed one year. Notwithstanding the above, Englewood shall always have the option to discontinue maintenance services to the Collection System at its discretion by providing six (6) months written notice.

14. The term of this Agreement shall be for three (3) years beginning from the effective date of this Agreement. At the end of that term, if both agree, this Agreement may be renewed by Englewood in three (3) year increments. After the first three (3) year extension, the Owner or Englewood may discontinue this Agreement at any time with written notification not less than one year prior to the desired ending date or, in the case of Englewood six (6) months as noted above. Notwithstanding anything contained in this Agreement to the contrary, in the event no funds or insufficient funds are appropriated and budgeted by the governing body or are otherwise unavailable by any means whatsoever in any following fiscal period, the government entities subject to TABOR limitations may terminate this Agreement at the end of any fiscal year. The Parties agree that nothing herein is intended to create a multi-year obligation or indebtedness in violation of Article XX Section 10 of the Colorado Constitution and that any obligation of the parties is contingent upon their City Council's annual appropriation of funds.

15. System Owner shall have the ability to place appropriate and legal charges on the sewer bills sent to customers within the system. Englewood agrees to collect such charges at the request of the Owner and forward such payments to the Owner. Englewood shall have the ability to charge the Owner a reasonable and customary administrative fee to bill and collect any such charges.

16. In the event that any provisions of this Agreement are in conflict with the Standard Connector’s Agreement of the Owner, the Connector’s Agreement shall govern.

17. Englewood shall not be responsible for or liable for damages to any property which may result from its maintenance of the system whatsoever. The City of Englewood shall perform due diligence in maintaining the System, which due diligence shall mean that Englewood shall flush or clean each sewer main not less than once per calendar year.
Nothing herein shall be deemed a waiver of the rights, limitations, protections and immunities afforded the parties by the Colorado Governmental Immunity Act C.R.S. §24-10-201 et. seq. as amended from time to time and otherwise available at law.

18. Englewood will provide reports on the cleaning, inspection, and maintenance, of the Owner's system quarterly on, or before the end of the month following each calendar quarter during the term of this Agreement. In addition, Englewood shall provide reports of all emergency responses, within the next business day. The Owner will provide contact persons and telephone numbers to Englewood for such purposes.

19. All notices pursuant to this Agreement shall be in writing, sent certified mail, return receipt requested or hand-delivered, notice being given when received, addressed to each of the parties, with a copy to each party's attorney, as follows:

CITY OF ENGLEWOOD
Department of Utilities
c/o Stewart H. Fonda
Director of Utilities
1000 Englewood Parkway
Englewood, CO 80110

Daniel L. Brotzman
City Attorney
1000 Englewood Parkway
Englewood, CO 80110

City of Sheridan
4101 South Federal Blvd.
Englewood, CO 80110-5399

William P. Hayashi
Williamson & Hayashi, LLC
1650 38th Street – No. 103 West
Boulder, CO 80301

Each party agrees to give notice to the other of any change in its representatives or their address.

20. This Agreement represents the complete understanding of the parties, and each, by the signature of its representatives below, agrees, covenants and warrants to and with the other that each has full authority to enter into, bind and obligate the Party for whom each signs. This agreement may not be assigned by either Party without the advance written approval of the other; and shall not be amended or modified, except in writing, which modification or amendment shall not be effective until the same is reduced to writing and executed by both parties hereto.

IN WITNESS WHEREOF this instrument has been executed as of the day and year first above written.

CITY OF ENGLEWOOD

By: ______________________ Date: __________________________
Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

CITY OF SHERIDAN

[Signature]

Mayor

Date: June 12, 2013

ATTEST:

City Clerk
1 inch = 300 feet

"The accuracy of the data within this map is not to be taken/used as data produced by a Registered Professional Land Surveyor for the State of Colorado. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on the ground survey and represents only the approximate relative location of property boundaries."

City of Englewood
Utilities Department
Current as of March 2013
2013 Image
COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council and staff began the 2014 budget process at the April 22, 2013 Study Session with an overview of the Five Year Forecast and preliminary budget discussion. Council briefly discussed the 2014 Budget at the July 15, 2013 Study Session. Council reviewed the 2014 Proposed Budget at the August 26, September 3, and 9, 2013 Study Sessions.

As a result of these meetings, City Council provided feedback and requested staff prepare the Proposed 2014 Budget for publication. The 2014 Proposed Budget was made available online September 6, 2013 and then printed and distributed on September 12, 2013. A public hearing regarding the proposed budget was held September 16, 2013 and a follow-up Budget Workshop was held September 23, 2013.

RECOMMENDED ACTION

Staff recommends Council approve this bill for an ordinance establishing the 2013 mill levy to be collected in 2014.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood assesses property tax for the general government operations and for the General Obligation Bonds Debt Service Fund. TABOR restricts the City from raising the mill levy without a vote of the citizens. The City’s general mill levy has been unchanged since 1992. This year’s General Fund mill levy remains unchanged at 5.880 mills. The 2013 levy is certified to Arapahoe County by December 15, 2013 for collection in 2014.

FINANCIAL IMPACT

Based on the assessed valuation for the City of Englewood as certified by the Arapahoe County Assessor, the estimated net assessed value of all properties in Englewood for 2013 is $497,855,060 compared to $498,187,350 for 2012. The 2013 mill for General Fund operations is 5.880 mills and 2.244 mills for the General Obligation Bonds Debt Service Fund. The total mill levy is 8.124 for 2013 collected in 2014. The total amount budgeted for the General Fund is $2,898,000 (net of uncollectibles, abatements, etc.). The amount budgeted for the General Obligation Bonds Debt Service Fund is $1,107,000 (net of uncollectibles, abatements, etc.).

A homeowner with a $200,000 dollar home in Englewood would pay the following to the City of Englewood:
<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Value</td>
<td>$200,000</td>
</tr>
<tr>
<td>Assessment Ratio</td>
<td>7.96%</td>
</tr>
<tr>
<td>Assessed Value</td>
<td>$15,920</td>
</tr>
<tr>
<td>General Operations Mill Levy</td>
<td>5.880</td>
</tr>
<tr>
<td><strong>Taxes Paid For General Fund Operations</strong></td>
<td><strong>$93.61</strong></td>
</tr>
<tr>
<td>Market Value</td>
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<td>Assessed Value</td>
<td>$15,920</td>
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<tr>
<td>Community Center Bond Fund Mill Levy</td>
<td>2.244</td>
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<tr>
<td><strong>Taxes Paid For General Obligation Bonds</strong></td>
<td><strong>$35.72</strong></td>
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<tr>
<td>Market Value</td>
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<tr>
<td>Total Mill Levy</td>
<td>8.124</td>
</tr>
<tr>
<td><strong>Total Taxes Paid To City Of Englewood</strong></td>
<td><strong>$129.33</strong></td>
</tr>
</tbody>
</table>

**LIST OF ATTACHMENTS**

Proposed bill for an ordinance
BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. 52
SERIES OF 2013 INTRODUCED BY COUNCIL
MEMBER ________________

A BILL FOR

AN ORDINANCE FIXING THE TAX LEVY IN MILLS UPON EACH DOLLAR OF THE
ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CITY OF
ENGLEWOOD, COLORADO.

