
Council Newsletter



CITY MANAGER'S NOTES

April 1, 2010

Upcoming Council Meetings

City Council will meet on **Monday, April 5, 2010**. The Study Session will begin at 6:00 p.m. in the Community Room. The Regular Meeting will begin at 7:30 p.m. in Council Chambers. The agendas are attached. Sandwiches will be available at 5:30 p.m.

The next City Council meeting will be held on **Monday, April 12th**.

Informative Memoranda

The following are memoranda in response to Council's requests, as well as other informational items.

1. Letter from DRCOG concerning the 2010 DRCOG Award Submission.
2. Letter from the Governor's Energy Office concerning the Qualified Energy Conservation Bond allocation.
3. CML Statehouse Report, March 29, 2010.
4. CINTAS Environmental Award.
5. Memorandum concerning the Project Update.
6. Memorandum concerning the sign code enforcement at 324 West Hampden Ave.
7. Memorandum concerning the Neighborhood Stabilization Program.
8. Calendar of Events.
9. Tentative Study Session Topics.
10. Minutes from the Water and Sewer Board meetings of January 12, February 9 and March 9, 2010.



Board Officers

Rod Bockenfeld, Chair
Jim Taylor, Vice Chair
Dennis McCloskey, Secretary
Sue Horn, Treasurer
Ed Peterson, Immediate Past Chair
Jennifer Schaufele, Executive Director

March 19, 2010

Mr. Gary Sears
City Manager
City of Englewood
1000 Englewood Parkway
Englewood, Colorado 80110

MAR 25 2010

Dear Mr. Sears:

Re: 2010 DRCOG Award Submission/**Collaboration**
EnglewoodSites.com: Implementing Englewood's vision for business retention, revitalization, and redevelopment

Thank you for preparing and submitting your nominations for the 2010 Denver Regional Council of Governments (DRCOG) Local Government Awards Program. Your project was not selected for an award by our independent panel of judges, but we wanted to tell you how very much we appreciate the time and effort you put into submitting your nomination.

We had an excellent response to our call for nominations. The judges' panel reviewed the nominations and selected award winners, based on project criteria. The award winners will be formally recognized at the DRCOG Annual Awards Dinner on April 28.

Once again, we thank you for your participation and your interest in the awards program. The judges wanted us to tell all project nominators that there were excellent projects submitted this year, which made their job very difficult. We wish that we could recognize all the fine projects that were nominated, but please know that your efforts help make this program a success. We look forward to receiving nominations from you for the awards program again in the future.

Sincerely,

Rich Mauro
Senior Policy and Legislative Analyst

c: Alan White, Community Development Director, City of Englewood

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1290 BROADWAY ◊ SUITE 700 ◊ DENVER COLORADO 80203-5606 ◊ TEL 303-455-1000 ◊ FAX 303-480-6790
E-MAIL: DRCOG@DRCOG.ORG ◊ WEBSITE: WWW.DRCOG.ORG

GOVERNOR'S ENERGY OFFICE

1580 Logan Street, Suite 100
Denver, CO 80203
Phone: (303) 866-2100
Fax: (303) 866-2930
www.colorado.gov/energy
geo@state.co.us



Bill Ritter, Jr.
Governor

Tom Plant
Director

March 24, 2010

Mr. Michael Flaherty
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

Dear Mr. Flaherty:

On behalf of the Governor's Energy Office (GEO), it is with great pleasure that I inform you that your application for a Qualified Energy Conservation Bond allocation has been selected for funding in the amount of \$1,286,439. This is the full amount that you requested in your application.

This application process was tremendously competitive. GEO was unable to allocate QECB volume cap to all applicants. For this reason, it is GEO's hope that it can use its entire allocation by the end of this year. If certain projects fall through, GEO would like to have time to re-allocate unused QECBs to other deserving projects before the end of the year.

As you know, QECBs are not a grant; they are a unique repayment mechanism for public finance vehicles such as GO Bonds, Revenue Bonds, COPs, and so forth. Depending on your method of finance, there will be certain protocols in order to move forward with your transaction, such as an approved ordinance by your governing body, identifying an underwriter, etc. In order to assure that we expend all of the State's allocation, we are hoping that you adhere to the following milestones:

- May 31: Indicate that you have received approval from your governing body (City Council, County Commissioners, Board of Directors, etc) in accordance to your policy guidelines to proceed with the QECB transaction
- August 1: Indicate that the transaction has been priced and closed in the market

Please send me confirmation when these milestones have been reached.

Thank you for your ongoing work to promote renewable energy and energy efficiency in Colorado. Congratulations on your award. We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Johnson". The signature is written in a cursive style with a large, stylized initial "B".

Brett Johnson
Finance Program Manager
Governor's Energy Office

CML

COLORADO MUNICIPAL LEAGUE

The Voice of Colorado's Cities and Towns

CML UPDATE



This week at the Capitol ...

- [Land use](#)
- [Transit-oriented development](#)
- [Medical marijuana](#)
- [Public safety](#)
- [Transportation](#)
- [Water](#)
- [Workers compensation](#)
- [Update: Federal health care legislation](#)

Communications and the Future

Join CML and GMTC April 14-15 in Arvada for a training event that focuses on three areas of local government - telecommunications and cable, technology initiatives, and public information and outreach. [Register now.](#)

CML Annual Conference

Join CML June 22-25

Box score

View the status of CML support- and oppose-bills with the [CML Box Score](#), updated March 29.

Affordable housing: Voluntary agreements affecting rent

HB 10-1017; CML position: Support

While the opposition continues to frequently use the words "rent control" when speaking about the bill in hopes that legislators will believe that is what it does, HB 10-1017 actually creates an exception to the "rent control" statute that allows public entities and developers to mutually agree upon binding rental agreements and deed restrictions. Discussion on additional amendments clarifying the voluntary nature of the agreements is ongoing. Regardless, we expect a close vote in the Senate and continue to strongly encourage members to contact their senators to express support for the bill. Lobbyist: [Kevin Bommer](#)

Beer and liquor: Grocery store licenses

HB 10-1279; CML position: No position

The House Business Affairs and Labor Committee will hold the first hearing on this legislation on Wednesday, April 7. Earlier this session, the same committee passed HB 10-1186, which would have allowed convenience stores to apply for a license to sell full-strength beer. That bill was later killed 8-3 by the House Finance Committee. It is possible the fate of HB 1279 may be similar, but CML is comfortable with authority retained by liquor licensing authorities under the bill. As introduced, the bill allows a retail liquor store within 1,000 feet of a grocery store to sell his or her license and transfer it to the grocery store upon approval by the local and state licensing authorities, at which time the license would be converted to a liquor licensed pharmacy license. If the bill does move forward, then municipalities can be assured they retain the full authority for local control of licensing as with any license. CML's decision to maintain "no position" is based on all of the licensing provisions remaining in the bill, and the League is thankful the sponsor is including an amendment CML requested clarifying local public meeting options. Other amendments may be offered, and CML will evaluate those to ensure there are no adverse impacts on municipal licensing. Lobbyist: [Kevin Bommer](#)