WHEREAS, it is the duty of the City Council of the City of Englewood, Colorado, under the
Englewood Home Rule Charter and Colorado Revised Statutes, to make the annual property levy
for City purposes; and

WHEREAS, the City Council has duly considered the estimated valuation of all the taxable
property within the City and the needs of the City and of each of said levies and has determined
that the levies as hereinafter set forth, are proper and wise; and

WHEREAS, the following levies are permitted under Article X, Section 20 of the Colorado
Constitution without a vote by the citizens;

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

Section 1. That there be and hereby is levied for the year of 2013, due and payable as required
by statute in the year 2014, a tax of 5.880 mills on the dollar for the General Fund of the City of
Englewood, Colorado, and 2.244 mills on the dollar for the General Obligation Bond Debt Service
Fund of the City of Englewood, Colorado.

That the levy hereinafore set forth shall be levied upon each dollar of the assessed valuation of
all taxable property within the corporate limits of the City of Englewood, Colorado, and the said
levy shall be certified by law.

Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of
October, 2013.
Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Loucrishia A. Ellis
COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council and staff began the 2014 budget process at the April 22, 2013 Study Session with an overview of the Five Year Forecast and preliminary budget discussion. Council briefly discussed the 2014 Budget at the July 15, 2013 Study Session. Council reviewed the 2014 Proposed Budget at the August 26, September 3, and 9, 2013 Study Sessions.

As a result of these meetings, City Council provided feedback and requested staff prepare the Proposed 2014 Budget for publication. The 2014 Proposed Budget was made available online September 6, 2013 and then printed and distributed on September 12, 2013. A public hearing regarding the proposed budget was held September 16, 2013 and a follow-up Budget Workshop was held September 23, 2013.

RECOMMENDED ACTION

Staff recommends Council approve the proposed bill for an ordinance adopting the 2014 City of Englewood Budget.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Charter of the City of Englewood requires the City Council to adopt next year’s Budget and Appropriation Ordinances no later than thirty days prior to the first day of the next fiscal year to insure there is legal authority to expend funds.

Due to limited growth in the revenue sources available to the City, the 2014 Budget limited expenditures increases as much as possible while limiting the impact on the citizens. Many City employees sacrificed to make this budget work by not cashing out personal leave and taking on additional duties to help maintain reserves.

City staff and Council worked together to identify fund transfers, expenditure cuts, freezing and/or delay hiring vacant positions, and eliminating some vacant positions during the various budget meetings mentioned above. Total ending 2014 reserves are estimated at $7,518,687 and the Unassigned Fund Balance is estimated at 9.33 percent of revenues.

FINANCIAL IMPACT

The General Fund is budgeting total sources of funds of $40,918,932 and total uses of funds of $42,126,719 leaving a total reserve of $7,518,687 and an Unassigned Fund Balance of 9.33 percent. The total General Fund appropriation is $42,126,719 for 2014.

LIST OF ATTACHMENTS

Proposed bill for an ordinance
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<tr>
<td>Assessed Value</td>
<td>$15,920</td>
</tr>
<tr>
<td>Community Center Bond Fund Mill Levy</td>
<td>2.244</td>
</tr>
<tr>
<td><strong>Taxes Paid For General Obligation Bonds</strong></td>
<td><strong>$35.72</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Market Value</th>
<th>$200,000</th>
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</thead>
<tbody>
<tr>
<td>Assessment Ratio</td>
<td>7.96%</td>
</tr>
<tr>
<td>Assessed Value</td>
<td>$15,920</td>
</tr>
<tr>
<td>Total Mill Levy</td>
<td>8.124</td>
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<tr>
<td><strong>Total Taxes Paid To City Of Englewood</strong></td>
<td><strong>$129.33</strong></td>
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</tbody>
</table>

**LIST OF ATTACHMENTS**

Proposed bill for an ordinance
AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF ENGLEWOOD, COLORADO, FOR FISCAL YEAR 2014.

WHEREAS, pursuant to the provisions of Part I, Article X, of the Charter of the City of Englewood, Colorado, a budget for fiscal year 2014 was duly submitted by the City Manager to the City Council on September 6, 2013; and

WHEREAS, a public hearing on said budget was held by the City Council within three weeks after its submission at the meeting of the City Council on September 16, 2013. Regular notice of the time and place of said hearing was published within seven days after submission of the budget in the manner provided in the Charter for the publication of an ordinance; and

WHEREAS, the City Council of the City of Englewood has studied and discussed the budget on numerous occasions;

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

Section 1. That the budget of the City of Englewood, Colorado, for fiscal year 2014, as submitted by the City Manager, duly considered by the City Council and with changes made by the City Manager to reflect Council discussion after public hearing, is adopted as the budget for the City of Englewood for the fiscal year 2014.

Section 2. GENERAL FUND

<table>
<thead>
<tr>
<th>Total Fund Balance, January 1, 2014</th>
<th>$ 8,726,474</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>Sales/Use Tax</td>
<td>22,883,003</td>
</tr>
<tr>
<td>Property and Specific Ownership Tax</td>
<td>3,128,000</td>
</tr>
<tr>
<td>Franchise/Occupation/Cigarette Tax/Hotel</td>
<td>3,258,500</td>
</tr>
<tr>
<td>License/Permits</td>
<td>932,550</td>
</tr>
<tr>
<td>Intergovernmental Revenue</td>
<td>1,243,281</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>3,340,803</td>
</tr>
<tr>
<td>Cultural &amp; Recreation</td>
<td>2,594,232</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>1,368,450</td>
</tr>
<tr>
<td>Interest</td>
<td>8,164</td>
</tr>
<tr>
<td>Contribution from Component Units</td>
<td>638,829</td>
</tr>
<tr>
<td>Other</td>
<td>274,300</td>
</tr>
</tbody>
</table>
Total Revenues $39,670,112
Other Financing Sources 1,248,820
Total Sources of Funds $40,918,932

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
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<tbody>
<tr>
<td>Legislation</td>
<td>354,570</td>
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<tr>
<td>City Manager's Office</td>
<td>703,758</td>
</tr>
<tr>
<td>City Attorney's Office</td>
<td>818,514</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>1,026,895</td>
</tr>
<tr>
<td>Human Resources</td>
<td>468,826</td>
</tr>
<tr>
<td>Finance and Administrative Services</td>
<td>1,625,150</td>
</tr>
<tr>
<td>Information Technology</td>
<td>1,378,942</td>
</tr>
<tr>
<td>Community Development</td>
<td>1,235,802</td>
</tr>
<tr>
<td>Public Works</td>
<td>5,504,669</td>
</tr>
<tr>
<td>Police</td>
<td>11,543,760</td>
</tr>
<tr>
<td>Fire</td>
<td>8,202,319</td>
</tr>
<tr>
<td>Library Services</td>
<td>1,250,536</td>
</tr>
<tr>
<td>Parks and Recreation Services</td>
<td>5,804,158</td>
</tr>
<tr>
<td>Contingencies</td>
<td>200,000</td>
</tr>
<tr>
<td>Debt Service</td>
<td>2,008,820</td>
</tr>
<tr>
<td>Total Uses of Funds</td>
<td>$42,126,719</td>
</tr>
</tbody>
</table>

Total Fund Balance, December 31, 2014 $7,518,687

Section 3. SPECIAL REVENUE FUNDS

Conservation Trust Fund
Fund Balance, January 1, 2014 $88,952
Revenues $310,000
Expenditures $337,000
Fund Balance, December 31, 2014 $61,952

Community Development Fund
Fund Balance, January 1, 2014 $-0-
Revenues $350,000
Expenditures $350,000
Fund Balance, December 31, 2014 $-0-
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>January 1, 2014 Balance</th>
<th>Revenues</th>
<th>December 31, 2014 Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donors Fund</td>
<td>$218,096</td>
<td>$90,000</td>
<td>$242,680</td>
</tr>
<tr>
<td>Revenues</td>
<td>$242,680</td>
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<td>$65,416</td>
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<td>Parks and Recreation Trust Fund</td>
<td>$455,947</td>
<td>$16,300</td>
<td>$365,000</td>
</tr>
<tr>
<td>Malley Center Trust Fund</td>
<td>$244,474</td>
<td>$7,000</td>
<td>$176,474</td>
</tr>
<tr>
<td>Revenues</td>
<td>$75,000</td>
<td></td>
<td>$176,474</td>
</tr>
<tr>
<td>Open Space Fund</td>
<td>$196,630</td>
<td>$665,000</td>
<td>$56,000</td>
</tr>
<tr>
<td>Revenues</td>
<td>$805,630</td>
<td></td>
<td>$56,000</td>
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</tbody>
</table>

**Section 4. DEBT SERVICE FUND**

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>January 1, 2014 Balance</th>
<th>Revenues</th>
<th>December 31, 2014 Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Obligation Bond Fund</td>
<td>$38,712</td>
<td>$1,107,000</td>
<td>$1,106,963</td>
</tr>
<tr>
<td>Revenues</td>
<td>$1,107,000</td>
<td></td>
<td>$38,749</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$1,106,963</td>
<td></td>
<td>$38,749</td>
</tr>
<tr>
<td>Fund Balance, December 31, 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Section 5. CAPITAL PROJECT FUNDS

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Fund Details</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Improvement Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$1,001,427</td>
</tr>
<tr>
<td></td>
<td>Revenues</td>
<td>$3,009,000</td>
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<td>Expenditures and Transfers</td>
<td>$3,190,820</td>
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<tr>
<td><strong>Capital Projects Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$78,282</td>
</tr>
<tr>
<td></td>
<td>Revenues and Transfers In</td>
<td>$1,153,000</td>
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<td>Expenditures</td>
<td>$1,151,975</td>
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<td></td>
<td>Fund Balance, December 31, 2014</td>
<td>$79,307</td>
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</table>

### Section 6. ENTERPRISE FUNDS

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Fund Details</th>
<th>Amounts</th>
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</thead>
<tbody>
<tr>
<td><strong>Water Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$10,793,233</td>
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<tr>
<td></td>
<td>Revenues</td>
<td>$9,076,085</td>
</tr>
<tr>
<td></td>
<td>Expenditures</td>
<td>$11,655,110</td>
</tr>
<tr>
<td></td>
<td>Fund Balance, December 31, 2014</td>
<td>$8,214,208</td>
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<tr>
<td><strong>Sewer Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$1,134,620</td>
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<tr>
<td></td>
<td>Revenues</td>
<td>$17,414,011</td>
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<tr>
<td></td>
<td>Expenditures</td>
<td>$17,246,403</td>
</tr>
<tr>
<td></td>
<td>Fund Balance, December 31, 2014</td>
<td>$1,302,228</td>
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<tr>
<td><strong>Storm Drainage Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$972,029</td>
</tr>
<tr>
<td></td>
<td>Revenues</td>
<td>$333,122</td>
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<tr>
<td></td>
<td>Expenditures</td>
<td>$323,736</td>
</tr>
<tr>
<td></td>
<td>Fund Balance, December 31, 2014</td>
<td>$981,415</td>
</tr>
<tr>
<td><strong>Golf Course Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$599,441</td>
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<tr>
<td></td>
<td>Revenues</td>
<td>$2,241,398</td>
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<tr>
<td></td>
<td>Expenditures</td>
<td>$2,626,498</td>
</tr>
<tr>
<td></td>
<td>Fund Balance, December 31, 2014</td>
<td>$214,341</td>
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<tr>
<td><strong>Concrete Utility Fund</strong></td>
<td>Fund Balance, January 1, 2014</td>
<td>$338,371</td>
</tr>
<tr>
<td></td>
<td>Revenues</td>
<td>$884,200</td>
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<tr>
<td>Expenditures</td>
<td>$ 872,162</td>
<td></td>
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<tr>
<td>Fund Balance, December 31, 2014</td>
<td>$ 350,409</td>
<td></td>
</tr>
</tbody>
</table>

**Housing Rehabilitation Fund**

| Revenues | $ 1,000,000 |
| $ 750,019 |

| Expenditures | $ 1,000,000 |
| Fund Balance, December 31, 2014 | $ 750,019 |

### Section 7. INTERNAL SERVICE FUNDS

**Central Services Fund**

| Revenues | $ 388,400 |
| $ 152,509 |

| Expenditures and Transfers | $ 429,699 |
| Fund Balance, December 31, 2014 | $ 111,210 |

**Servicenter Fund**

| Revenues | $ 2,561,160 |
| $ 1,187,203 |

| Expenditures and Transfers | $ 3,290,180 |
| Fund Balance, December 31, 2014 | $ 458,183 |

**Capital Equipment Replacement Fund**

| Revenues and Transfers In | $ 1,026,894 |
| $ 1,658,730 |

| Expenditures | $ 1,760,066 |
| Fund Balance, December 31, 2014 | $ 925,558 |

**Risk Management Fund**

| Revenues | $ 1,442,765 |
| $ 316,137 |

| Expenditures | $ 1,443,774 |
| Fund Balance, December 31, 2014 | $ 315,128 |

**Employee Benefits Fund**

| Revenues | $ 6,115,186 |
| $ 1,961 |

| Expenditures | $ 6,115,998 |
| Fund Balance, December 31, 2014 | $ 1,149 |

**Section 8.** That the said budget shall be a public record in the office of the City Clerk and shall be open to public inspection. Sufficient copies thereof shall be made available for the use of the City Council and the public, the number of copies to be determined by the City Manager.
Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of October, 2013.

Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

______________________________
Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

______________________________
Loucrishia A. Ellis
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 7, 2013</td>
<td>11 a iii</td>
<td>Bill For An Ordinance Appropriating Funds For Fiscal Year 2014</td>
</tr>
</tbody>
</table>

Initiated By
Department of Finance and Administrative Services

Staff Source
Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council and staff began the 2014 budget process at the April 22, 2013 Study Session with an overview of the Five Year Forecast and preliminary budget discussion. Council briefly discussed the 2014 Budget at the July 15, 2013 Study Session. Council reviewed the 2014 Proposed Budget at the August 26, September 3, and 9, 2013 Study Sessions.

As a result of these meetings, City Council provided feedback and requested staff prepare the Proposed 2014 Budget for publication. The 2014 Proposed Budget was made available online September 6, 2013 and then printed and distributed on September 12, 2013. A public hearing regarding the proposed budget was held September 16, 2013 and a follow-up Budget Workshop was held September 23, 2013.

RECOMMENDED ACTION

Staff recommends Council approve the proposed bill for an ordinance appropriating funds for Fiscal Year 2014 City of Englewood Budget.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Charter of the City of Englewood requires the City Council to adopt next year’s Budget and Appropriation Ordinances no later than thirty days prior to the first day of the next fiscal year to insure there is legal authority to expend funds.

Due to limited growth in the revenue sources available to the City, the 2014 Budget limited expenditures increases as much as possible while limiting the impact on the citizens. Many City employees sacrificed to make this budget work by not cashing out personal leave and taking on additional duties to help maintain reserves.

City staff and Council worked together to identify fund transfers, expenditure cuts, freezing and/or delay hiring vacant positions, and eliminating some vacant positions during the various budget meetings mentioned above. Total ending 2014 reserves are estimated at $7,518,687 and the Unassigned Fund Balance is estimated at 9.33 percent of revenues.

FINANCIAL IMPACT

The General Fund is budgeting total sources of funds of $40,918,932 and total uses of funds of $42,126,719 leaving a total reserve of $7,518,687 and an Unassigned Fund Balance of 9.33 percent. The total General Fund appropriation is $42,126,719 for 2014.

LIST OF ATTACHMENTS

Proposed bill for an ordinance
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2013 COUNCIL BILL NO. 51
INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR


WHEREAS, a public hearing on the Proposed 2014 Budget was held September 16, 2013; and

WHEREAS, the operating budgets and Multiple Year Capital Plan for all City departments and funds were reviewed at a budget workshop held on September 23, 2013; and

WHEREAS, the Charter of the City of Englewood requires the City Council to adopt bills for ordinances adopting the Budget and Appropriation Ordinance no later than thirty days prior to the first day of the next fiscal year.

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

Section 1. That there be and there hereby is appropriated from the revenue derived from taxation in the City of Englewood, Colorado, from collection of license fees and from all other sources of revenue including available fund balances during the year beginning January 1, 2014, and ending December 31, 2014, the amounts hereinafter set forth for the object and purpose specified and set opposite thereto, specifically as follows:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation</td>
<td>$354,570</td>
</tr>
<tr>
<td>City Manager's Office</td>
<td>703,758</td>
</tr>
<tr>
<td>City Attorney's Office</td>
<td>818,514</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>1,026,895</td>
</tr>
<tr>
<td>Human Resources</td>
<td>468,826</td>
</tr>
<tr>
<td>Finance and Administrative Services</td>
<td>1,625,150</td>
</tr>
<tr>
<td>Information Technology</td>
<td>1,378,942</td>
</tr>
<tr>
<td>Community Development</td>
<td>1,235,802</td>
</tr>
<tr>
<td>Public Works</td>
<td>5,504,669</td>
</tr>
<tr>
<td>Police</td>
<td>11,543,760</td>
</tr>
<tr>
<td>Fire</td>
<td>8,202,319</td>
</tr>
<tr>
<td>Library Services</td>
<td>1,250,536</td>
</tr>
<tr>
<td>Parks and Recreation Services</td>
<td>5,804,158</td>
</tr>
<tr>
<td>Contingencies</td>
<td>200,000</td>
</tr>
<tr>
<td>Fund</td>
<td>Balance</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Debt Service – Civic Center</td>
<td>1,573,000</td>
</tr>
<tr>
<td>Debt Service – Other</td>
<td>435,820</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$42,126,719</td>
</tr>
<tr>
<td>Conservation Trust Fund</td>
<td>337,000</td>
</tr>
<tr>
<td>Community Development Fund</td>
<td>350,000</td>
</tr>
<tr>
<td>Donors Fund</td>
<td>242,680</td>
</tr>
<tr>
<td>Parks and Recreation Trust Fund</td>
<td>365,000</td>
</tr>
<tr>
<td>Malley Center Trust Fund</td>
<td>75,000</td>
</tr>
<tr>
<td>Open Space Fund</td>
<td>805,630</td>
</tr>
<tr>
<td>General Obligation Bond Fund</td>
<td>1,106,963</td>
</tr>
<tr>
<td>Public Improvement Fund</td>
<td>3,190,820</td>
</tr>
<tr>
<td>Capital Projects Fund</td>
<td>1,151,975</td>
</tr>
<tr>
<td>Fund</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td><strong>WATER FUND</strong></td>
<td></td>
</tr>
<tr>
<td>Total Water Fund</td>
<td>$11,655,110</td>
</tr>
<tr>
<td><strong>SEWER FUND</strong></td>
<td></td>
</tr>
<tr>
<td>Total Sewer Fund</td>
<td>$17,246,403</td>
</tr>
<tr>
<td><strong>STORM DRAINAGE FUND</strong></td>
<td></td>
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<tr>
<td>Total Storm Drainage Fund</td>
<td>$323,736</td>
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<tr>
<td><strong>GOLF COURSE FUND</strong></td>
<td></td>
</tr>
<tr>
<td>Total Golf Course Fund</td>
<td>$2,626,498</td>
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<tr>
<td><strong>CONCRETE UTILITY FUND</strong></td>
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</tr>
<tr>
<td>Total Concrete Utility Fund</td>
<td>$872,162</td>
</tr>
<tr>
<td><strong>HOUSING REHABILITATION FUND</strong></td>
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<tr>
<td>Total Housing Rehabilitation Fund</td>
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</tr>
<tr>
<td><strong>CENTRAL SERVICES FUND</strong></td>
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</tr>
<tr>
<td>Total Central Services Fund</td>
<td>$429,699</td>
</tr>
<tr>
<td><strong>SERVICENTER FUND</strong></td>
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</tr>
<tr>
<td>Total ServiCenter Fund</td>
<td>$3,290,180</td>
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<tr>
<td><strong>CAPITAL EQUIPMENT REPLACEMENT FUND</strong></td>
<td></td>
</tr>
<tr>
<td>Total Capital Equipment Replacement Fund</td>
<td>$1,760,066</td>
</tr>
<tr>
<td><strong>RISK MANAGEMENT FUND</strong></td>
<td></td>
</tr>
<tr>
<td>Total Risk Management Fund</td>
<td>$1,443,774</td>
</tr>
</tbody>
</table>
EMPLOYEE BENEFITS FUND

Total Employee Benefits Fund $ 6,115,998

Section 2. The foregoing appropriations shall be considered to be appropriations to groups within a program or department within the fund indicated but shall not be construed to be appropriated to line items within any groups, even though such line items may be set forth as the adopted budget for the fiscal year 2014.