Energy districts: Cross-boundary

SB 10-100; CML position: Support

House Transportation gave the thumbs up to this bill last week and sent it to the floor for second reading. The bill permits energy local improvement districts to operate over county lines. Similar to a general improvement district, an ELID basically operates as a source of loans for energy improvement and alternative energy projects for property

in Breckenridge for the premier training event for municipal officials. [Registration and full program now available.](#)

Colorado Coalition of Land Trusts (CCLT)

CCLT is hosting a free Webinar April 6 on local government certification and organization profiles. For more information, contact [George Harvey](#).

owners. Property owners enter the program voluntarily. The loan repayment is attached to the property and is paid off through a 20-year assessment on the property. Lobbyists: [Geoff Wilson](#), [Mark Radtke](#)

Labor: Peace Officers Bill of Rights

SB 10-084; CML position: Oppose

After sitting idle for several weeks, SB 10-84 has been scheduled for a hearing today (March 29) and the amendment is being circulated. The amendment is being represented by the Colorado Fraternal Order of Police — the bill's main proponent — to "ensure due process as a minimum standard." However, the FOP fails to mention that the bill still would include a preemption of home rule authority and local control, mandatory dues check-off, and third-party binding arbitration. CML has just recently learned that the proponents will urge the committee to offer an amendment that eliminates application of the bill to the state's peace officers so that the mandate applies only to local governments. We trust that this most likely will serve only to weaken the bill in the eyes of the members of the Senate Judiciary Committee supporting the bill. If the proponents think SB 84 is good enough to mandate on local governments' peace officers, then they should be willing to apply it to the state's peace officers, as well. Lobbyist: Kevin Bommer

Land use: Municipal projects

HB10-1368; CML position: Oppose

For years, the county planning statutes have given the county authority to conduct a "location and extent" review of projects proposed by other jurisdictions and to approve or disapprove such proposals. The statute gives the applicant jurisdiction power to override county disapproval and proceed with the project anyway. The municipal planning statutes contain similar language. The theory is that no jurisdiction's conception of the public interest (as reflected in its land use practices) ought to trump another public entity's ability to meet its responsibility to also serve the public interest.

Recently, the applicability of the "override statute" was tested in the Colorado Supreme Court in a case involving a decision by a fire district to override Boulder county's disapproval of the site of new fire station. The station was in a county approved PUD, and the county subsequently argued that the later passed PUD statute made county PUDs not subject to the override statute (that is, the applicant entity could not override county disapproval, if the proposed development was at odds with a PUD zoning scheme). The Supreme Court disagreed, holding that the override authority benefitting other jurisdictions was not limited by the county PUD law. *BOCC of Boulder County v. Hygiene Fire Protection District*, 221 P3d 1063 (Colo.2009).

HB 10-1368 is the latest act in this saga; this one playing out at the Capitol. In the bill, Boulder and Douglas counties, with CCI support, seek to accomplish by amendment what the Supreme Court declined to give them in their case. The counties seek to amend their "override statute" so that applicant jurisdictions could not override restrictions or prohibitions in a county approved PUD zoning scheme. Notably, no corresponding amendment is suggested in HB10-1368 for the municipal override statute.

The effect of the bill would be to enable counties to block extraterritorial municipal projects, such as reservoirs and water pipelines, as well as special district projects, through use of their PUD power. As Justice Hobbs observed in his opinion, this is precisely the result that the override statutes were designed to avoid. Furthermore, the bill is one-sided: it leaves in place the override authority of other jurisdictions with respect to a *municipal* disapproval of a proposal (thus, a municipal PUD would not stand in the way of, say, a county project proposed for within a municipality). This bill is unnecessary, bad public policy, and unfair to municipalities. CML will be opposing this unfortunate piece of legislation. Lobbyist: [Geoff Wilson](#).

Land use: Transit-oriented development

HB 10-1143; CML position: Support

The governor will soon have this bill on his desk following Senate approval without amendment. The bill allows residential units to be added to the existing ability of constructing commercial and retail buildings on RTD transfer facilities property. The goal of the legislation is to spur transit oriented development projects at light rail stations along FasTracks routes. Any development project would be subject to local zoning. Lobbyists: [Mark Radtke](#), [Geoff Wilson](#)

Medical marijuana: Dispensaries

HB 10-1284; CML position: Oppose unless amended

Among a raft of amendments to HB 10-1284 this past week was a major issue for CML. The committee removed the "local option" to ask municipal voters to prohibit medical marijuana centers (dispensaries) within their jurisdiction. The bill sponsor, Rep. Tom Massey, R-Poncha Springs, has agreed to carry a floor amendment for us to restore that provision. We will be in opposition to the bill without a local prohibition option. The bill continues the state/local licensing model with continued flexibility for local licensing rules. This bill won't pass through Appropriations and on to the House floor for debate until House consideration of the Long Bill is completed next week. Lobbyists: [Mark Radtke](#), [Kevin Bommer](#)

Public safety: Prepaid wireless 9-1-1 surcharge

SB 10-120; CML position: Support

SB 10-120 has been introduced in the House and assigned to the Business, Affairs & Labor Committee, chaired by Rep. Joe Rice, D-Littleton, the House sponsor. It is scheduled for an April 6 hearing. Senate amendments eliminated the fiscal impact to the Department of Revenue, and the bill has bipartisan support. The NCSL model legislation will require a point-of-sale collection of 9-1-1 surcharges on prepaid wireless devices and minutes, which will be remitted directly to the Department of Revenue for appropriate distribution to 9-1-1 authorities around the state. The Colorado Retail Council has drafted an amendment to increase the vendor fee for retailers, and Rep. Larry Liston, R-Colorado Springs, will offer the amendment. CML respects our relationship with the Retail Council, and a commitment was made that if the retailers could "show their work" on additional costs that the 2 percent vendor fee would not cover, then CML would assist with an appropriate amendment. However, no supporting information has been provided; therefore, CML will oppose amendments to change the vendor fee. Once passed, SB 120 will finally close the last remaining gap in 9-1-1 funding by all devices that can access 9-1-1. Lobbyist: [Kevin Bommer](#)

Transportation: FASTER late fee adjustments

HB 10-1211; CML position: Support

On Friday, the House took action on Senate amendments to HB 10-1211 that reduces the late registration penalty for non-motorized trailers to \$10. The Senate amended the bill to reduce the late fee for all trailers, not just those under one ton as originally proposed. The House has rejected that amendment and voted to "adhere" to the House position. This means the Senate will have to remove its amendment and adopt the House version or the bill is deadlocked. Lobbyist: [Mark Radtke](#)

HB 10-1212; CML position: Support

This bill allows the Department of Revenue to formulate rules allowing the waiver of late registration fees for circumstances such as weather, computer malfunctions, personal illness, etc. A Senate amendment added idled farm vehicles to the possibilities for late fee waivers. The House re-adopted the bill with the Senate amendments and sent it to the Governor for signature. Lobbyist: [Mark Radtke](#)

Water: Retroactive Davis-Bacon wage provisions

SJR 10-018; CML position: Support

CML was supporting a bipartisan joint resolution that would have urged Congress to revisit a fundamental unfairness done to municipalities and special districts in Colorado and around the nation as a result of a component of the 2010 Appropriations bill signed by President Obama on Oct. 30. The bill tied Davis-Bacon prevailing wage strings to any water and wastewater project not already under contract, and purports to tie Davis-Bacon requirements to loans made by the Colorado Water