Section 3. All monies in the hands of the Director of Finance and Administrative Services, or to come into the Director's hands for the fiscal year 2014, may be applied on the outstanding claims now due or to become due in the said fiscal year of 2014.

Section 4. All unappropriated monies that may come into the hands of the Director of Finance and Administrative Services during the year 2014, may be so distributed among the respective funds herein as the City Council may deem best under such control as is provided by law.

Section 5. During or at the close of the fiscal year of 2013, any surplus money in any of the respective funds, after all claims for 2013 against the same have been paid, may be distributed to any other fund or funds at the discretion of the City Council.

Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 11th day of October, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 9th day of October, 2013 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Loucrishia A. Ellis
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 7, 2013</td>
<td>11 a iv</td>
<td>Bill for an Ordinance adopting the 2014 Budget for the Littleton/Englewood Wastewater Treatment Plant</td>
</tr>
</tbody>
</table>

Initiated By: Department of Finance and Administrative Services

Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council and staff began the 2014 budget process at the April 22, 2013 Study Session with an overview of the Five Year Forecast and preliminary budget discussion. Council briefly discussed the 2014 Budget at the July 15, 2013 Study Session. Council reviewed the 2014 Proposed Budget at the August 26, September 3, and 9, 2013 Study Sessions.

As a result of these meetings, City Council provided feedback and requested staff prepare the Proposed 2014 Budget for publication. The 2014 Proposed Budget was made available online September 6, 2013 and then printed and distributed on September 12, 2013. A public hearing regarding the proposed budget was held September 16, 2013 and a follow-up Budget Workshop was held September 23, 2013.

RECOMMENDED ACTION

Staff recommends Council approve the proposed bill for an ordinance adopting the Littleton/Englewood Wastewater Treatment Plant Budget for fiscal year 2014.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City Council of the City of Englewood acts as administering authority for the Littleton/Englewood Wastewater Treatment Plant, a part of the duties include adopting bills for ordinances for the 2014 Budget and Appropriation Ordinance no later than thirty days prior to the first day of the next fiscal year.

FINANCIAL IMPACT

The 2014 Littleton/Englewood Wastewater Treatment Plant Budget indicates a beginning funds available balance of $115,674, total sources of funds of $17,103,797 and total uses of funds of at $17,103,797 leaving the ending funds available balance at $115,674.

The total appropriation (use of funds) for 2014 is $17,103,797.

LIST OF ATTACHMENTS

Proposed bill for ordinance
BY AUTHORITY

ORDINANCE NO. ____
SERIES OF 2013

COUNCIL BILL NO. 48
INTRODUCED BY COUNCIL
MEMBER ____________

A BILL FOR

AN ORDINANCE ADOPTING THE BUDGET FOR THE LITTLETON/
ENGLEWOOD WASTEWATER TREATMENT PLANT FOR FISCAL
YEAR 2014.

WHEREAS, a public hearing on said budget was held by the City Council within three weeks
after its submission on September 6, 2013. The hearing was held at the meeting of City Council on
September 16, 2013, regular notice of the time and place of said hearing having been published
within seven days after the submission of the budget in the manner provided in the Charter for the
publication of an ordinance; and

WHEREAS, pursuant to the provisions of an agreement between the City of Littleton,
Colorado, and the City of Englewood, Colorado, a budget for fiscal year 2014 was reviewed by the
Littleton/Englewood Wastewater Treatment Plant Supervisory Committee and recommended it be
submitted to the City Council at their meeting; held on July 18, 2013; and

WHEREAS, the City Council of the City of Englewood, as the administering authority for the
Littleton/Englewood Wastewater Treatment Plant, has studied the budget on numerous occasions;
and

WHEREAS, it is the intent of the City Council to adopt the 2014 budget for the
Littleton/Englewood Wastewater Treatment Plant as now submitted.

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

Section 1. That the budget of the Littleton/Englewood Wastewater Treatment Plant for fiscal
year 2014, as submitted by the Littleton/Englewood Wastewater Treatment Plant Supervisory
Committee and duly considered by the City Council after public hearing, is hereby adopted as the
budget for the Littleton/Englewood Wastewater Treatment Plant for the fiscal year 2014, as
follows:

**Littleton/Englewood Wastewater Treatment Plant**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance – January 1, 2014</td>
<td>$115,674</td>
</tr>
<tr>
<td>Revenues</td>
<td>$17,103,797</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$17,103,797</td>
</tr>
<tr>
<td>Fund Balance – December 31, 2014</td>
<td>$115,674</td>
</tr>
</tbody>
</table>
Section 2. That the said budget as accepted shall be a public record in the Office of the City Clerk and shall be open to public inspection. Sufficient copies thereof shall be made available for the use of the City Council and the public, the number of copies to be determined by the City Manager.

Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of October, 2013.

Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Loucrishia A. Ellis
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 7, 2013</td>
<td>11 av</td>
<td>Bill for an Ordinance Appropriating Funds for the Littleton/Englewood Wastewater Treatment Plant 2014 Budget</td>
</tr>
</tbody>
</table>

Initiated By: Department of Finance and Administrative Services
Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council and staff began the 2014 budget process at the April 22, 2013 Study Session with an overview of the Five Year Forecast and preliminary budget discussion. Council briefly discussed the 2014 Budget at the July 15, 2013 Study Session. Council reviewed the 2014 Proposed Budget at the August 26, September 3, and 9, 2013 Study Sessions.

As a result of these meetings, City Council provided feedback and requested staff prepare the Proposed 2014 Budget for publication. The 2014 Proposed Budget was made available online September 6, 2013 and then printed and distributed on September 12, 2013. A public hearing regarding the proposed budget was held September 16, 2013 and a follow-up Budget Workshop was held September 23, 2013.

RECOMMENDED ACTION

Staff recommends Council approve the proposed bill for an ordinance appropriating funds for the Littleton/Englewood Wastewater Treatment Plant's Budget for fiscal year 2014.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City Council of the City of Englewood acts as administering authority for the Littleton/Englewood Wastewater Treatment Plant, a part of the duties include adopting bills for ordinances for the 2014 Budget and Appropriation Ordinance no later than thirty days prior to the first day of the next fiscal year.

FINANCIAL IMPACT

The 2014 Littleton/Englewood Wastewater Treatment Plant Budget indicates a beginning funds available balance of $115,674, total sources of funds of $19,177,265 and total uses of funds of at $19,177,265 leaving the ending funds available balance at $115,674.

The total appropriation (use of funds) for 2014 is $17,103,797.

LIST OF ATTACHMENTS

Proposed bill for ordinance
A BILL FOR


WHEREAS, the Cities of Englewood and Littleton entered into a contract to build, maintain, and operate a joint Wastewater Treatment Plant facility; and

WHEREAS, the operations, including budget matters, of this joint facility are overseen by the Supervisory Committee; and

WHEREAS, the City of Englewood operates the Littleton/Englewood Wastewater Treatment Plant under the control of the Supervisory Committee; and

WHEREAS, the Littleton/Englewood Wastewater Treatment Plant has its own fund for operations and maintenance; and

WHEREAS, the Supervisory Committee recommended the submission of the following as the 2014 appropriations at their meeting held on July 18, 2013.

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

Section 1. That pursuant to the Littleton/Englewood Wastewater Treatment Plant agreement, there be and hereby is appropriated from the revenue derived from operation of the Littleton/Englewood Wastewater Treatment Plant in the City of Englewood, Colorado, and from all other sources of revenue in the Littleton/Englewood Wastewater Treatment Plant Fund including available fund balance during the year beginning January 1, 2014, and ending December 31, 2014, the amounts hereinafter set forth for the object and purpose specified as follows:

Total Littleton/Englewood Wastewater Treatment Plant Fund $ 17,103,797

Introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 11th day of October, 2013.
Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 7th day of October, 2013.

Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. SERIES OF 2013 COUNCIL BILL NO. 21
INTRODUCED BY COUNCIL MEMBER WOODWARD

AN ORDINANCE APPROVING THE REZONING OF 4201 SOUTH NAVAJO STREET FROM I-1 TO NAVAJO APARTMENTS PLANNED UNIT DEVELOPMENT (PUD).

WHEREAS, Bruce Elsey and 4201 South Navajo LLC are the owners of the property at mid-block on the 4200 Block of South Navajo Street between Oxford Avenue to the North and Quincy Avenue to the South, also known as 4201 South Navajo Street, Englewood, Colorado; and

WHEREAS, the 4201 South Navajo Street site consists of two parcels totaling 2.09 acres; and

WHEREAS, Elsey Partners, LLC submitted an application to the City to rezone the parcels from I-1 Light Industrial District to the Navajo Apartments Planned Unit Development (PUD) which allows various residential, commercial and industrial uses; and

WHEREAS, the property is approximately 800 feet South of RTD's Oxford Light Rail Station; and

WHEREAS, land to the South and East of the subject property is zoned I-1 Light Industrial District and contains industrial uses; land to the North of the subject property was recently rezoned to the Oxford Station Transit Oriented Development PUD which will include 252 residential apartment units with an option for mixed commercial uses; and

WHEREAS, the proposed Planned Unit Development (PUD) would allow a maximum of 146 residential apartment units on the property, although the current building plan shows 141 units; and

WHEREAS, all allowed industrial uses shall cease and shall not be grandfathered nor considered legal, non-conforming uses upon the issuance of a Certificate of Occupancy; and

WHEREAS, the proposed 4201 South Navajo Street Planned Unit Development will exceed the development quality standards required by the Englewood Unified Development Code for residential development; and

WHEREAS, the Planning and Zoning Commission held Public Hearing on May 14, 2013.

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

Section 1. The 4201 South Navajo Planned Unit Development (PUD), for property located in the 4200 Block of South Navajo Street between Oxford Avenue to the North and Quincy Avenue to the South, in the City of Englewood, Colorado, attached hereto as Exhibit A, is hereby approved with the condition noted below:
That the final Navajo streetscape section may vary from the curb alignment, sidewalk width and location, and associated landscape zone shown on the PUD; and that the final streetscape section for the Navajo Apartments PUD will be approved by the City Manager or designee in conjunction with the building permit.

Introduced, read in full, and passed on first reading on the 3rd day of September, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 6th day of September, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 4th day of September, 2013 for thirty (30) days.

A Public Hearing was held on the 16th day of September, 2013.

Read by title and passed on final reading on the 7th day of October, 2013.

Published by title in the City's official newspaper as Ordinance No. ___, Series of 2013, on the 11th day of October, 2013.

Published by title on the City’s official website beginning on the 9th day of October, 2013 for thirty (30) days.

________________________
Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2013.

________________________
Loucrishia A. Ellis
NAVAJO APARTMENTS
PLANNED UNIT DEVELOPMENT
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO
4201 SOUTH NAVajo STREET
NAVAJO APARTMENTS
PLANNED UNIT DEVELOPMENT
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO
4201 SOUTH NAVAJO STREET
NAVAJO APARTMENTS
PLANNED UNIT DEVELOPMENT
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 5 SOUTH,
RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO
4201 SOUTH NAVAJO STREET
SHADOWS CAST AT NOON ON JUNE 21ST WITH CONTEXT

SHADOWS CAST AT NOON ON SEPTEMBER 21ST WITH CONTEXT

SHADOWS CAST AT NOON ON DECEMBER 21ST WITH CONTEXT
## COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject: A Resolution Approving FY2014 Community Development Block Grant Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 7, 2013</td>
<td>11 i</td>
<td></td>
</tr>
</tbody>
</table>

**INITIATED BY:** Community Development  
**STAFF SOURCE:** Harold Stitt, Senior Planner  
Janet Grimmett, Housing Finance Specialist

### PREVIOUS COUNCIL ACTION

City Council has approved resolutions to file Community Development Block Grant (CDBG) applications almost annually since 1977. Participation in the Arapahoe County entitlement program began in 1991. Participation is authorized in three-year increments. Ordinance 25, Series of 2012, approved an Intergovernmental Agreement to participate in the Arapahoe County Community Development Block Grant and HOME Investment Partnership Programs for federal fiscal years 2013 through 2015.

### RECOMMENDED ACTION

Staff recommends that Council approve a resolution authorizing staff to apply to Arapahoe County for the City of Englewood's portion of federal fiscal year 2014 Community Development Block Grant (CDBG) funds.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The U. S. Dept. of Housing and Urban Development (HUD) CDBG Entitlement Program provides grants to units of local government and urban counties to meet housing and community development needs. The objective of the program is to enhance urban communities by providing:

- decent, safe, affordable housing;
- improved infrastructure;
- public facilities and services;
- economic opportunities.

The Federal Program objectives are achieved through projects developed by local governments that primarily benefit low and moderate income families as well as other federal objectives. The request for funds may also include activities that meet urgent development needs in communities such as damage from flooding, tornadoes, fire, etc. Local governments determine which activities best serve the objectives of the program.
Funds are appropriated annually by the Congress for the CDBG program and are allocated by statutory formula to each entitlement area. Arapahoe County is approved as an urban county entitlement area. The CDBG grant funds are currently distributed to participating cities within Arapahoe County. Each participating city receives a set-aside portion of the total CDBG allocation. The current participating cities are the Cities of Englewood, Littleton, Sheridan, Glendale, Deer Trail, and Greenwood Village. The funding level for the City of Englewood for FY2014 is anticipated to be $150,000, the same as it was for 2013.