Resources and Power Development Authority out of monies repaid from previous loans. CML believes these provisions are fundamentally unfair and work against the stated goals of the Administration and the State of Colorado to maximize infrastructure investment and kick-start the economy. The League urged members to support the resolution to ask Congress and the EPA to reexamine the matter, and not to mischaracterize the resolution as a referendum on Davis-Bacon. Several key Democrats, including Senate Majority Leader John Morse, D-Colorado Springs, signed on to the resolution. Unfortunately, politics won out over substance, and the resolution was killed by the Senate Business, Labor & Technology Committee. Lobbyist: [Kevin Bommer](#)

Water: Usage and conservation reporting

HB 10-1051; CML position: Oppose

As introduced, the bill creates new mandatory elements into the statute requiring covered water providers to submit water conservation plans to the Colorado Water Conservation Board for approval. The legislation would require providers to annually report quantities of water usage, permits, taps, water conserved, and many other elements. The legislation is silent on how the information will be used by the state, and how local governments and citizens might benefit from the effort that would go into submitting data to the state. Proponents have been working with utilities and the Colorado Water Congress to try to come to a compromise. That compromise appears to be taking shape in the form of an advisory committee to the CWCB to develop what the standards would be and how they would be used. CML is maintaining opposition until all parties are satisfied with any proposed compromise. Lobbyist: [Kevin Bommer](#)

Water: Water-Smart homes

HB 10-1328; CML position: No position

This recently-introduced legislation was discussed, in concept, with League staff over the interim, but the introduced version of the bill contains other provisions. Much like the "solar pre-wire" legislation from last year, CML would clearly be neutral on this bill if it simply required homebuilders to provide an option for buyers to include [EPA WaterSense](#) appliances and fixtures. (The WaterSense designation is similar to EPA's EnergySmart designation of certain efficient appliances). The League is currently discussing the other provisions of the bill related to outdoor landscape irrigation pressure reduction devices to ensure there are no conflicts with state and local codes or local ordinances. Lobbyist: [Kevin Bommer](#)

Workers compensation: Use of surveillance

HB 10-1012; CML position: Oppose.

While changed dramatically from its introduced form, which would have been very punitive for insurers and self-insured employers, this legislation would still have dramatic effects on the ability of insurers and employers to utilize surveillance as a means to prevent and deter fraud and abuse. The standard established in order for an insurer or employer to conduct surveillance and ensure its admissibility in a workers' compensation hearing is vague and confusing. Rather than focus on a few bad apples that may have, as individuals, conducted inappropriate surveillance activities, this bill punishes all employers and their insurers and will increase workers compensation costs. Lobbyist: [Kevin Bommer](#)

Update: Federal health care legislation

President Obama recently signed the Senate health care legislation after passage of the bill by the House. As enacted, the new law changes some rules effective immediately on insurance coverage, but leaves much of the implementation to federal regulators, states, and the courts. Increased subsidies and the expansion of Medicaid will not commence until 2014. The heavy lifting will come from federal regulators and states trying to structure a new marketplace where health plans will compete. While the measure immediately bans insurers from barring coverage for children with pre-existing conditions, adults won't be protected until 2014. Until then, they will be eligible to join high-risk pools funded by \$5 billion in federal grants. Beginning in 2014, states will have the responsibility to set up and run the online marketplaces, known as "exchanges," where customers will comparison-shop for coverage. Among other powers, the exchanges will be able to banish plans for premium increases deemed to be unjustified. States may merge exchanges with neighboring states; they could set up government-run insurance plans for low-income buyers ineligible for Medicaid to pool their power or apply for federal waivers to impose stricter rules on insurers. A tax on high-cost, so-called "Cadillac" policies offered by health plans begins in 2018. It will apply to local governments as well as all other employers. Key provisions effective in the near term include:

- Prohibits health insurers from denying coverage to children with pre-existing conditions. *(Effective 6 months after enactment)* Beginning in 2014, this prohibition would apply to all persons.)
- Prohibits plans from imposing lifetime limits on coverage. Prohibits health insurance companies from placing lifetime caps on coverage. *Effective 6 months after enactment.*
- Prohibits the imposition of restrictive annual limits on coverage. Tightly restricts new plans' use of annual limits to ensure care. These tight restrictions will be defined by HHS. *Effective 6 months after enactment.* (Beginning in 2014, the use of annual limits would be prohibited for all plans.)
- Eliminates co-payments and deductibles for preventive care under new private plans. Requires new private plans to cover preventative services with no co-payments and with preventive services being exempt from deductibles. *Effective 6 months after enactment.* (Beginning in 2018, this requirement applies to all plans.)
- Establishes a temporary reinsurance program for early retirees. Creates a temporary reinsurance program (until the Exchanges are available) to help offset the costs of expensive health claims for employers that provide health benefits for retirees age 55-64. *Effective 90 days after enactment.*
- Establishes an interim high risk pool program. Provides immediate access to insurance for Americans who are uninsured because of a pre-existing condition - through a temporary high-risk pool. This program will end when the Health Insurance Exchanges become effective in 2014. *Effective 90 days after enactment.*
- Extends coverage for coverage for young persons up to their 27th birthday through parents' insurance. Requires health plans to allow young people up to their 27th birthday to remain on their parents' insurance policy, at the parents' choice regardless of marital status. *Effective 6 months after enactment.*
- Assistance to states to provide health insurance consumer information. Provides aid to states in establishing offices of health insurance consumer assistance in order to help individuals with the filing of complaints and appeals. *Effective beginning in FY 2010.*
- Small Business tax credits-Offers tax credits to small businesses to make employee coverage more affordable. Tax credits of up to 35 percent of premiums will be immediately available to firms that choose to offer coverage. *Effective beginning calendar year 2010.* (Beginning in 2014, the small business tax credits will cover 50 percent of premiums.)
- Community Health Centers. Increases funding for Community Health Centers to allow for nearly a doubling of the number of patients seen by the centers over the next 5 years. *Effective beginning in fiscal year 2010.*
- Creates new, voluntary, public long-term care insurance program. Establishes a national voluntary insurance program for purchasing Community Living Assistance Services and Support (CLASS program), a long-term care insurance program to be financed by voluntary payroll deductions to provide benefits to adults who are actively employed and become functionally disabled. The program allows for an opt-out by employers, and a five year vesting period. *Effective on January 1, 2011.*

Colorado Municipal League

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MEMORANDUM

TO: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works 

FROM: David Henderson, Engineering/Capital Projects Administrator 

DATE: March 31, 2010

SUBJECT: PROJECT UPDATES – S. Zuni St. Sidewalks, Concrete Utility Program 2010, Community Garden, Animal Shelter Demolition, RTD Light Rail Platform Expansion, Street Maintenance Projects 2010, Pirates Cove Repairs, Ball Field Lighting, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects)



S. ZUNI ST. SIDEWALKS

In 2009, Community Development applied for and received a block grant through Arapahoe County to install sidewalks on Zuni St. between Evans and Wesley. **Xcel Energy and Qwest are in the process of relocating 4 power poles that were located in the sidewalk alignment. The contractor continued work and should be complete by the 2nd week of April.**

CONCRETE UTILITY PROGRAM 2010

Staff continued marking concrete for the 2010 removal and replacement project. Work is expected to begin during the month of May.

COMMUNITY GARDEN

The Parks Division continued preparing the garden site for this summer's plantings. Parks staff removed 3 large trees from the community garden area with a 96 inch tree spade. The trees were relocated to the golf course and Bates Logan Park. Sod removal from the area that will be used for the garden plots should be complete this week. A portion of the sod will be used to re-sod the soccer field at the Rockies fields.

ANIMAL SHELTER DEMOLITION

Demolition of the vacated Animal Shelter at the Servicer is complete.

RTD LIGHT RAIL PLATFORM EXPANSION

RTD is expanding the Englewood Light Rail Station to accommodate four cars rather than the current three cars. RTD's contractor is waiting for delivery of light fixtures. They expect to complete the project by early April.

STREET MAINTENANCE PROJECTS 2010

Street crews are in the process of sealing cracks with hot polymerized rubber. **Crack pouring will continue through the winter and into spring as weather allows.**

PIRATES COVE REPAIRS

Concrete pours were completed this week. Landscape restoration is expected to be complete by mid-April.

BALL FIELD LIGHTING

The new lighting at Brent Maine field is complete. Duro Electric is addressing punch list items. The replacement of 5 light poles at Spencer Field is complete.

CITYCENTER SITE DEVELOPMENT

Alexan East and West Parcels

438 residential units. Alexan's occupancy level for January, 2009 is 94.7%. Commercial uses: Mile High Coffee, Let It Bead, Curves for Women, State Farm, Cuttin' It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, and Creative Perspectives.

Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, MMB Hearing, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, CityCenter Wine and Spirits, Quizno's, Miller/Weingarten, Air Walk, "Insurance Company of the West", Printwear Express, and Fred Astaire Dance Studio.

Bally's Building

Tenants include Bally's, "Blondies Fire House Pub and Restaurant", and MaxFour.

Retail South of the Parkway

Tenants: Petco, Ross, Payless Shoes, Coldstone Creamery, Noodles, Sports Authority, and Office Depot.

Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, and Mega Wraps. **M/W has a new tenant moving into the vacated Old School Burger space (see attached announcement).**

CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance. EEFI has acquired a used generator to maintain parking structure lighting in the event of a power outage in the parking garage. Parts delivery was delayed. We expect to complete the final hookup by early April. **Landscaping crews have completed replacing topsoil and sod in the planters around the Bally's building and in the Sculpture Garden.**

Bradley Station Environmental

EEFI's environmental consultants prepared an Executive Summary Report (dated July 28, 2008). Updates will be provided as additional information is received.

ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

PA-84 West

The lease with TT of Denver has been executed and deposit has been made with the title company. EMRF continues to receive \$10,000 draws against the deposit; the most recent draw was received today, 3/11. Consultants from TT of Denver have received an access license and are on-site performing surveying and geotechnical work in preparation of construction in early summer.

PA-85 (RTD site)

RTD has paid the final billing in the amount of \$591,836.86. Finance has deposited this money in the LTAR fund.

AIR QUALITY/ENERGY SAVING PROJECTS

Flex Fuel Program

Thirty-four of our fleet vehicles are running on E-85 ethanol fuel. All new replacement fleet vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approximately \$0.45 less than regular unleaded gasoline.

Diesel Retrofit

Nineteen of our older diesel powered vehicles have been retrofitted to meet current air quality standards. **The Regional Air Quality Council approved a grant covering 100% of the cost (approximately \$20,000) to retrofit our heavy equipment. Parts are expected to be delivered in 2-3 weeks and the units will be converted by the end of May.** Englewood will be one of the few municipalities in Colorado to meet the 2007 emissions standards for off-road vehicles.

Hybrid Vehicle Purchase

We have purchased two 2010 GMC Hybrid Sierra Pickups. These should be delivered **around the middle of May** and will be utilized within the Englewood Utilities Department.

"Green" Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources.

Energy Saving Projects

In 2001, the Public Works Traffic Division began an ongoing program to convert traffic signals from incandescent lamps to Light-Emitting-Diode (LED) bulbs. To date, 80% of our City maintained signals have been converted. LED traffic signals use 90% less energy than incandescent lamps, last 5 times longer, and provide better visibility.

Dave Henderson

From: Maria Castuera [MCastuera@millerweingarten.com]
Sent: Thursday, March 25, 2010 3:55 PM
To: Maria Castuera
Cc: Scott Goldammer; Jeff Piquette; Lou Brock; Terry Dorchak; Greg Moran
Subject: COMING SOON AT CITYCENTER ENGLEWOOD!

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CITY OF ENGLEWOOD
COMMUNITY DEVELOPMENT

To: Mayor Woodward and Council Members
Thru: Gary Sears, City Manager
Alan White, Community Development Director *AW*
From: Tricia Langon, Senior Planner *TL*
Date: March 30, 2010
Subject: Update: Enforcement of Sign Code Violation
324 West Hampden Avenue – Signs without Permit

The property owner and store manager at the above property submitted an Accessory Permit Application for signs following notification by the City that new signs require a permit. Community Development Department reviewed the application for number of allowed signs and total square footage of allowed signs. The site is allowed a maximum of 3 signs totaling up to 80 square feet. The sign area of the pole sign (adjacent to West Hampden Avenue) and the wall sign (east side of building) was determined to be 80 square feet. The large painted graphic on the east wall was not included in the sign number or area calculations based on Council directive to suspend enforcement of UDC regulations related to murals during the amendment work on 16-6-13: *Signs of the Englewood Municipal Code.*

Community Development staff also advised the property owner and store manager by letter that depending on the outcome of sign code amendments the painted graphic on the east wall may or may not be permitted. This could mean a wall mural installed without a permit or in violation of the Code may necessarily not be "grandfathered" and allowed to remain.



M E M O R A N D U M

TO: City Council and Gary Sears, City Manager
THRU: Alan White, Community Development Director *AW*
THRU: Harold Stitt, Community Development Manager *HS*
FROM: Janet Grimmett, Housing Finance Specialist *JG*
DATE: March 31, 2010
SUBJECT: Neighborhood Stabilization Program (NSP1)

To date, Community Development staff has acquired 5 foreclosed properties under the NSP1 project. The addresses are:

1. 2198 W Adriatic Pl (under construction)
2. 2335 W Baltic Pl (under construction)
3. 2010 W Baltic Pl (under construction)
4. 4819 S Delaware St (historic preservation clearance pending)
5. 4681 S Decatur St #226 (work write up pending)

Two additional properties are under contract, but no closing date has been scheduled:

1. 2000 W Baltic Pl
2. 3395 W Grand Ave

The NSP1 project was to acquire, rehab and sell a total of ten (10) foreclosed single-family properties.

**CITY OF ENGLEWOOD
2010 CALENDAR OF EVENTS**



Sun., Apr. 4		Library Closed – Easter Sunday
Mon., Apr. 5	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Apr. 6	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., Apr. 7	4:00 p.m.	Englewood Housing Authority, 3460 S. Sherman #203, Board Room
	5:45 p.m.	Cultural Arts Commission, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Thurs., Apr. 8	11:30 a.m.	Alliance for Commerce, Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Broken Tee Englewood Golf Course
Mon., Apr. 12	6:00 p.m.	Study Session, Community Room
Tues., Apr. 13	5:00 p.m.	Water and Sewer Board, Comm. Dev. Conf. Rm.
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., Apr. 14	Cancelled	Urban Renewal Authority
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Mon., Apr. 19	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Apr. 20	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., Apr. 21	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., Apr. 26	6:00 p.m.	Study Session, Community Room
Mon., May 3	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., May 4	7:00 p.m.	Planning & Zoning, Council Chambers

Wed., May 5	4:00 p.m.	Englewood Housing Authority, 3460 S. Sherman #203, Board Room
	5:45 p.m.	Cultural Arts Commission, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., May 10	7:00 p.m.	Citizen of the Year, Malley Center, 3380 So. Lincoln St.,
Tues., May 11	3:00 p.m.	NonEmergency Employees Retirement Board, Public Works Conference Room
	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., May 12	6:30 p.m.	Urban Renewal Authority, Community Development Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., May 13	11:30 a.m.	Alliance for Commerce, Council Conference Room
	CANCELLED	Police Officers Pension Board, Public Works Conference Room
	CANCELLED	Firefighters Pension Board, Public Works Conference Room
	5:30 p.m.	Parks and Recreation Commission, Barde Park, 3100 South Downing
	6:30 p.m.	Transportation Advisory Committee, Council Conference Room
Mon., May 17	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., May 18	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., May 19	6:30 p.m.	Code Enforcement Advisory Committee, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., May 24	6:00 p.m.	Study Session, Community Room
Mon., May 31		City Hall Closed – Memorial Day

**ENGLEWOOD CITY COUNCIL
TENTATIVE STUDY SESSION TOPICS**



- April 12** Study Session
Neighborhood Stabilization Program
NLC Inclusive Communities Program
City of Service
City Council Newsletter distribution
- April 19** Regular Meeting
Financial Report
Budget Discussion
State Initiatives to Englewood
- April 26** Study Session
Labor Negotiations
- May 3** Regular Meeting
Board & Commission Reappointment Discussion
- May 10** Citizen of the Year Celebration
- May 17** Regular Meeting
Public Improvement Financing
Financial Report
- May 24** Study Session
Community Meeting – Malley Center
- May 31** Memorial Day Holiday – No Meeting Scheduled
- June 7** Regular Meeting
- June 14** Study Session
Board & Commission Interviews
- June 21** Regular Meeting
Financial Report
- June 28** Study Session
- July 6** Regular Meeting (Tuesday)
- July 12** Study Session
- July 15** Tentative Meeting with Littleton City Council @ WWTP

July 19	Regular Meeting Financial Report & 6 month update
July 26	Study Session Community Meeting – WWTP
August 2	Regular Meeting
August 9	Study Session Board/Commission Appreciation Night @ Pirates Cove
August 16	Regular Meeting Financial Report
August 23	Study Session
August 30	No Meeting Scheduled – 5 th Monday
September 7	Regular Meeting – Tuesday
September 13	Study Session
September 20	Regular Meeting Financial Report
September 25	Saturday Budget Workshop - tentative
September 27	Study Session
October 4	Regular Meeting
October 11	Study Session
October 18	Regular Meeting Financial Report
October 25	Study Session
November 1	Regular Meeting

FUTURE STUDY SESSION TOPICS

Historic Preservation
 Unrelated Persons per Household
 Flood Plain District
 Council Bills Publication by Title Only

WATER AND SEWER BOARD
MINUTES

January 12, 2010

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

Members present: Clark, Olson, Higday, Cassidy, Wiggins,
Woodward, Mc Caslin, Habenicht

Members absent: Burns

Also present: Stewart Fonda, Director of Utilities
Bill McCormick, Operations Supt.
Tom Brennan, Utilities Engineer

1. MINUTES OF THE DECEMBER 8, 2009 MEETING.

The Englewood Water and Sewer Board received the minutes of the December 8, 2009 and phone vote of December 14, 2009 approving the minutes of the December 8, 2009 meeting.

2. EXECUTIVE SESSION FOR SECURITY REASONS PER CRS 24-6-402(b).

Mr. Clark moved;

Mr. Higday seconded: To have the Water and Sewer Board go into
an Executive Session to discuss security
measures pursuant to 24-402-4(b) C.R.S.

Ayes: Clark, Olson, Higday, Cassidy, Wiggins,
Woodward, Mc Caslin, Habenicht

Nays: None

Members absent: Tom Burns

Chairman Clark noted that an affirmative vote of 2/3rds of the quorum was received.

Motion carried.

The Board was in executive session until 5:55 p.m.

Mr. Clark moved;

Mr. Habenicht seconded: To close the Water and Sewer Board Executive Session.

Ayes: Clark, Olson, Higday, Cassidy, Wiggins, Woodward, Mc Caslin, Habenicht

Nays: None

Members absent: Tom Burns

Motion carried.

Mr. Burns entered at 5:50 p.m.

3) LITTLETON/CITY DITCH BIKE PATH

The Board received a list of concerns from Utilities Department, the Utilities Engineer and the City Attorney's office. Mr. Fonda discussed the following concerns and received the following directives from the Board:

1. Should the bike path be allowed along the open ditch? Contamination concerns were discussed. The Board directed that the bike path not be constructed on ditch right-of-way where the ditch is open. If it is to be constructed on other property near the open City Ditch, it should be a substantial distance from the open ditch and a fence or barrier must be constructed where it is in close proximity to the open ditch.
2. To what degree would Englewood be willing to give up its ability to close the ditch, either temporarily or permanently, at its sole discretion? The Board directed that the City retain legal rights to close the trail for any reason.
3. Should the use of the City Ditch right-of-way be minimized, even where piped? The Board directed that the use of the right-of-way for the bike path should be minimized.
4. Should Littleton recognize that the City Ditch will be piped and that Englewood will not allow historic designation? Charlie Bloston, Director of Public Works for the City of Littleton, was present and noted that even though there are no existing plans to pursue historic designation, he could not vouch for the intentions of future Littleton City Councils. He also noted that there is an existing ordinance that states that the property owners must approve historic designation before the City of Littleton will pursue. The Board noted that the ultimate goal is to pipe the entire City Ditch and Englewood will not allow historic designation for the City Ditch along the proposed bike path.
5. What entity should Englewood deal with; City of Littleton, South Suburban Parks and Recreation, or both? The Board directed that Englewood deal with the City of Littleton directly and all matters regarding the City Ditch bike path in Littleton.
6. Should there be some consideration, such as weed cutting or maintenance, by Littleton for use of the right-of-way? The Board indicated that Littleton should offer something for use of the right-of-way. An example would be doing general maintenance and weed cutting.

7. Englewood's City Attorney will require a legal opinion that the right-of-way may legally be used for a bike path and will require that an entity step forward to defend this against neighbors. These rights may need to be acquired. The Board indicated that all legal issues must be addressed, and an intergovernmental agreement signed by all parties.

8. Englewood's City Attorney will require an entity to be responsible for construction, maintenance and usage of the right-of-way. The Board indicated that Englewood should deal with the City of Littleton on issues regarding construction, maintenance and usage of the right-of-way.

9. Englewood's City Attorney will require an entity to take responsibility for satisfying all requirements of other utilities crossing the City Ditch. The Board concurred with the City Attorney's requirements. Charlie Bloston with the City of Littleton expressed his concurrence with this condition.

10. Englewood will require an entity to actively patrol and control vandalism, dumping and contamination along the ditch? The Board directed that the City of Littleton must diligently patrol the ditch and control vandalism, dumping and contamination.

11. Stormwater from the path may not enter the City Ditch. The Board directed that stormwater from the bike path may not enter the City Ditch.

12. Intergovernmental Agreement. The Board directed that an acceptable intergovernmental agreement is required between all involved entities. The Board also directed that Englewood be involved with the design of the bike path in the proposed area of Littleton.

Mr. Blosten expressed acceptance of the conditions discussed and noted that he will proceed submitting a grant application to Arapahoe County.

Mr. Wiggins and Mr. Higday excused themselves at 6:30 p.m.

4. PIPING THE CITY DITCH AT HURON & OXFORD.

Alisa Osemwengie and Norman Henry of 4140 S. Huron St., Daniel & Barbara Fout of 4185 S. Huron St., David Prada of 780 W. Oxford Ave. and Kim Kurczewski of 4160 S. Huron St. appeared before the Board to discuss the piping of the City Ditch at Huron St. and Oxford Ave.

Bill McCormick appeared before the Board to discuss the quotes and recommendations from contractors for repairing the ditch bank at west of Huron St. and south of Oxford Ave. The bank in this area is in failure and the house below and the road above are in danger. Mr. McCormick noted the original intent was to line that section of ditch, but the contractors said the bank was too steep for lining and recommended the most economical solution without a structural engineers design, would be to pipe the ditch. A structural engineers design is necessary on banks over 8' deep. This bank is 10.5' deep.

Alisa Osemwengie, Barbara Fout and Kim Kurczewski petitioned the Board to not pipe the ditch. They noted the advantages of having an area for children to play, that supports wildlife while preserving an aesthetically pleasing feature adjacent to their yards.

Mr. Prada owns the house below the City Ditch where the bank is in failure. He is concerned about the ditch bank failing and flooding his house and damaging others, especially during storms when the water is close to overflowing. He is asking the Board to pipe the ditch.

The Fouts, Ms. Osemwengie and Mr. Henry appealed to the Board to have an independent engineer propose other options that will allow the ditch to remain open. They requested that all present be given a copy of the quotes received, the engineers report and notice of any future projects on this section of the ditch. They wish to be notified of the final decision.

Tom Brennan, the Utilities Engineer, noted the serious condition of the bank in this area and the need to make repairs before the ditch begins running again on April 1, 2010. Bill noted that the requested engineer's report could surpass the cost of the original plan of piping the ditch.

Linda Olson requested Utilities staff compare alternatives and get a preliminary study to forward to the citizens that petitioned the Board not pipe the City Ditch.

The Board directed Utilities staff to have an independent engineer study the feasibility of leaving the ditch open, along with options and costs to do so.

5. CITY DITCH LICENSE TO CHERRY HILLS VILLAGE FOR AN EXISTING 10" SEWER CROSSING.

The City of Cherry Hills Village submitted a license agreement for crossing the City Ditch with an existing 10" sanitary sewer main. The sanitary sewer main was installed prior to 1970 and is located approximately east of 3700 to 3800 S. Clarkson Street and south of Hampden. No license agreement could be found for the existing sanitary sewer main in this area. The recommended agreement will enable the City of Englewood and Cherry Hills Village to validate the location and address responsibility.

Englewood's City Attorney and the Utilities Engineer have reviewed and approved the license agreement and construction easement.

Mr. Burns moved;

Mr. Habenicht seconded:

To recommend Council approval by ordinance of the License – City Ditch Crossing Agreement from Cherry Hills Village for a 10" sanitary sewer main crossing the City Ditch east of 3700 to 3800 S. Clarkson and south of Hampden.

Ayes:

Burns, Clark, Olson, Cassidy, Woodward, McCaslin, Habenicht

Nays:

None

Members absent:

Wiggins, Higday

Motion carried.

6. TRIHALOMETHANE & HALOCETIC ACID ANALYSES.

The Board received the Total Trihalomethanes and Haloacetic Acids monitoring results for the most recent four quarters. These contaminants are formed when chlorine comes in contact with naturally occurring organic matter in source water. Concentrations above the maximum contaminant level are considered cancer-causing and are regulated by the Safe Drinking Water Act. The contaminants were substantially below the required standards.

Because of the upgrade to the Allen Filter Plant in 2000, Englewood is ahead of the regulatory curve. The improvements have resulted in lower contaminant levels.

7. GRANULATED ACTIVATED CARBON AGREEMENT.

The Board, at their January 12, 2010 meeting, approved the bid from Calgon in the amount of \$3,655.82 per filter, per month for a total of \$548,373 over a thirty month period for the granular activated carbon media for the Allen Filter Plant. Stu noted that the Granulated Activated Carbon Agreement was approved by the City Attorney and will be forwarded to City Council.

8. S. PLATTE / UNION AVE. RIVER WALL MODIFICATIONS.

Tom Brennan, Utilities Engineer outlined the proposed South Platte River modifications and Union Ave. to address safety issues.

The proposed project is 250' north of the Union Avenue Bridge on the S. Platte River in Englewood, near the raw water intake and pump station. The Colorado Water Conservation Board was contacted by the South Suburban Parks Foundation with concerns about public safety. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. Mayor Woodward asked if it would alter the kayak run. Tom noted it will make it safer.

Englewood supports these improvements and recommends approving an access agreement, which will be presented to the Board, after City Attorney approval, at a later date.

9. WATER RIGHTS UPDATE DATED OCTOBER 9, 2009 FROM DAVID HILL.

The Board received from David Hill, Englewood's Water Attorney, a water rights update dated November 9, 2009. Stu noted developments in water litigation cases in which Englewood is involved.

The meeting adjourned at 7:15 p.m.

The next Englewood Water and Sewer Board meeting will be held Tuesday, February 9, 2010 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

/s/ Cathy Burrage
Recording Secretary

WATER AND SEWER BOARD
MINUTES

February 9, 2010

The meeting was called to order at 5:05 p.m.

Members present: Clark, Olson, Cassidy, Wiggins,
Woodward, Mc Caslin, Habenicht

Members absent: Burns, Higday

Also present: Stewart Fonda, Director of Utilities
Bill McCormick, Operations Supt.
John Bock, Manager of Administration

1. MINUTES OF THE JANUARY 12, 2010 MEETING.

The Englewood Water and Sewer Board received the minutes of the January 12, 2010 meeting.

Mr. Wiggins moved;

Mr. Habenicht seconded: To approve the minutes of the January 12, 2010 meeting as written.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Members absent: Burns, Higday,

Motion carried.

2. GUEST: JOHN GALLAGHER AND KEVIN BURNETT WITH RED OAK CONSULTING.

Mr. Gallagher appeared before the Board to review the proposed changes in water and sewer connection fees. Mr. Gallagher and Mr. Burnett reviewed the methodology used to calculate development fees for Englewood. It appears that these fees would still be comparable to other municipalities in the Denver area.

Mr. Gallagher explained how fees are based on the proportionate share of capacity in the City's water treatment plant and distribution system, sewer collection system and wastewater treatment plant. Fees were calculated using standard valuation approaches to determine original cost, original cost less depreciation, replacement cost and replacement cost less depreciation.

The Board received this as an informational item only. This item will be discussed at a future meeting.

3. CITY DITCH – HURON & OXFORD.

At the January, 2010 Water Board meeting Tom Brennan, Englewood Utilities Engineer, noted that the City Ditch bank in this area is in failure, putting the house below and the road above in danger. Alisa Osemwengie, Barbara Fout and Kim Kurczewski petitioned the Board to seek alternatives to piping the City Ditch in their area.

The Board received a quote from Mueller Engineering in the amount of \$5,680 to evaluate open channel alternatives for the City Ditch at West Oxford and Huron Street.

Mr. Woodward moved;

Mr. Wiggins seconded:

That the Director of Utilities sign the contract with Mueller Engineering to evaluate open channel repair alternatives for the City Ditch at Oxford and Huron.

Ayes:

Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays:

None

Abstain:

Clark

Absent:

Burns, Higday

Motion carried.

4. S. PLATTE RIVER/UNION AVE. BOAT CHUTE.

The Colorado Water Conservation Board (CWCB) was contacted by the South Suburban Parks Foundation regarding concerns about public safety in the South Platte River. The area is located 250' north of the Union Avenue Bridge on the South Platte River in Englewood, near Englewood's raw water intake and pump station. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. The CWCB owns the kayak boat chutes. Englewood staff supports these improvements and recommends approving an access and license agreement.

The Boat Chute Agreement allows the CWCB to modify the intake structure by cutting an existing wall to reduce the eddies in the river flow. With the Agreement Regarding Design and Construction of Union Avenue Boat Chutes, Englewood allows the CWCB to modify the intake structure per their engineer's recommendation. The Access Agreement allows the CWCB permission to cross Englewood's river pump station property to gain access for construction.

Mr. Cassidy moved;

Mr. Habenicht seconded:

To recommend Council approval of the Grant of Access Easement and the Agreement Regarding Design and Construction of Union Avenue Boat Chutes Safety Improvements Including a Part of the City of Englewood's Water Intake Structure, subject to the City Attorney's final approval.

Ayes:

Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays:

None

Absent:

Burns, Higday

Motion carried.

5. WORK TRUCK.

The Utilities Department Distribution/Collection crew is requesting a work truck replacement for Unit #1315 used for water and sewer main cleaning and repairs. The purchase is being recommended to replace the existing ten year old unit according to the CERF replacement schedule.

The base bid is \$122,108. An additional option of \$8,865.00 is being added for a 3,000 lb. telescopic crane and \$1,529.00 for removal of the under deck compressor from the old truck and installation into the new truck. The vehicle will be purchased from Transwest Trucks under the Colorado State bid in conjunction with Boulder Award Bid #5248-09.

Mr. Habenicht moved;

Mr. Wiggins seconded:

To recommend Council approval for the purchase of one Freightliner M2 106 work truck in the amount of \$122,108 plus \$10,394 for options for a total of \$132,645.

Ayes:

Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays:

None

Absent:

Burns, Higday

Motion carried.

6. ALLEN PLANT ULTRAVIOLET (UV) SYSTEM DESIGN

Stu discussed the Long Term II Enhanced Surface Water Treatment Rule that was adopted by Congress on January 5, 2006 that requires water systems to meet additional cryptosporidium (crypto) removal requirements. The system must be operational by October 1, 2013.

Allen Plant personnel investigated the types of treatment available to comply with the EPA regulations and found UV the most effective for the inactivation of crypto while being compatible with future potential regulation requirements. The UV process will reduce sodium hypochlorite (chlorine) use, is an extremely fast process, is proven technology, requires the smallest footprint and is the most cost effective.

Utilities Department staff recommends awarding the contract for engineering and construction management services to CDM. CDM's quote for the Allen Treatment Facility UV disinfection System Design is \$432,764 plus \$20,500 for investigating a possible softening system for use during low river flow periods for a total of \$453,264.

Mr. Cassidy moved;

Ms. Olson seconded:

To recommend Council approval of the contract for engineering and construction management services to Camp, Dress & McKee for ultraviolet system design and softening feasibility study in the amount of \$453,264.

Ayes:

Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays:

None

Absent:

Burns, Higday

Motion carried.

7. FRICO/BURLINGTON WATER APPEAL CAST #2009SA133

Stu discussed a Water Court ruling that is being disputed by Englewood, City of Denver, Farmers Reservoir and Irrigation Company and Burlington Ditch (FRICO), East Cherry Creek Valley Water and Sanitation District, Henrylynn Irrigation District, United Water and Sanitation District, City of Thornton, City of Brighton, Town of Lochbuie and South Adams County Water and Sanitation District (applicant). The ruling prevented the applicants from pumping effluent from Metro Sewer District into the Burlington Canal, causing downstream reservoirs to fill slower, therefore affecting Englewood's McLellan rights. Englewood, Denver and the other applicants are jointly appealing the ruling.

The Case No. 09SA133 Common Interest Agreement will enable Englewood's legal counsel to share strategies with Denver and other applicants concerning the appeal of the Metro Pump ruling. The agreement grants permission for the parties to work together for this specific litigation to exchange information and share costs and strategy. This agreement does not compromise Englewood's water rights in any manner.

Englewood has previously retained David Hill of Berg Hill Greenleaf & Rusciti to represent Englewood in the FRICO litigation to represent Englewood's rights and ensure

that historical patterns of lawful diversions are protected and in accordance with past decrees.

For the purpose of expediting the agreement, the Board concurred with the staff recommendation and directed that it be forwarded directly to City Council for their February 16, 2010 meeting.

8. "THE HUB" ARTICLE DATED JANUARY 25, 2010, "FEDS INVESTIGATE ENGLEWOOD WATER THREAT."

The Board received an article from "The Hub," reporting that Allen Water Plant employees prevented a potentially hazardous substance from entering the City's water distribution system on December 24, 2009. Approximately 100 gallons of an unidentified petroleum-based chemical was apparently dumped deliberately into the South Platte River. The incident is under investigation by the EPA and Homeland Security.

9. AWWA PRESENTATION – CAN YOUR WATER UTILITY BE FINANCIALLY HEALTHY IN STORMY TIMES?

Stu gave the highlights of a presentation that was made, "Can your water utility be financially healthy in stormy times?" that was made at an AWWA luncheon. Stu discussed lessons learned and the importance of updating five year cash flow projections every year. He also noted that decreased revenues may result in lower fund balances, postponement of non-critical capital projects and salary freezes.

10. WATER RIGHTS UPDATE FROM DAVID HILL DATED JANUARY 7, 2010.

The Board received from David Hill, Englewood's Water Attorney, a water rights update dated January 7, 2010. Stu noted developments in water litigation cases in which Englewood is involved.

11. WATER RESEARCH FOUNDATION LETTERS.

The Water Research Foundation, as part of the American Water Works Association, requested letters be sent to Senator Mark Udall, Senator Michael Bennet, Representative Diana DeGette, Representative Betsy Markey and Representative John Salazar supporting

the Foundation's Fiscal Year 2011 funding request of \$5 million for drinking water research.

The Board directed Stu to sign and send letters of support to the above mentioned Senators and Representatives supporting the funding from the Interior, Environment and Related Agencies Appropriations Subcommittee.

The meeting adjourned at 6:50 p.m.

The next meeting will be Tuesday, March 9, 2010.

Respectfully submitted,

/s/ Cathy Burrage
Recording Secretary

WATER AND SEWER BOARD
MINUTES

March 9, 2010

The meeting was called to order at 5:05 p.m.

Members present: Burns, Clark, Olson, Cassidy, Higday,
Wiggins, Woodward, Mc Caslin, Habenicht

Members absent: None

Also present: Stewart Fonda, Director of Utilities
Bill McCormick, Operations Supt.
Tom Brennan, Utilities Engineer
Bruce Behrer, Engineer, Muller Engineering

1. MINUTES OF THE FEBRUARY 9, 2010 MEETING.

The Englewood Water and Sewer Board received the minutes of the February 9, 2010 meeting.

Ms. Olson moved;

Mr. Habenicht seconded: To approve the minutes of the February 9,
2010 meeting as written.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward,
McCaslin, Habenicht

Nays: None

Members absent: None

Abstain: Higday, Burns

Motion carried.

2. ALUM RESIDUAL DISPOSAL.

Alum residuals are produced by the settling process and filter backwashing at the Allen Filter Plant. Residuals build up in the washwater reservoir and the settled solids are pumped out by the sludge handling barge. This process allows us to stockpile up to 2,000 cubic yards of residuals annually. The dewatering process concentrates a naturally occurring radioactive material that falls under State Health Department requirements with EPA guidelines. To properly dispose of residuals resulting from normal sludge removal operations at the Allen Filter Plant, the disposal site must be approved by the State Health Department as an allowed site.

Bids were received from three State approved vendors. CDM reviewed the bids and did a technical evaluation deeming E.T. Technologies the lowest, acceptable bid at \$83,520.00 for one year's production (1,600 yards).

Mr. Habenicht moved;

Mr. Wiggins seconded: To recommend Council approval of the proposal for the Allen Water Filtration Plant residuals removal and disposal to E.T. Technologies, Inc. in the amount of \$83,520.00 for disposal of approximately 1,600 cubic yards of production.

Ayes: Burns, Clark, Olson, Cassidy, Higday, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Members absent: None

Motion carried.

3. PURCHASE OF LOADER/BACKHOE.

The proposed loader/backhoe is the primary piece of equipment used for excavating dirt and fill for water, sewer and stormwater projects. The proposed backhoe will have quick-detaching features that will combine the hydraulic breaker and the hydraulic compactor.

The purchase is to replace the existing 13-year old unit according to the CERF replacement schedule.

Bids were received from two vendors, with Wagner Equipment the recommended bidder at \$121,450.00. Options for the hydraulic breaker (\$23,925.00) and a hydraulic compactor (\$7,910.00) were added at the Utilities Department's expense, for a total of \$153,285.00.

Ms. Cassidy moved;

Mr. Higday seconded: To recommend Council approval of the purchase of a new rubber-tired loader/backhoe from Wagner Equipment Company in the amount of \$121,450.00 with additional options for a total of \$153,285.00.

Ayes: Burns, Clark, Olson, Cassidy, Higday, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Members absent: None

Motion carried.

4. WATER METER AND ERT PURCHASE.

The Utilities Department purchases water meters needed for an entire year by requesting one large bid proposal for additional cost savings. A portion of these meters will be resold to Englewood customers for new installations as part of the flat-rate-to-meter conversion process. Some of the meter stock will be used to replace inactive poorly functioning meters.

Englewood's meter and electronic remote transmitters (ERT) order is being placed in conjunction with Denver Water Board's meter bid for the best quantity price. Meter and ERTs will be purchased from National Meter & Automation for the amount of \$46,601.10.

Mr. Burns moved;

Mr. Higday seconded: To recommend Council approval of the purchase of water meters and electronic

remote transmitters (ERT's) from National Meter and Automation, Inc. in the amount of \$46,601.10.

Ayes: Burns, Clark, Olson, Cassidy, Higday, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Members absent: None

Motion carried.

5. LETTER OF COMPLAINT FROM 2844 E. NICHOLS CIR.

Mr. Paul Howald of 2844 E. Nichols Circle in Centennial, CO sent a letter protesting his sewer bill increase. His letter contained some inaccurate assumptions and negative comments toward Englewood's government. John Bock responded with a letter and explained the charges on his bill. The Board received a copy of this letter to show an example of letters that are occasionally received by the department.

6. WATER RIGHTS UPDATE FROM DAVID HILL DATED FEBRUARY 5, 2010.

The Board received from David Hill, Englewood's Water Attorney, a water rights update dated February 5, 2010. Stu noted developments in water litigation cases in which Englewood is involved.

7. GUEST: BRUCE BEHRER – MULLER ENGINEERING COMPANY CITY DITCH AT HURON COURT.

Mr. Bruce Behrer appeared before the Board to discuss Muller Engineering's report and recommendation on alternatives to piping the City Ditch at Huron Court. He noted that the City Ditch in this area is currently an earth lined channel that is sloughing along the east bank, which is evidence that the bank is unstable. His report also notes that further degradation could include roadway failure and leaking through the bank on the west side caused by roots and wildlife. Options discussed were piping, a concrete lined low flow channel and constructing a wall along the east side of the ditch. Mr. Behrer discussed

cost, bank stabilization, potential bank failure, water loss and, most importantly, public safety.

Mr. Fonda emphasized his primary concern is the potential for a child to be trapped and drowned in the open channel during a sudden storm event, along with the existing danger of homes flooding below the ditch. Due to required ditch bank grades in an open channel, a child might not be able to safely exit the ditch. A stormwater inlet that comes into the ditch at this location can reach a depth of 6'.

The Board also received a memo from Mr. Fonda to the Board stating that the Water Department staff and Muller Engineering recommend the closed conduit pipe option. The recommendation is based on the lower cost and safety issues presented in the report.

Mr. Fonda directed that a copy of Muller's report and his memo be sent to parties that appeared at previous Water Board meetings regarding this issue. This issue will be discussed at the next meeting.

The meeting adjourned at 5:55 p.m.

A citizen appeared after the meeting had adjourned and submitted a petition to keep the City Ditch open at the City Ditch and Huron Court area.

The next meeting will be Tuesday, April 13, 2010.

Respectfully submitted,

/s/ Cathy Burrage
Recording Secretary

WATER AND SEWER BOARD
PHONE VOTE

March 15, 2010

A phone vote was taken from the members of the Englewood Water and Sewer Board for the March 9, 2010.

Mr. Cassidy moved:

Mr. Wiggins seconded: To recommend approval of the March 9, 2010 Water and Sewer Board minutes.

Ayes: Cassidy, Wiggins, Habenicht, Burns, Clark Higday, Olson

Members abstained: None

Members not reached: Woodward, McCaslin

Nays: None

Motion carried.

The next meeting will be held April 13, 2010 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

/s/ Cathy Burrage
Recording Secretary