Applications for each proposed project must be submitted to Arapahoe County no later than October 28, 2013 in order to receive 2014 CDBG funding. The applications for the City of Englewood will be for a total of $150,000.00. Englewood’s FY2014 program consists of three projects. These projects continue to meet current housing and neighborhood needs benefitting low and moderate income families. All projects are subject to additional review by City staff, Arapahoe County CDBG administrators and the County Commissioners. The listed projects and funding levels may change based on those reviews. FY2014 CDBG funds will be requested for the following projects:

1) $100,000 for an energy efficiency home improvements project focusing on improvements that provide increased energy efficiency in the home;

2) $27,500 to for the Housing Rehabilitation Project to provide loans to low-income homeowners to finance the costs of major household repairs and improvements. This Project also includes a handyman/small rehab component to assist seniors and disabled persons with the costs of minor household repairs;

3) $22,500 for a fourteenth year request to transfer a portion of the City’s CDBG allocation to directly fund the Family Tree application that assists with staffing needs for the House of Hope homeless shelter. Family Tree will submit an application directly to Arapahoe County for the grant. A letter of sponsorship is only required from the City to support Family Tree’s application to Arapahoe County.

FINANCIAL IMPACT

Existing Community Development staff will administer the proposed projects. Staff salaries and benefits represent the City’s participation in the projects.

LIST OF ATTACHMENTS

Resolution
RESOLUTION NO. ______
SERIES OF 2013

A RESOLUTION AUTHORIZING THE CITY OF ENGLEWOOD, COLORADO, TO FILE AN APPLICATION WITH ARAPAHOE COUNTY FOR A 2014 COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, the Englewood City Council has approved CDBG applications since 1977 and approved the execution of an Intergovernmental Agreement with the passage of Ordinance No. 37, Series of 1991, covering the City’s participation in the Arapahoe County CDBG Entitlement Program for funding years 1992 through 1994; and

WHEREAS, the Englewood City Council approved passage of Ordinance No. 13, Series of 2006, authorizing the execution of an Intergovernmental Agreement between the City of Englewood and Arapahoe County covering participation in the Arapahoe County CDBG Entitlement Program for funding years 2007 through 2009; and

WHEREAS, the Englewood City Council approved passage of Ordinance No. 22, Series of 2009, authorizing the execution of an Intergovernmental Agreement between the City of Englewood and Arapahoe County covering participation in the Arapahoe County CDBG Program and HOME Investment Partnership Programs for federal fiscal years 2010 through 2012; and

WHEREAS, the Englewood City Council approved passage of Ordinance No. 25, Series of 2012, authorizing the execution of an Intergovernmental Agreement between the City of Englewood and Arapahoe County covering participation in the Arapahoe County CDBG Program and HOME Investment Partnership Programs for federal fiscal years 2013 through 2015; and

WHEREAS, the Arapahoe County Community Development Block Grant Program provides grants to participating municipalities to meet housing and community development needs; and

WHEREAS, to compete in the Arapahoe County Community Development Block Grant Program, local governments must submit an application; and

WHEREAS, the City of Englewood has received a notice of fund availability; and

WHEREAS, the City of Englewood, Colorado, desires to apply for these funds through the Arapahoe County 2014 Community Development Block Grant to fund the Energy Efficiency Englewood Project, Housing Rehabilitation Project, and House of Hope staffing project.

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

Section 1. The City of Englewood, Colorado, is hereby authorized to file applications for an Arapahoe County 2014 Community Development Block Grant.
Section 2. The Mayor and City Clerk are authorized to sign and attest all necessary forms, documents, assurances and certifications for the Community Development Block Grant applications for and on behalf of the City Council and the City of Englewood.

ADOPTED AND APPROVED this 7th day of October, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date:</th>
<th>Agenda Item:</th>
<th>Subject:</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 7, 2013</td>
<td>11 ii</td>
<td>Resolution establishing a Fire Fee Schedule</td>
</tr>
</tbody>
</table>

Initiated By: Fire Department
Staff Source: Andrew Marsh, Fire Chief
Laura Herblan, Fire Marshal

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council considered this subject at the September 9, 2013 Study Session and directed staff to prepare the necessary resolution to adopt the fire fee schedule.

RECOMMENDED ACTION

Staff requests that City Council approve a resolution establishing the Fire Fee Schedule for plan review, permits and inspections effective January 1, 2014.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

A detailed staff report was presented to City Council at its Study Session on September 9, 2013. The proposed fire fee schedule is based on an analysis of fee structures in the metro area and is authorized under the 2012 edition of the International Fire Code that was adopted by City Council last year.

FINANCIAL IMPACT

The proposed fees are projected to generate approximately $100,000 in 2014. The fees will help offset the expense of reinstituting the Assistant Fire Marshal position and will more closely reflect the costs associated with the services provided by the Fire Marshal’s Office.

LIST OF ATTACHMENTS

Proposed Resolution
Memo from September 9, 2013 Study Session
MEMORANDUM

To: Gary Sears, City Manager
From: Andrew Marsh, Fire Chief
Date: September 4, 2013
Subject: Fire Fee Schedule & Assistant Fire Marshal

During the past six months, Fire Marshal Laura Herblan has conducted an assessment of our fire prevention operations and has proposed a fire fee schedule for certain activities under the 2012 edition of the International Fire Code (IFC) that was adopted by City Council last year. An analysis of fee structures for jurisdictions in the metro area indicates that the standard industry practice is to have separate fee structures for the building and fire functions.

The proposed fire fee schedule (copy attached) is based on the current fire fee schedule for the City of Littleton that became effective on October 1, 2011. Adoption of this proposed fire fee schedule would update current charges for fire plan reviews, such as for fire alarm and fire sprinkler systems, and would establish new permits and charges for fire operational and construction permits as authorized under Sections 105 and 113 of the IFC. This permit process will more closely reflect the costs associated with the services provided by the Fire Marshal’s Office and will provide valuable information to the fire department for inspections and pre-incident planning.

Additionally, Fire Marshal Herblan has proposed that the Assistant Fire Marshal position be reinstated and funded through implementation of the fire fee schedule. Currently, due to the significant increase in construction activity, a shift-work Fire Lieutenant is working overtime on his days off to assist with Fire Marshal activities. A full-time Assistant Fire Marshal will be a less costly and more reliable alternative and will allow the fire department to strengthen its fire and life safety mission that includes fire inspections, fire system plan reviews, and public education. The cost of salary and benefits for this position is $96,495 and is projected to be covered by the revenue from the proposed fire fee schedule.

I have reviewed Fire Marshal Herblan’s detailed proposal (attached) and support her recommendation to establish a separate fire fee schedule and to reinstate the position of Assistant Fire Marshal. If City Council directs that we move forward with the proposed fire fee schedule, then a resolution will be presented at a future Study Session for formal adoption. If approved, the fire fee schedule and Assistant Fire Marshal position would be effective on January 1, 2014.
Englewood Fire Department  
Life Safety & Fire Prevention  
Fee Schedule

EFD evaluates all plans and construction documents to determine if all related documents meet the requirements of the codes and standards adopted by the City of Englewood and the EFD. Obtaining multiple permits is required for the majority of projects. The sequence or progression of the permitting process is of utmost importance to ensure that all projects are tracked appropriately throughout the plan review and inspection process. Submittals for systems will not be processed until the new building or tenant improvement construction documents have been reviewed.

Effective January 1, 2014 the permit/plan review fee schedule will be as indicated herein.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Application Fee / ALL PERMITS</td>
<td>$150.00</td>
</tr>
<tr>
<td>New Construction Building Plan Review</td>
<td></td>
</tr>
<tr>
<td>0 – 10,000 sq ft</td>
<td>$600.00</td>
</tr>
<tr>
<td>Over 10,000 sq ft</td>
<td>$600 + $.035/sq ft over 10,000 sq ft</td>
</tr>
<tr>
<td>Tenant Finish/Remodel/Additions</td>
<td></td>
</tr>
<tr>
<td>0 – 10,000 sq ft</td>
<td>$250 + $.035/sq ft</td>
</tr>
<tr>
<td>Over 10,000 sq ft</td>
<td>$600 + $.030/sq ft over 10,000 sq ft</td>
</tr>
<tr>
<td>Over 50,000 sq ft</td>
<td>$1800 + $.025/sq ft over 50,000 sq ft</td>
</tr>
<tr>
<td>Parking Structures</td>
<td>1/3 of New Construction Fee</td>
</tr>
<tr>
<td>Fire Sprinkler System</td>
<td></td>
</tr>
<tr>
<td>0 – 50,000 sq ft</td>
<td>$200 + $.025/sq ft</td>
</tr>
<tr>
<td>Over 50,000 sq ft</td>
<td>$1450 + $.020/sq ft over 50,000 sq ft</td>
</tr>
<tr>
<td>Fire Alarm System</td>
<td></td>
</tr>
<tr>
<td>0 – 50,000 sq ft</td>
<td>$200 + $.025/sq ft</td>
</tr>
<tr>
<td>Over 50,000 sq ft</td>
<td>$1450 + $.020/sq ft over 50,000 sq ft</td>
</tr>
<tr>
<td>Commercial Kitchen Hood Systems</td>
<td>$150.00</td>
</tr>
<tr>
<td>Other Plan Review - (Operational Permits)</td>
<td>$100 / $150 with Inspection</td>
</tr>
<tr>
<td>Ops Permits under IFC Section 105.6</td>
<td>Annually</td>
</tr>
<tr>
<td>Hazardous Materials Inventory Plan (HMIP)</td>
<td>$200- Two Year Permit</td>
</tr>
<tr>
<td>Environmental Site Assessment</td>
<td>$100 Per Address</td>
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<tr>
<td>Miscellaneous Permits</td>
<td>$150.00</td>
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<tr>
<td>Work without a Permit</td>
<td>Double the Permit Fee</td>
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<tr>
<td>Re-Inspection Fee</td>
<td>$150.00 (Fee increases by $100.00 for each additional re-inspection)</td>
</tr>
<tr>
<td>Re-issue of Permit/Plan Review Comments</td>
<td>$25.00</td>
</tr>
<tr>
<td>Hourly Rate, Review/Inspections</td>
<td>$80.00</td>
</tr>
</tbody>
</table>
RESOLUTION NO._____
SERIES OF 2013

A RESOLUTION SETTING VARIOUS PERMIT FEES PERTAINING TO ENGLEWOOD
FIRE DEPARTMENT LIFE SAFETY AND FIRE PREVENTION FEE SCHEDULE

WHEREAS, the Fire Marshal has determined that Fire Plan Reviews and Permits should be
performed in-house by the Fire Department staff; and

WHEREAS, the passage of this proposed resolution will establish fees for such reviews and
permits; and

WHEREAS, the International Fire Code Section 501.1, as adopted, establishes that fees for
any plan review, fire permit, or inspection shall be established from time to time by resolution of
the Englewood City Council; and

WHEREAS, the Director of Finance and the City Manager have reviewed the proposed fee
schedule and have determined it is compliance with the Colorado Constitution Article X (Tabor
provision); and

WHEREAS, the City Manager and the economic development staff together with the Fire
Chief have reviewed the proposed fee schedule and have determined that the proposed fees will
not hinder economic development; and

WHEREAS, the proposed increased fees were discussed in the budget process and it was
anticipated that the fees will offset the cost of a new Assistant Fire Marshal position.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado authorizes the following
Englewood Fire Department Life Safety and Fire Prevention Fee Schedule.

Schedule of Fees for Permits issued pursuant to §105.1 of the International Fire Code (IFC)
as adopted.

The fee for each permit shall be as follows:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>FEE</th>
</tr>
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<tbody>
<tr>
<td>Permit Application Fee / ALL PERMITS</td>
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</tr>
<tr>
<td>Over 50,000 sq ft</td>
<td>$2000 + $.030/sq ft</td>
</tr>
<tr>
<td></td>
<td>over 10,000 sq ft</td>
</tr>
<tr>
<td>Tenant Finish/Remodel/Additions</td>
<td>0 - 10,000 sq ft</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>Over 10,000 sq ft</td>
</tr>
<tr>
<td></td>
<td>Over 50,000 sq ft</td>
</tr>
<tr>
<td>Parking Structures</td>
<td>1/3 of New Construction Fee</td>
</tr>
<tr>
<td>Fire Sprinkler System</td>
<td>0 – 50,000 sq ft</td>
</tr>
<tr>
<td></td>
<td>Over 50,000 sq ft</td>
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<tr>
<td>Fire Alarm System</td>
<td>0 – 50,000 sq ft</td>
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<tr>
<td></td>
<td>Over 50,000 sq ft</td>
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<tr>
<td>Commercial Kitchen Hood Systems</td>
<td></td>
</tr>
<tr>
<td>Other Plan Review- (Operational Permits)</td>
<td></td>
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<tr>
<td>Ops Permits under IFC Section 105.6</td>
<td></td>
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<tr>
<td>Hazardous Materials Inventory Plan (HMIP)</td>
<td></td>
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<tr>
<td>Environmental Site Assessment</td>
<td></td>
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<tr>
<td>Miscellaneous Permits</td>
<td></td>
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<tr>
<td>Work without a Permit</td>
<td></td>
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<tr>
<td>Re-Inspection Fee</td>
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<tr>
<td>Re-Issue of Permit/Plan Review Comments</td>
<td></td>
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<tr>
<td>Hourly Rate, Review/Inspections</td>
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</tbody>
</table>

EFD evaluates all plans and construction documents to determine if all related documents meet the requirements of the codes and standards adopted by the City of Englewood. Obtaining multiple permits is required for the majority of projects. The sequence or progression of the permitting process is of utmost importance to ensure that all projects are tracked appropriately throughout the plan review and inspection process. Submittals for systems will not be processed until the new building or tenant improvement construction documents have been reviewed.

ADOPTED AND APPROVED this 7th day of October, 2013.

ATTEST: _______________________________

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk