

**Agenda for the  
Regular Meeting of the  
Englewood City Council  
Monday, September 19, 2011  
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 6, 2011.
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.)
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.
  - a. A proclamation declaring October as Conflict Resolution Month.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
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9. Consent Agenda Items.

a. Approval of Ordinances on First Reading.

- i. Council Bill No. 58 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance updating the NonEmergency Employee Retirement Plan to comply with changes required by the IRS and to correct the Board name. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
- ii. Council Bill No. 66 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance adopting an amendment to the City of Englewood Police Officers Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
- iii. Council Bill No. 67 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance adopting an amendment to the Englewood Firefighters Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**

b. Approval of Ordinances on Second Reading.

c. Resolutions and Motions.

10. Public Hearing Items.

- a. A Public Hearing to gather input on Council Bill No. 54, amending sections of the Englewood Municipal Code pertaining to public notice required for Planned Unit Developments.

**Please note:** The following six Public Hearings will be held simultaneously so input can be gathered on all proposed Code revisions.

- b. A Public Hearing to gather input on Council Bill No. 48, amending sections of the Englewood Municipal Code pertaining to sight lines.
- c. A Public Hearing to gather input on Council Bill No. 49, amending sections of the Englewood Municipal Code pertaining to properties without access to rear and side yards.
- d. A Public Hearing to gather input on Council Bill No. 50, amending sections of the Englewood Municipal Code pertaining to vehicle weight limits.
- e. A Public Hearing to gather input on Council Bill No. 51, amending sections of the Englewood Municipal Code pertaining to parking for recreational vehicles.
- f. A Public Hearing to gather input on Council Bill No. 52, amending sections of the Englewood Municipal Code pertaining to 72-hour parking.
- g. A Public Hearing to gather input on Council Bill No. 53, amending sections of the Englewood Municipal Code pertaining to hard surfaces.

11. Ordinances, Resolutions and Motions

a. Approval of Ordinances on First Reading.

- i. Council Bill No. 55 – Recommendation from the Utilities Department to adopt a bill for an ordinance authorizing an agreement with the Colorado Water Conservation Board for design and construction of Union Avenue Boat Chutes Safety Improvements. **Staff Source: Stewart H. Fonda, Director of Utilities.**
- ii. Council Bill No. 56 – Recommendation from the Utilities Department to adopt a bill for an ordinance authorizing an access easement to Urban Drainage and Flood Control District for the Union Avenue Boat Chutes Safety Improvements. **Staff Source: Stewart H. Fonda, Director of Utilities.**
- iii. Council Bill No. 57 - Recommendation from the Utilities Department to adopt a bill for an ordinance relating to fee schedules for sewer connection and collection system fees. **Staff Source: Stewart H. Fonda, Director of Utilities.**
- iv. Council Bill No. 68 - Recommendation from the Utilities Department to adopt a bill for an ordinance relating to fee schedules for water connection service for the water customers of the City of Englewood, Colorado. **Staff Source: Stewart H. Fonda, Director of Utilities.**

b. Approval of Ordinances on Second Reading.

c. Resolutions and Motions.

12. General Discussion.

a. Mayor's Choice.

b. Council Members' Choice.

- i. Resolution supporting the 2011 Englewood School District's Ballot Questions in the November Election.

13. City Manager's Report.

14. City Attorney's Report.

15. Adjournment.



## PROCLAMATION

WHEREAS, conflict resolution encompasses mediation, arbitration, facilitation, collaborative decision-making, restorative processes, and other responses to differences; and

WHEREAS, the conflict resolution processes empower individuals, families, communities, organizations, and businesses to foster communication and devise solutions that are acceptable to the needs and interests of all parties involved; and

WHEREAS, conflict resolution is taught and practiced by citizens in many school systems, universities, and graduate programs throughout Colorado and the world as a way of solving disputes; and

WHEREAS, community-based programs fairly and equitably resolve neighborhood and community conflicts, thereby strengthening local relationships; and

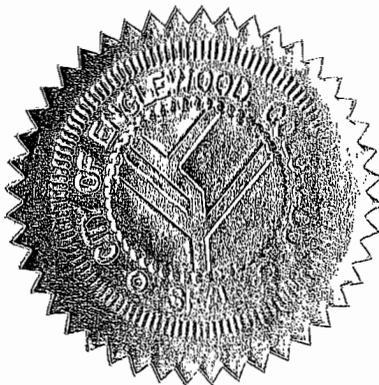
WHEREAS, professional associations of conflict mediators promote peaceful and creative resolutions to disputes;

NOW THEREFORE, I, James Woodward, Mayor of the City of Englewood, Colorado, hereby proclaim **October 2011**, as

### CONFLICT RESOLUTION MONTH

in the City of Englewood, Colorado. I urge all of our residents to join together to support this effort.

GIVEN under my hand and seal this 19<sup>th</sup> day of September, 2011.




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James K. Woodward, Mayor

## COUNCIL COMMUNICATION

Date	Agenda Item	Subject
September 19, 2011	9 a i	A bill for an ordinance updating the NonEmergency Employee Retirement Plan (NERP) to comply with changes required by IRS and making a correction regarding the Board name.
<b>Initiated By</b> City of Englewood, Finance and Administrative Services Department		<b>Staff Source</b> Frank Gryglewicz, Director

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council discussed these issues at the September 6, 2011 Study Session.

### RECOMMENDED ACTION

The NonEmergency Employee Retirement Plan Board recommends the City Council approve the attached bill for an ordinance making changes to NERP as required by the IRS, and to correct the Board name.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This ordinance provides for NonEmergency Employees Retirement Plan changes required by the Internal Revenue Services that must be completed during 2011 to maintain the Plan's qualified status. The following is the required language added to the end of Section 3-4-17-3B.2:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

The other change is a correction of the Board name in EMC 3-4-11-1.

Neither of these amendments will require any additional funding or plan benefit changes.

### FINANCIAL IMPACT

These changes have no substantial impact on the funding of the Plan or the City's overall financial condition.

### LIST OF ATTACHMENTS

Proposed bill for an ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 58  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, ENTITLED "CITY OF ENGLEWOOD NONEMERGENCY EMPLOYEES RETIREMENT PLAN AND TRUST AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2008".

WHEREAS, in order to maintain the Plan's qualified status changes need to be made to the Plan during the year 2011, as required by the Internal Revenue Service; and

WHEREAS, the current Code language needs to be corrected to read "NonEmergency Employees Retirement Board of the City of Englewood"; and

WHEREAS, additional language at the end of 3-4-17-3(B)(2) EMC that an eligible retirement plan includes a Roth IRA;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 11, Subsection 1, "Retirement Board" of the Englewood Municipal Code 2000 to read as follows:

**3-4: CITY OF ENGLEWOOD NONEMERGENCY EMPLOYEES RETIREMENT  
PLAN AND TRUST AS AMENDED AND RESTATED EFFECTIVE  
JANUARY 1, 2008\***

**3-4-11: Administration of the Plan.**

**3-4-11-1: - Retirement Board.**

There is hereby created a board to be known as the NonEmergency Employees Retirement Board of the City of Englewood ("Retirement Board") which shall be composed of seven (7) members. One (1) member shall be an elected member of the City Council who shall be selected by a majority of the members of City Council. One (1) member shall be the Director of Financial Services appointed by the City Manager. Two (2) members shall be employees of the City who are Members of the Plan, who shall be selected by a vote of all such Members in accordance with such procedures as the City Manager may adopt, from time to time. Three (3) members shall be taxing electors of the City who shall be selected by a majority of the members of the City Council. In addition, the City Manager, or his designee, shall serve in an advisory capacity, as an ex official, nonvoting member.

Members of the Retirement Board shall be appointed for four (4) year terms, provided the said member continues to possess the qualifications provided herein during the member's term and, further provided that:

- A. The Council member shall serve during his term of office as a Council member; and
- B. The Director of Financial Services shall serve during his tenure in office as such Director.

Should a vacancy occur in the membership of the Retirement Board, the same shall be filled for the duration of the unexpired term only, in the same manner as provided herein. Prior to entering upon the performance of the duties of a member of the Retirement Board, each member thereof shall take and subscribe an oath that he accepts the obligations imposed upon him by the provisions of this Plan and that he shall faithfully perform the duties of such office.

Five (5) members of the Retirement Board shall constitute a quorum. All actions taken by the Board shall be approved by a majority vote of a quorum of the Retirement Board members. All actions, decisions and determinations of the Board shall be recorded in the minutes of the Retirement Board and, unless inconsistent with the provisions of the Plan, shall be binding and conclusive upon all interested parties.

No member of the Board shall receive compensation for his service on the Board but a member may be reimbursed for reasonable expenses incurred in connection with his duties as a member of the Board.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 17, Subsection 3, "Direct Rollovers" of the Englewood Municipal Code 2000 to read as follows:

**3-4-17-3: Direct Rollovers.**

- A. *General.* This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution which exceeds \$200.00 paid directly to an eligible retirement plan specified by the distributee in a direct rollover. If a distributee's direct rollover distribution is less than \$500.00, the distributee may only elect to direct rollover 100 percent of the eligible rollover distribution.
- B. *Definitions:*
  - 1. *Eligible Rollover Distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities). For distributions made after December 31, 2007, a

portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax Employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or in a direct trustee-to-trustee transfer to a qualified trust described in Section 401(a) of the Code which is exempt from tax under Section 501(a) of the Code or to an annuity contract described in Section 403(b) of the Code, provided such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon) including separate accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

2. *Eligible Retirement Plan.* An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), and annuity plan described in Code Section 403(a), or a qualified trust described in Code Section 401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity. Effective January 1, 2002, an eligible retirement plan shall also mean an annuity contract described in Code Section 403(b) and an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Code Section 414(p). Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).
3. *Distributee.* A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.
4. *Direct Rollover.* A direct rollover is a payment by the plan to one eligible retirement plan specified by the distributee.
5. *Waiver of 30-Day Notice for Cashouts of \$5,000.00 (\$3,500.00 Prior to January 1, 1998) or Less.* If a distribution is one to which Code Sections 401(a)911 and 417 do not apply, such distribution may commence less than thirty (30) days after the notice required under treasury regulation Section 1.411(a)—11(c), is given, provided that:
  - a. The Board clearly informs the member that the member has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution (and, if applicable, a particular distribution option), and
  - b. The member, after receiving the notice, affirmatively elects a distribution.
- C. *Distribution to IRA of Non-Spouse Beneficiary.* A Member's non-spouse Beneficiary may elect to have any portion of an eligible Plan distribution paid in a direct trustee-to-trustee transfer to an individual retirement account or annuity described in Section

401(c)(8)(B)(i) or (ii) of the Code that is established to receive the Plan distribution on behalf of the Beneficiary. For purposes of this Subsection C, a trust maintained for the benefit of one (1) or more designated beneficiaries may be the Beneficiary to the extent provided in rules prescribed by the Secretary of Treasury. If the Member dies after the Member's required beginning date as defined in Section 3-4-6-5 hereof, the required minimum distribution in the year of death may not be transferred according to this Subsection 3-4-17-3C. The requirements of Code Section 402(c)(11) apply to distributions under this Subsection 3-4-17-3C.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 19<sup>th</sup> day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21<sup>st</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 9 a ii	<b>Subject</b> Bill for an Ordinance adopting amendments to the City of Englewood Police Officers Pension Plan Document (the Plan)
<b>Initiated By</b> City of Englewood, Finance and Administrative Services Department		<b>Staff Source</b> Frank Gryglewicz, Director

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council passed Ordinance 47, Series of 1999, adopting an amended City of Englewood Police Officers Pension Plan document.

City Council discussed the proposed changes at the September 6, 2011 Study Session.

### RECOMMENDED ACTION

Staff recommends the City Council approve the attached bill for an ordinance.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This bill for an ordinance does not substantially change the current level of pension benefits for the Police Officers Pension Plan participants. The bill for an ordinance makes changes required by the Internal Revenue Service (IRS) or Colorado State Statutes. The Plan document is amended to comply with federal or state requirements.

Add the following sentence to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

### FINANCIAL IMPACT

This change has no impact on the Plan's funding or the City's financial condition.

### LIST OF ATTACHMENTS

Proposed bill for an ordinance.

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 66  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD POLICE OFFICERS PENSION PLAN DOCUMENT (THE PLAN).

WHEREAS, the City of Englewood (the "Employer") established the City of Englewood Police Officers Pension Plan (the "Plan") effective as amended and restated January 1, 1999; and

WHEREAS, pursuant to Article XIII of the Plan, the Employer has the authority to amend the Plan to comply with State or Federal requirements and maintain the qualified status of the Plan; and

WHEREAS, Internal Revenue Service (IRS) or the Colorado State Statutes require an amendment for the plan to comply with federal or state requirements additional language at the end of Article XV, Section 2.b of the Plan that an eligible retirement plan includes a Roth IRA needs to be added;

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

Section 1. The City Council of the City of Englewood, Colorado hereby adopts the following language to be added to Article XV, Section 2.b of the City of Englewood Police Officers Pension Plan effective January 1, 2008, to read as follows:

Add to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(c), subject to any applicable limits described in Code Section 408A(c).

Section 2. The Mayor and City Clerk are authorized to sign and attest the Amendment to the City of Englewood Police Pension Plan Document.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 9 a iii	<b>Subject</b> Bill for and Ordinance adopting an amendment to the City of Englewood Firefighters Pension Plan Document (the Plan)
<b>Initiated By</b> City of Englewood, Finance and Administrative Services Department		<b>Staff Source</b> Frank Gryglewicz, Director

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council passed Ordinance 46, Series of 1999, adopting an amended City of Englewood Firefighters Pension Plan document.

City Council discussed the proposed changes at the September 6, 2011 Study Session.

### RECOMMENDED ACTION

Staff recommends the City Council approve the attached bill for an ordinance.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This bill for an ordinance does not substantially change the current level of pension benefits for the Firefighters Pension Plan participants. The bill for an ordinance makes changes required by the Internal Revenue Service (IRS). The Plan document is amended to comply with federal or state requirements.

Add the following sentence to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

### FINANCIAL IMPACT

This change has no impact on the Plan's funding or the City's financial condition.

### LIST OF ATTACHMENTS

Proposed bill for an ordinance.

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 67  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD  
FIREFIGHTERS PENSION PLAN DOCUMENT (THE PLAN).

WHEREAS, the City of Englewood (the "Employer") established the City of Englewood Firefighters Pension Plan (the "Plan") effective as amended and restated January 1, 1999; and

WHEREAS, pursuant to Article XIII of the Plan, the Employer has the authority to amend the Plan to comply with State or Federal requirements and maintain the qualified status of the Plan; and

WHEREAS, Internal Revenue Service (IRS) or the Colorado State Statutes require an amendment for the plan to comply with federal or state requirements additional language at the end of Article XV, Section 2.b of the Plan that an eligible retirement plan includes a Roth IRA needs to be added;

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

Section 1. The City Council of the City of Englewood, Colorado hereby adopts the following language to be added to Article XV, Section 2.b of the City of Englewood Firefighters Pension Plan effective January 1, 2008, to read as follows:

Add to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

Section 2. The Mayor and City Clerk are authorized to sign and attest the Amendment to the City of Englewood Police Pension Plan Document.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis



# M E M O R A N D U M

## C O M M U N I T Y D E V E L O P M E N T

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TO: Mayor and City Council

FROM: Alan White, Community Development Director ✓

DATE: September 13, 2011

RE: Council Bill No. 54 – Mailed Public Notice  
Public Hearing

Council considered the proposed Title 16 amendments at First Reading on September 6, 2011 and reviewed the Planning and Zoning Commission recommendation to standardize the mailed notice radius at five hundred feet (500'). Council amended the Bill for an Ordinance to require a one thousand feet radius for all rezonings (including PUDs), major subdivisions, and telecommunication conditional uses and further amended the bill to include notification to occupants in addition to landowners of record. Council set a Public Hearing for September 19, 2011 to consider testimony on the matter.

Recommendation from the Community Development Department to consider testimony during Public Hearing on a Bill for an Ordinance authorizing amendments to Title 16: Unified Development Code regarding requirements for mailed public notices for development applications for rezonings, major subdivisions, and telecommunication conditional uses.

The proposed amendments for mailed public notices for a rezoning, major subdivision, or telecommunication conditional use will:

1. Standardize the required notification area based on radius from the subject property.
2. Increase the required notification area radius from 500 to 1,000 feet and include notification to landowners and occupants.
3. Standardize the minimum deadline by which a notice must be mailed to 10 days.
4. Require a mailed notice for the Planning and Zoning Commission public hearing for all rezonings (in addition to the pre-application neighborhood meeting).
5. Require a maximum of 180 days between a required neighborhood meeting and the Planning and Zoning Commission public hearing.
6. Require another neighborhood meeting if the time between the original neighborhood meeting and Commission public hearing exceeds 180 days.
7. Correct typos and use consistent language among subsections.

At first reading, staff was requested to provide a comparison of the mailing costs for the 500-foot radius versus the 1,000-foot radius. Costs will depend upon the number of landowners

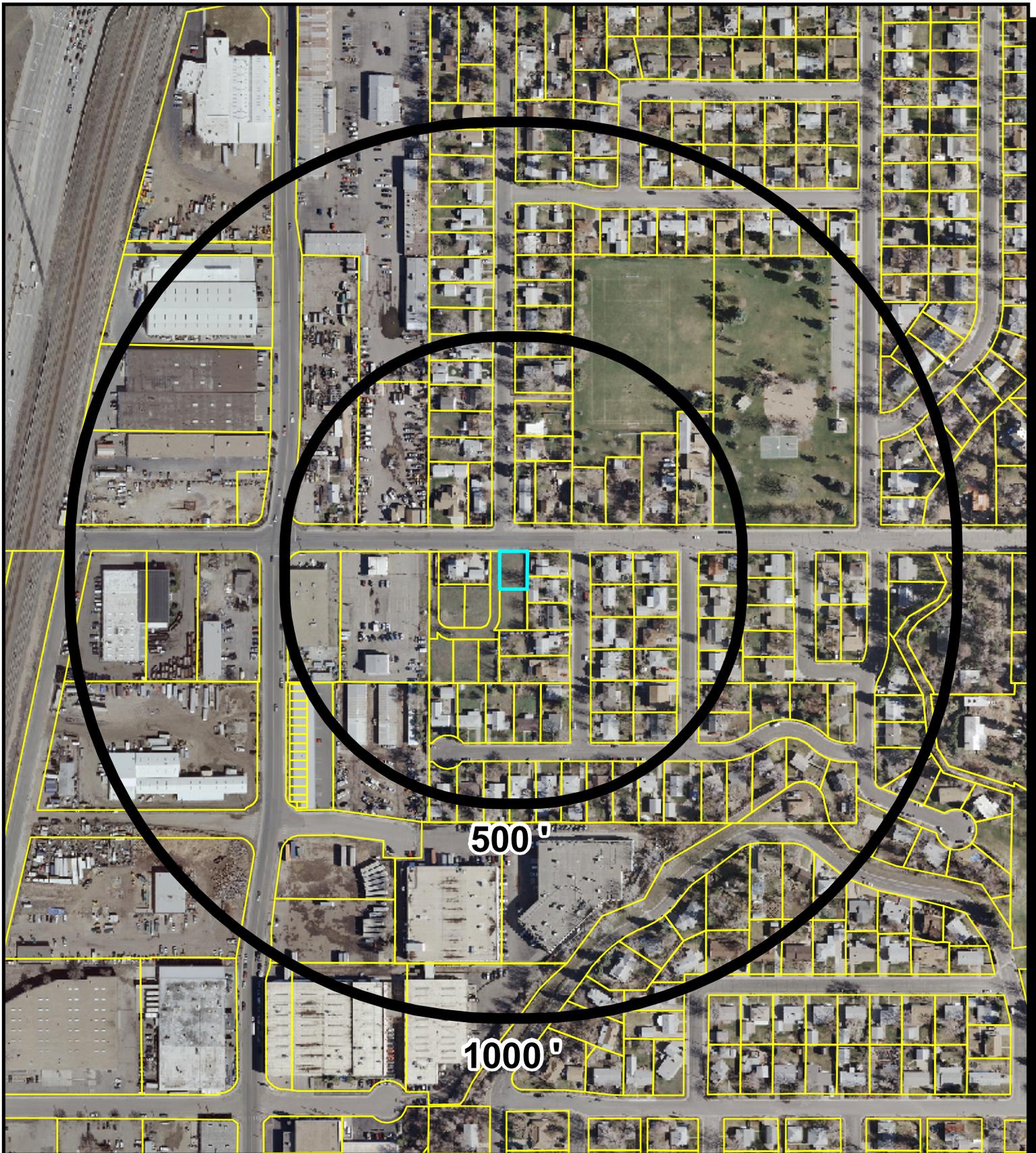
and tenants in the notification area. The number of notifications mailed out will be a function of the size of the subject parcel, lot sizes in the notification area and land uses in the notification area. Applications in areas zoned industrial will typically require fewer notifications because lot sizes are generally larger, equating to fewer landowners. Applications in residential or business zone districts with adjacent residential zone districts will require more notices due to the larger number of lots (and corresponding number of landowners) in the notification area. If there is a multi-unit residential use within 1,000 feet of the subject property, the number of notifications required will increase because the occupants will be notified.

Staff selected two properties to illustrate the differences in notification requirements and subsequent costs: A parcel at 1210 W. Quincy and the property owned by the City at 3417 S. Broadway. Maps are attached illustrating the 500-foot and 1,000-foot notification areas for each of the properties. Mailing costs are shown below.

<b>Address</b>	<b># of Addresses 500' Radius</b>	<b>Cost</b>	<b># of Addresses 1,000' Radius</b>	<b>Cost</b>
1210 W. Quincy	79	\$34.76	228	\$100.32
3417 S. Broadway	.501	\$220.44	887	\$390.28

Both of the notifications for the City property include occupants in the Simon Center and Orchard Place, and the various tenants at Englewood Market Place, Chase Bank building and the Wells Fargo Bank building.

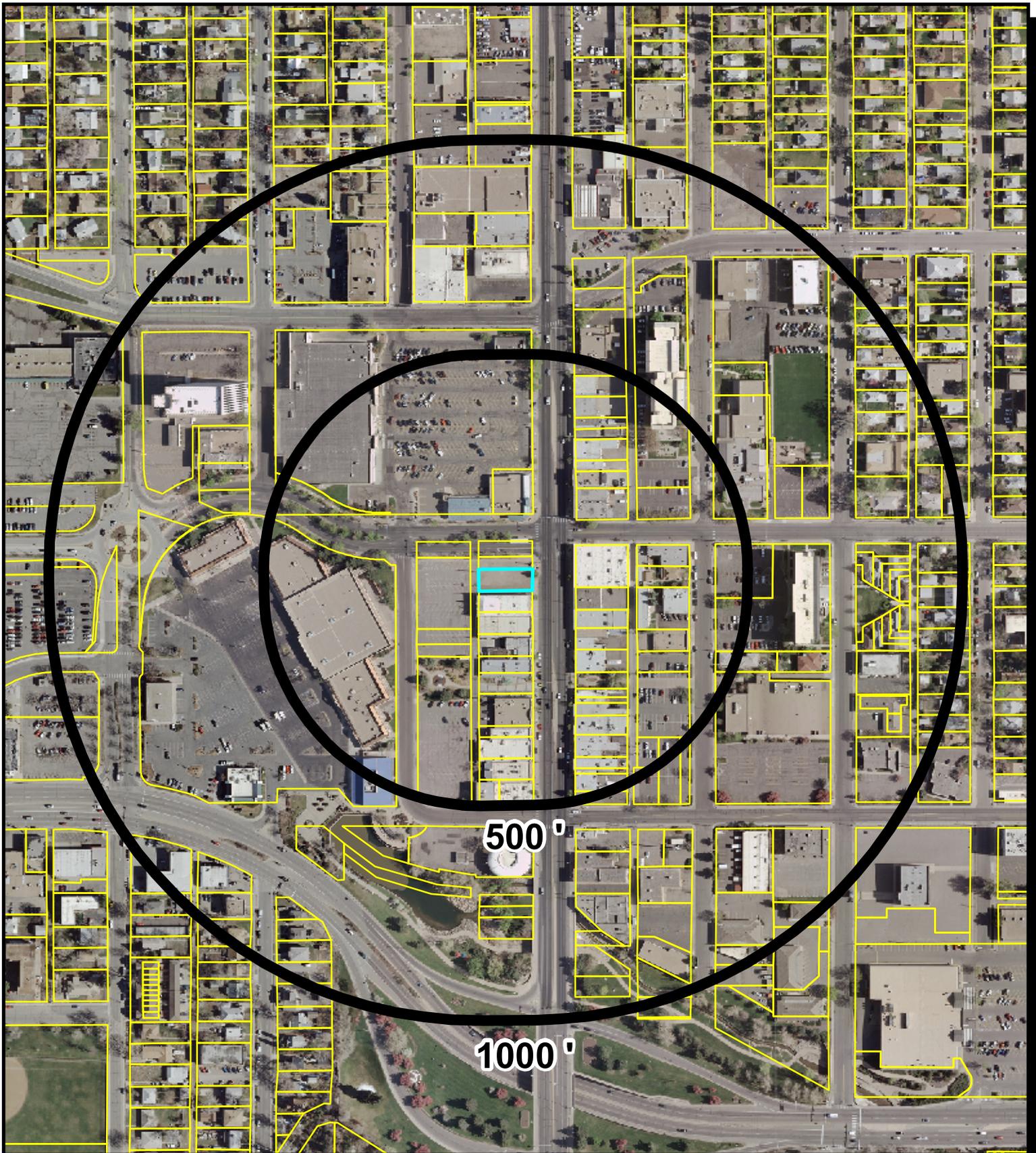
The applicant is responsible for compiling the mailing list, mailing the notices, and all associated costs.



***1210 West Quincy Circle: 500 Foot and 1000 Foot Notification Radius***

500 Foot Radius = 79 Notification Letters  
1000 Foot Radius = 228 Notification Letters

September 2011



***3417 South Broadway: 500 Foot and 1000 Foot Notification Radius***

500 Foot Radius = 501 Notification Letters  
1000 Foot Radius = 887 Notification Letters

September 2011

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2011

COUNCIL BILL NO. 54  
 INTRODUCED BY COUNCIL  
 MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTIONS 2, 3, AND 7, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO PUBLIC NOTICE REQUIRED FOR PLANNED UNIT DEVELOPMENTS.

WHEREAS, City Council wished to review the required notification area for Planned Unit Developments (PUDs) and the time between the required pre-application neighborhood meeting and the Englewood Planning and Zoning Commission public hearing; and

WHEREAS, the Englewood Planning and Zoning Commission reviewed the issues and made recommendations which shorten the notification date, clarify that the notice is to be sent to the owner of record but keep the current 500 feet notification radius at their August 2, 2011 meeting;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**16-2-2: Summary Table of Administrative and Review Roles.**

The following table summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in this Chapter. For purposes of this table, an "(Approval) Lapsing Period" refers to the total time from the application's approval that an applicant has to proceed with, and often complete, the approved action. Failure to take the required action within the specified "lapsing period" will automatically void the approval. See Section 16-2-3.L EMC, "Lapse of Approval," below.

TABLE 16-2-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES										
Procedure	Section Ref.	Pre-App. Mtg. Req'd	Review (R) Decision-Making (D) or Appeal (A) Bodies				Notice Required <sup>1</sup>			Lapsing Period
			CM/D	PC	CC	BAA	Pub	Mail	Post	
Adaptive Reuse of Designated Historical Buildings	16-5-3	✓	R	R	D		✓		✓	None
Administrative Adjustments	16-2-17	✓	D			A				None
Administrative Land Review Permit	16-2-11	✓	D	A						60 days to record
Amendments to the Text of this Title	16-2-6		R	R	D		✓			None

**TABLE 16-2-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES**

Procedure	Section Ref.	Pre-App. Mtg. Req'd	Review (R) Decision-Making (D) or Appeal (A) Bodies				Notice Required <sup>1</sup>			Lapsing Period
			CMD/D	PC	CC	BAA	Pub	Mail	Post	
Annexation Petitions	16-2-5	✓	R	R	D		✓		✓	None
Appeals to Board	16-2-18	✓				D	✓			None
Comprehensive Plan Amendments	16-2-4		R	R	D		✓			None
Conditional Use Permits	16-2-12	✓	R	D	A		✓		✓	1 year
Conditional Use – Telecommunication	16-7	✓	R	D	A		✓	✓	✓	None
Development Agreements	16-2-15		R		D					As stated in Agreement
Flood Plain Dev't. Permit and Flood Plain Variances	See Chapter 16-4 for applicable procedures and standards									
Historic Preservation	16-6-11	✓	R	R	D		✓		✓	None
Limited Review Use Permits	16-2-13	✓	D	A						1 year
Major Subdivisions	16-2-10									
Preliminary Plat		✓	R	R	D		✓	<u>✓</u>	✓	6 months to submit Final Plat
Final Plat			R	R	D		✓	✓	✓	60 days to record
Simultaneous Review Preliminary Plat/Final Plat		✓	R	R	D		✓	✓	✓	60 days to record
Recorded Final Plat										None
Minor Subdivision	16-2-11									
Preliminary Plat		✓	D	A						6 months to submit Final Plat
Final Plat			D	A						60 days to record
Recorded Final Plat										None
Official Zoning Map Amendments (Rezoning)	16-2-7	✓	R	R	D		✓	<u>✓</u>	✓	None
PUD and TSA Rezoning	16-2-7	✓	R	R	D		✓	<u>✓</u>	✓	None
Temporary Use Permits	16-2-14	✓	D	A						As stated in Permit
Unlisted Use Classifications	16-5-1.B	✓	D	A						None
Zoning Site Plan	16-2-9		D	A						3 years
Zoning Variances	16-2-	✓	R			D	✓		✓	180 days

**TABLE 16-2-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES**

Procedure	Section Ref.	Pre-App. Mtg. Req'd	Review (R) Decision-Making (D) or Appeal (A) Bodies				Notice Required <sup>1</sup>			Lapsing Period
			CM/D	PC	CC	BAA	Pub	Mail	Post	
	16									

**CM/D = City Manager or Designee (Including the Development Review Team)**

**PC = Planning and Zoning Commission**

**CC = City Council**

**BAA = Board of Adjustment and Appeals**

<sup>1</sup>**Notice Required: See Table 16-2-3.1 Summary of Mailed Notice Requirements**

**Section 2.** The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2 Section 3, Subsection G, "Development Application Procedures" [*No changes are being made to Subsections A through F nor Subsections H through K, these Subsections remain unchanged*] of the Englewood Municipal Code 2000, to read as follows:

**16-2-3: Development Application Procedures.**

*G. Notice Requirements.*

1. **Published Notice.** Notice shall be by one publication on the City's official website or in the newspaper designated by City Council as the City's official newspaper at least ten (10) days before any hearing before the Council, the Commission, or the Board. The City shall be responsible for all required published notices, and for providing evidence of timely published notice at the time of the hearing or consideration.
2. **Posted Notice.** The property shall be advertised by posting for not less than ten (10) consecutive days prior to a hearing before the Council, the Commission, or the Board; provided, however, that where the case does not involve a specific property, no posted notice shall be required. A posted notice shall consist of a sign not less than twenty-two inches (22") by twenty-eight inches (28") in size, located not less than four feet (4') above ground level in a conspicuous place, with letters not less than one inch (1") in height in black paint, which letters can be read from the adjoining street right-of-way. The applicant shall be responsible for complying with posted notice provisions and for providing evidence of timely posted notice at the time of the hearing or consideration. All required posted notices shall remain in place until after the date of the hearing or consideration, and shall be removed by the applicant within seven (7) days after the hearing or consideration.
3. **Mailed Notice.**
  - a. *Mailed Notice to Applicant.* The City shall give written notice of the date, time, and place of any scheduled hearing to the applicant in person or by first class mail.
  - b. *Summary of Mailed Notice Requirements.* Table 16-2-3.1 below summarizes the mailed notice requirements of this subsection, and includes requirements for: Responsible party for mailing notice, the minimum deadline by which notice must be mailed, the

intended recipients and the geographic scope of mailed notice, whether the applicant must provide a mailing list and receipt, and the type of mail service required.

- c. *Mailed Notice of Neighborhood Meeting and Certain Public Hearings*. Whenever ~~this Title requires a neighborhood meeting~~ a mailed notice is required by Table 16-2-3.1, the applicant shall mail written notification of the neighborhood meeting or hearing at least ten (10) days prior to the meeting or hearing to occupants and property owners within ~~five hundred feet (500')~~ one thousand feet (1,000') of the perimeter of the proposed development. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County Clerk and Recorder's office.
  
- d. *Mailed Notice for Conditional Use Telecommunications Towers and Antenna(s)*. At least ~~fifteen (15)~~ ten (10) days prior to the first public hearing on any request for a conditional use permit for a telecommunications tower or antenna(s), the applicant shall provide written notice to all occupants and property owners within ~~five hundred feet (500')~~ one thousand feet (1,000') of the property boundary of the site upon which the tower or antenna(s) are proposed to be located. Notification shall be sent to property owners of record ~~at the Arapahoe County Clerk and Recorder's Office from data available within sixty (60) days before mailing~~ from data available within thirty (30) days before the required mailing date from the Arapahoe County Clerk and Recorder's office.
  
- e. *Proof of Mailing Required*. Whenever mailed notice is required according to this subsection, the applicant shall provide a mailing list to staff and certify that letters were mailed via the U.S. Postal Service to the listed addresses within the time frame specified in Table 16-2-3.1 below prior to the meeting or hearing. A USPS receipt shall be attached to the certification.

TABLE 16-2-3.1: SUMMARY OF MAILED NOTICE REQUIREMENTS

Type of Application	Notice Mailed by:	When Mailing Must Occur - # of Calendar Days Prior to Meeting or Hearing:	Notice Shall be Mailed to:	Notification Area for Receipt of Mailed Notice	Mailing List and Mailing Receipt Required?	Type of Mailing
PUD, TSA, other Rezoning Neighborhood Meeting	Applicant	10 <u>(prior to neighborhood meeting and Planning and Zoning Commission hearing</u>	Property Owners of Record [1]	<u>1000 feet</u> radius measured from boundary lines of subject parcel	Yes	1 <sup>st</sup> Class Mail

Major Subdivision	Applicant	10 <u>(prior to Planning and Zoning Commission hearing)</u>	Property owners of record [1]	<del>Abutting properties, including properties separated only by a street or public lands</del> <u>1000 feet radius measured from boundary lines of subject parcel</u>	Yes	1 <sup>st</sup> Class Mail
Conditional Use for Tele-communication Facility	Applicant	<del>15</del> <u>10 prior to Planning and Zoning Commission hearing</u>	Property owners of record [1]	<u>1000 feet radius measured from boundary lines of subject parcel</u>	Yes	1st Class Mail
<b>Notes to Table:</b> [1] Property owners of record at the Arapahoe County Clerk and Recorder's office from data available within thirty (30) days <del>(30)</del> before <u>the required mailing date</u> .						

4. Contents. Unless otherwise stated above, each required published, posted, or mailed notice shall contain:
  - a. The name of the applicant;
  - b. The date, time and location of the public hearing or consideration; or alternately, the date of the proposed decision by the City Manager or designee;
  - c. A brief summary of the proposed action;
  - d. A statement as to where the application and accompanying material may be reviewed;
  - e. Any other information required pursuant to this Title for a specific type of application; and
  - f. To assist in reaching any non-literate or non-English speaking populations, all posted and mailed notices shall include a prominent question mark symbol followed by the telephone number of the City.
  
5. Errors in Notice. If there has been a failure to comply with any applicable notice requirement, the public hearing or consideration may be continued and/or action on the application may be postponed until such time as the notice requirements are fulfilled.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2 Section 7, Subsection C, "Official Zoning Map Amendments (Rezoning)" *[No changes are being made to Subsections A through B nor Subsections D through I, these Subsections remain unchanged]* of the Englewood Municipal Code 2000, to read as follows:

**16-2-7: Official Zoning Map Amendments (Rezoning).**

C. *Pre-Application Review and Neighborhood Meeting.*

1. Pre-Application Conference. All applicants for rezoning shall be required to participate in a pre-application conference pursuant to Section 16-2-3.F EMC.
2. Pre-Application Neighborhood Meeting Rezoning. Following the pre-application conference, each applicant for a rezoning shall hold a neighborhood meeting in accordance with City procedures to describe their proposal before an application for rezoning can be accepted by the City. The neighborhood meeting is an opportunity for the applicant to describe the proposal as well as for area residents and property owners to offer input about the proposal at an early stage. The applicant shall hold the meeting at a time and location accessible and convenient for the public. The City shall be represented at the meeting. The City representative shall prepare a written report of the neighborhood meeting and make copies available to the City staff, the applicant, and the public.
3. The maximum time between a required neighborhood meeting and a public hearing before the Commission shall not be more than one hundred eight (180) days. In the event the public hearing is not held within 180 days, the applicant shall be required to hold another neighborhood meeting.

D. *Notice.* The City Manager or designee shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC.

Section 4. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 6. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7th day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

**COMPILATION OF CHANGES PROPOSED IN C.B. 48,  
49, 50, 51, 52, 53**

**11-6-1: - Parking/Storage Regulations in All Districts.**

- A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer recreational vehicle or truck with an empty weight in excess of ~~seven ten thousand (7,000~~ 10,000) pounds (~~70 C.W.T.~~) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.
- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.
- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than ~~seventy-two (72) hours within any one week~~ within any consecutive fourteen (14) day period.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

- I. The owner of an inoperable motor vehicle, off-road vehicle, recreational vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or any trailer is stored, shall be responsible for compliance with this Chapter.

**11-6-2: - Parking/Storage Regulations for Residential Districts.**

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more recreational vehicles, motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours ~~within any one week~~ within any consecutive fourteen (14) day period while being expeditiously loaded or unloaded unless a permit is obtained under C(5)(b).

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of ~~seven ten thousand (7,000 10,000)~~ seven ten thousand (7,000 10,000) pounds (~~70 C.W.T.~~). This limitation shall not apply to recreational vehicles.
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

- C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in the front yard of the front setback of the principal structure unless located on ~~a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~

concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

3. In no case shall more than one commercial vehicle or recreational vehicle be parked or stored on property in any residential zone district, whether ~~in a private garage or carport~~, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of ~~seven ten thousand (7,000)~~ 10,000 pounds ~~(70 C.W.T.)~~.
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
5. No person shall occupy any vehicle in violation of the following:
  - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
  - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or ~~adjacent~~ bordering public right-of-way ~~in~~ on which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, recreational vehicle, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

### **15-1-2: Definitions**

Hard Surface: A surface ~~as defined in 16-11-2 (B) EMC.~~

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

#### *Recreational Vehicle*

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

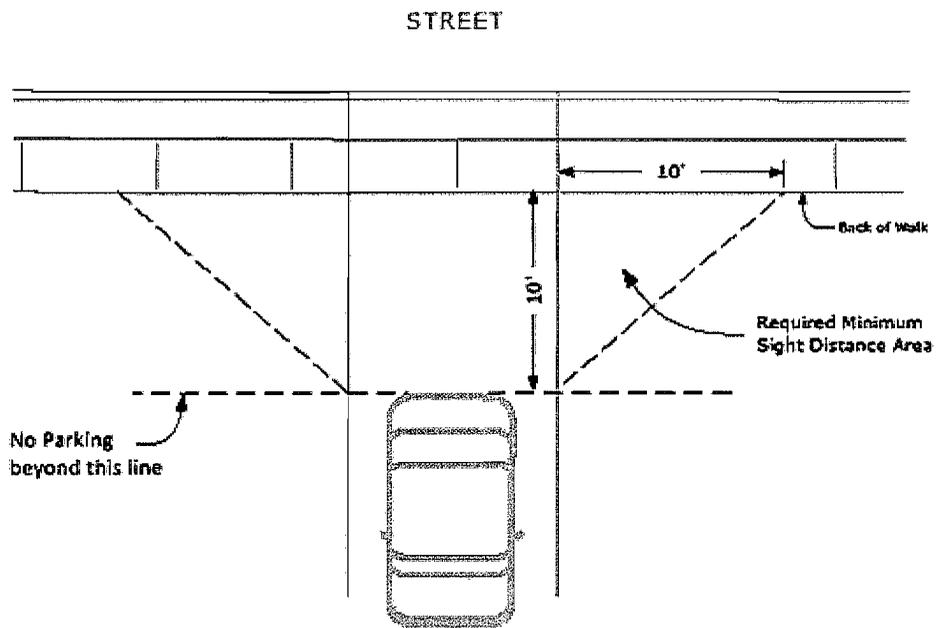
**15-9-2: - Vehicles: Recreational Vehicles, Off-Road (ORV) and Trailers.**

A. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No Recreational Vehicle, ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any Recreational Vehicle, ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.
4. No ORV or trailer may block visibility of pedestrians or other vehicles on a public street or alley. All ORVs and trailers must comply with an approved site distance triangle.
  - a. The City Traffic Engineer shall determine compliance with sight distance triangle standards in connection with this Title and shall be authorized to vary these standards depending on site conditions.
  - b. No parked ORV or trailer over three feet (3') in height above the grade of the adjacent street, alley or driveway shall be parked in a manner that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at the intersections of streets, alleys or driveway.
  - c. Figure 15-9-2 should be used as a guide to determine sight distance requirements at streets/driveways access (Typical). ORVs and trailers should be parked/stored at least ten feet (10') from back edge of the sidewalk or fifteen feet (15') from the curb where there is no sidewalk. For properties where there is no sidewalk or curb, vehicles should be parked/stored fifteen feet (15') from the travel way. All other instances shall be determined by the City Traffic Engineer.

Figure 15-9-2

### Driveway/Street Sight Distance (Typical)



- d. The reasonableness of the Traffic Engineer's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

5. An exception to the requirement that these items located above must be stored in the rear or side yard may be made for those properties where there is no reasonable access, as defined, from public property to the rear yard.
  - a. For purposes of this Title, a lack of reasonable access shall be determined by the City Manager or designee on a case by case basis as to whether the obstruction which prevents access to the rear yard makes it physically impossible to access the rear yard without extensive construction or site modification.
    - (1) by way of example but not limitation, a solid privacy or chain link fence, small trees; small shrubs; flowers, etc. which are removable will not be considered a lack of "reasonable access" to the rear or side yard. Masonry walls; large trees or permanent structures may be considered an obstruction to "reasonable access."
      - (a) Small trees shall be defined as deciduous or evergreen trees with a caliper measurement of six inches (6") or less. The caliper shall be measured at a point four feet (4') above the grade.
  - b. The reasonableness of the City Manager or designee's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.
  - c. The property must have a legal curb cut and driveway from the public street.
6. The exception listed in paragraph 5 above shall not apply to properties located in the Arapahoe Acres or Hampden Hills subdivisions.

B. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No Recreational Vehicle, off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed Recreational Vehicle, ORV and trailer uses.

**16-2-1: Administrative and Review Roles.**

The following entities comprise the review and decision-making bodies with respect to administering this Title. The roles and functions of these bodies are described in this Section and summarized in the table contained in Section 16-2-2 EMC below.

C. Board of Adjustment and Appeals.

1. Administrative and Review Roles Under this Title. The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:
  - a. *Appeals from Building Permit Denials.* The Board shall have power to hear and determine appeals from refusal of building permits.

- b. *Administrative Appeals.* In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:
- (1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title; similar Uniform Codes adopted by the City, except the Model Traffic Code; or by the City Manager, designee or Traffic Engineer under 15-9-2 (A)(4) EMC and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.
  - (2) In deciding upon appeals, the Board may reverse or affirm, wholly or partly, or modify any notice, order, requirement, decision, or determination of any employee of the City in the enforcement of this Title, and to make such order, requirement, decision or determination as in its opinion ought to be made and, to that end, shall have all the powers of the enforcing agent.
- c. *Zoning Variances.* The Board shall have the jurisdiction and power in specific cases to make specific exceptions to the terms, or modify the strict application of the provisions of this Title, according to the procedures within and consistent with the general purpose of this Title.

#### **16-2-9: Zoning Site Plan Review.**

- A. *Applicability.* No land shall be used, occupied, or developed for any use without complying with the Zoning Site Plan requirements and procedures provided in this Section, as applicable. A Zoning Site Plan shall be required for:
1. The commencement of all development, improvement, or construction requiring a building permit, except for interior remodel and tenant finish.
  2. The construction or expansion of fences, walls, and accessory structures (e.g., garages, carports, storage sheds, decks) in all zone districts, including decks less than thirty inches (30”) in height and accessory structures containing less than one hundred twenty (120) square feet in floor area that do not otherwise require a building permit.
  3. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a residential driveway. An Accessory Permit shall also be required.
  4. Accessory uses, not including home occupations, marked as “A” in the applicable table cell in Table 16-5-1.1, “Table of Allowed Uses”.
  5. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a parking area. An Accessory Permit shall also be required.

Title 16, Chapter 5, Section 4, Subsection C, Paragraph 2, Subparagraph a

#### **16-5-4: Accessory Uses.**

2. Parking Area, Surface.

- a. *Parking Area, Surface (R-2-B District Only)*. When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:
  - (1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.
  - (2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.
  - (3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.
  - (4) Provisions must be made for the collection of trash as per City ordinance.
  - (5) The final design of the parking area must be approved by the City Manager or designee.
  - (6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.
  - (7) No vehicles in excess of ~~seven~~ ten thousand (~~7,000~~ 10,000) pounds may be parked in the parking area.
  - (8) The minimum width of the parking area shall be fifty feet (50').
  - (9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.

Title 16, Chapter 5, Section 4, Subsection D

D. *Prohibited Accessory Uses.*

1. Prohibited in All Zoning Districts. The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:
  - a. *Use of Travel Trailer or Recreational Vehicle (RV) as a Residence*. The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
  - b. *Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business*. The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:

- (1) The sale of goods or merchandise at a City-approved or sponsored event; or
  - (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
  - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
  - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.
2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
- a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
  - b. *Outdoor Storage of Inoperative Vehicles.* The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
  - e. *Parking of Commercial Vehicles.*
    - (1) ~~In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off street parking space, or in an open space area. The size of such commercial vehicles shall not exceed vehicle weight of six ten thousand (6,000-10,000) pounds (60 C.W.T).~~
    - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
    - (3) ~~No commercial vehicle shall be stored on public property or in the public right of way.~~

**16-6-4: Off-Street Parking Loading Requirements.**

- O. *Surface Cover.* Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust free surfacing materials (e.g. chip seal surfacing) to serve a principal permitted residential use.~~

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

**16-6-10: Design Standards and Guidelines.**

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.

- (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.
- (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
- (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').
- (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a durable hard surface approved by the City. ~~Surfacing materials that may be used include concrete, exposed aggregate, and asphalt.~~ concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

~~Prohibited materials include dirt, gravel, crushed concrete and Grasscrete.~~ Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

**16-11-2: Definition of Words, Terms and Phrases.**

*Hard Surface:* As related to driveways, parking, and loading areas, "hard surface" means ~~a durable surface of concrete, asphalt, exposed aggregate, brick pavers, or similar alternate materials approved by the City.~~

concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

*Recreational Vehicle*

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

The following grandfather clause is proposed for hard surfaces in C.B. 53.

Grandfather Clause A gravel driveway or parking pad existing prior to \_\_\_\_\_ shall be allowed to remain unless or until a site plan is required under 16-2-9(A) EMC which affects the driveway or parking area. Maintenance of a grandfathered driveway or parking area is specifically allowed and shall not be considered as an "alternative" or "resurfacing" under 16-2-9(A)(3) EMC.

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2011

COUNCIL BILL NO. 48  
 INTRODUCED BY COUNCIL  
 MEMBER \_\_\_\_\_

## A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO SIGHT TRIANGLE.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, the CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, Subsection A, of the Englewood Municipal Code 2000, to read as follows:

**15-9-2: - Vehicles: Off-Road (ORV) and Trailers.**

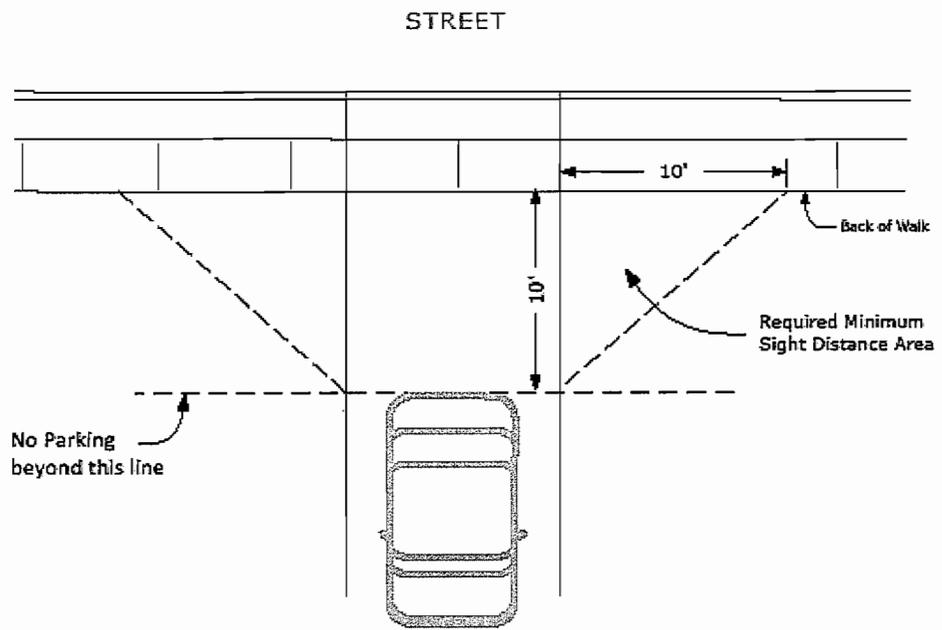
A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.
4. No ORV or trailer may block visibility of pedestrians or other vehicles on a public street or alley. All ORVs and trailers must comply with an approved site distance triangle.

- a. The City Traffic Engineer shall determine compliance with sight distance triangle standards in connection with this Title and shall be authorized to vary these standards depending on site conditions.
- b. No parked ORV or trailer over three feet (3') in height above the grade of the adjacent street, alley or driveway shall be parked in a manner that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at the intersections of streets, alleys or driveway.
- c. Figure 15-9-2 should be used as a guide to determine sight distance requirements at streets/driveways access (Typical). ORVs and trailers should be parked/stored at least ten feet (10') from back edge of the sidewalk or fifteen feet (15') from the curb where there is no sidewalk. For properties where there is no sidewalk or curb, vehicles should be parked/stored fifteen feet (15') from the travel way. All other instances shall be determined by the City Traffic Engineer.
- d. The reasonableness of the Traffic Engineer's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

Figure 15-9-2

### Driveway/Street Sight Distance (Typical)



09/20/10 2211-07-21 10.01.09

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 49  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2 AND TITLE 16, CHAPTER 2, SECTION 1, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PROPERTIES WITHOUT ACCESS TO REAR AND SIDE YARDS.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**15-9-2: - Vehicles: Off-Road (ORV) and Trailers.**

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

4. *Reserved for Sight Triangle.*

5. An exception to the requirement that these items located above must be stored in the rear or side yard may be made for those properties where there is no reasonable access, as defined, from public property to the rear yard.

a. For purposes of this Title, a lack of reasonable access shall be determined by the City Manager or designee on a case by case basis as to whether the obstruction which prevents access to the rear yard makes it physically impossible to access the rear yard without extensive construction or site modification.

(1) by way of example but not limitation, a solid privacy or chain link fence, small trees; small shrubs; flowers, etc. which are removable will not be considered a lack of "reasonable access" to the rear or side yard. Masonry walls; large trees or permanent structures may be considered an obstruction to "reasonable access."

(a) Small trees shall be defined as deciduous or evergreen trees with a caliper measurement of six inches (6") or less. The caliper shall be measured at a point four feet (4') above the grade.

b. The reasonableness of the City Manager or designee's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

c. The property must have a legal curb cut and driveway from the public street.

6. The exception listed in paragraph 5 above shall not apply to properties located in the Arapahoe Acres or Hampden Hills subdivisions.

B. Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.

2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 1, Subsection C, Paragraph 1, of the Englewood Municipal Code 2000, to read as follows:

**16-2-1: Administrative and Review Roles.**

The following entities comprise the review and decision-making bodies with respect to administering this Title. The roles and functions of these bodies are described in this Section and summarized in the table contained in Section 16-2-2 EMC below.

C. Board of Adjustment and Appeals.

1. Administrative and Review Roles Under this Title. The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:

- a. *Appeals from Building Permit Denials.* The Board shall have power to hear and determine appeals from refusal of building permits.
- b. *Administrative Appeals.* In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:
  - (1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title; similar Uniform Codes adopted by the City, except the Model Traffic Code; or by the City Manager, designee or Traffic Engineer under 15-9-2 (A)(4) EMC and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.
  - (2) In deciding upon appeals, the Board may reverse or affirm, wholly or partly, or modify any notice, order, requirement, decision, or determination of any employee of the City in the enforcement of this Title, and to make such order, requirement, decision or determination as in its opinion ought to be made and, to that end, shall have all the powers of the enforcing agent.
- c. *Zoning Variances.* The Board shall have the jurisdiction and power in specific cases to make specific exceptions to the terms, or modify the strict application of the provisions of this Title, according to the procedures within and consistent with the general purpose of this Title.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

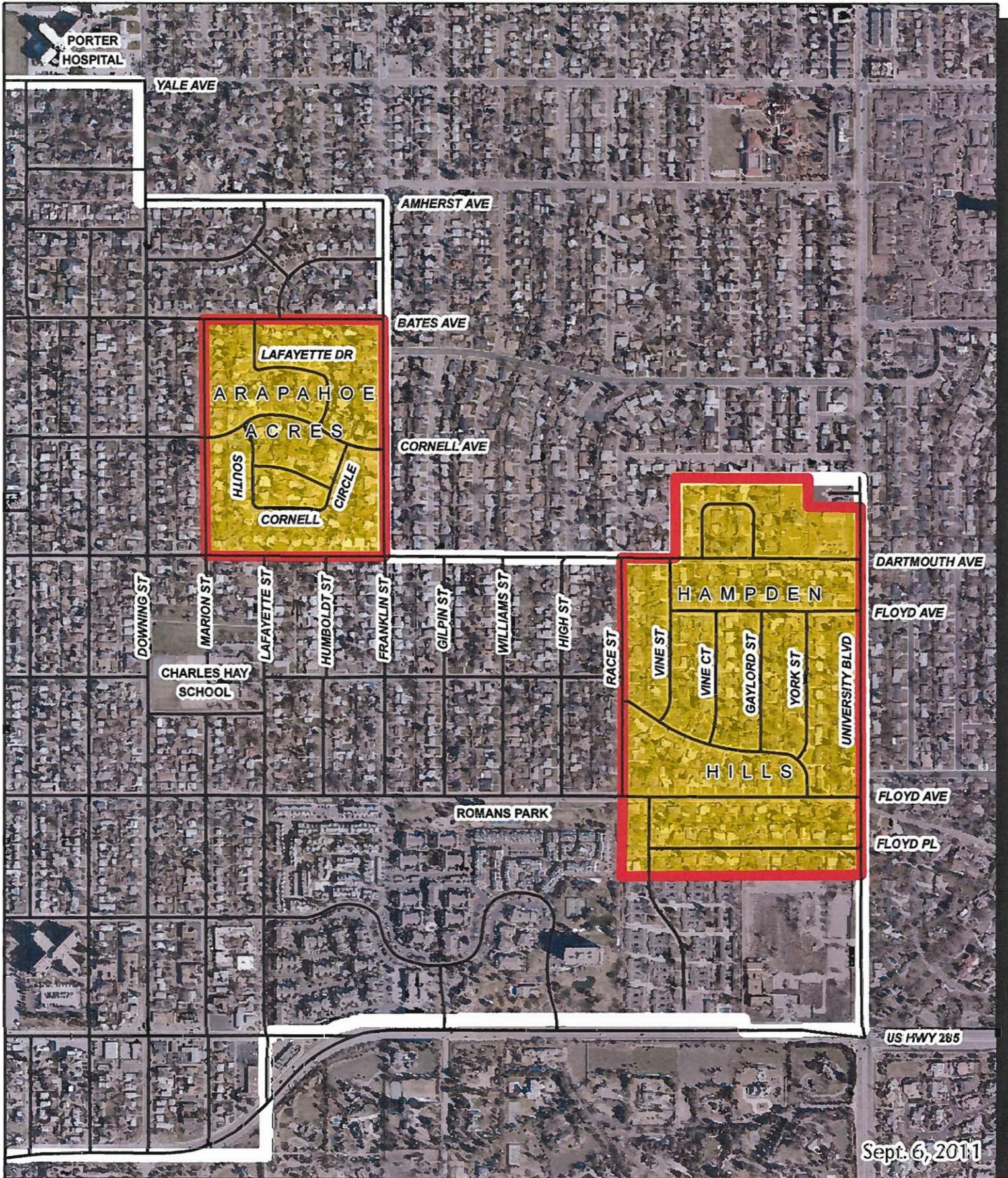
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Loucrishia A. Ellis, City Clerk

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 6th day of September, 2011.

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Loucrishia A. Ellis



**City of Englewood Subdivisions Exempt from Off Road Vehicle and Trailer Front Yard Parking Allowance for Properties with No Rear or Side Yard Access**



 Exempt Subdivisions	 Street Centerlines	 Englewood City Boundary
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## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 50  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

## A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, AND TITLE 16, CHAPTER 5, SECTION 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO VEHICLE WEIGHT LIMITATIONS.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16; and

WHEREAS, P&Z reviewed these amendments at a Public Hearing held on August 16, 2011 and made recommendations to City Council.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

**11-6-1: - Parking/Storage Regulations in All Districts.**

- A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of ~~seven ten thousand~~ (7,000 10,000) pounds (~~70 C.W.T.~~) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.
- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether

loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**11-6-2: - Parking/Storage Regulations for Residential Districts.**

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
  - 1. Any vehicle with an empty weight in excess of ~~seven ten thousand~~ (7,000 10,000) pounds (~~70-C.W.T.~~). This limitation shall not apply to recreational vehicles.
  - 2. A road tractor, truck tractor or semi-trailer.
  - 3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.

4. A tow truck or automobile wrecker.
  5. A church bus or school bus not used for school or church purposes.
- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
  2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
  3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether ~~in a private garage or carport~~, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of ~~seven~~ ten thousand (7,000 10,000) pounds (~~70 C.W.T.~~).
  4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
  5. No person shall occupy any vehicle in violation of the following:
    - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
    - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection C, Paragraph 2, Subparagraph a, of the Englewood Municipal Code 2000, to read as follows:

**16-5-4: Accessory Uses.**

2. Parking Area, Surface.
  - a. *Parking Area, Surface (R-2-B District Only).* When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district

may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:

- (1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.
- (2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.
- (3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.
- (4) Provisions must be made for the collection of trash as per City ordinance.
- (5) The final design of the parking area must be approved by the City Manager or designee.
- (6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.
- (7) No vehicles in excess of ~~seven ten thousand~~ (~~7,000~~ 10,000) pounds may be parked in the parking area.
- (8) The minimum width of the parking area shall be fifty feet (50').
- (9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection D, of the Englewood Municipal Code 2000, to read as follows:

D. *Prohibited Accessory Uses.*

1. Prohibited in All Zoning Districts. The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:
  - a. *Use of Travel Trailer or Recreational Vehicle (RV) as a Residence.* The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
  - b. *Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business.* The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:

- (1) The sale of goods or merchandise at a City-approved or sponsored event; or
  - (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
  - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
  - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.
2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
- a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
  - b. *Outdoor Storage of Inoperable Vehicles.* The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
  - c. ~~*Parking of Commercial Vehicles.*~~
    - (1) ~~In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off street parking space, or in an open space area. The size of such commercial vehicles shall not exceed vehicle weight of six ten thousand (6,000-10,000) pounds (60 C.W.T).~~
    - (2) ~~For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.~~
    - (3) ~~No commercial vehicle shall be stored on public property or in the public right of way.~~

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 7. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 51  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2; TITLE 15, CHAPTER 1, SECTION 2; AND TITLE 16, CHAPTER 11, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PARKING FOR RECREATIONAL VEHICLES.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, and Title 16, Chapter 11, Section 2(B), of the Englewood Municipal Code 2000, by inserting in alphabetical order to read as follows:

**15-1-2: Definitions.**

**and**

**16-11-2: Definition of Words, Terms, and Phrases.**

*B. Definition of words, Terms, and Phrases.*

*Recreational Vehicle*

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

**11-6-1: - Parking/Storage Regulations in All Districts.**

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer, recreational vehicle

or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.
- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.
- I. The owner of an inoperable motor vehicle, off-road vehicle, recreational vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or any trailer is stored, shall be responsible for compliance with this Chapter.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**11-6-2: - Parking/Storage Regulations for Residential Districts.**

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more recreational vehicles, motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way. The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.
- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) excluding recreational vehicles.
  2. A road tractor, truck tractor or semi-trailer.
  3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
  4. A tow truck or automobile wrecker.
  5. A church bus or school bus not used for school or church purposes.
- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
  2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
  3. In no case shall more than one commercial vehicle or recreational vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
  4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
  5. No person shall occupy any vehicle in violation of the following:
    - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection (b) below;
    - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping

purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, recreational vehicle, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**15-9-2: - Vehicles: Recreational Vehicles, Off-Road (ORV) and Trailers.**

A. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No Recreational Vehicle, ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any Recreational Vehicle, ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No Recreational Vehicle, off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed Recreational Vehicle, ORV and trailer uses.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 7. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 52  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

## A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO 72 HOUR PARKING.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

**11-6-1: - Parking/Storage Regulations in All Districts.**

- A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.
- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours ~~within any one week~~ within any consecutive fourteen (14) day period.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**11-6-2: - Parking/Storage Regulations for Residential Districts.**

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.  
The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours ~~within any one week~~ within any consecutive fourteen (14) day period while being expeditiously loaded or unloaded unless a permit is obtained under C(5)(b).
- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
  1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
  2. A road tractor, truck tractor or semi-trailer.
  3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
  4. A tow truck or automobile wrecker.
  5. A church bus or school bus not used for school or church purposes.

- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
  2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
  3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
  4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6) in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
  5. No person shall occupy any vehicle in violation of the following:
    - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection (b) below;
    - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or ~~adjacent~~ bordering public right-of-way ~~in~~ on which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 53  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2(C); TITLE 15, CHAPTER 1, SECTION 2; TITLE 16, CHAPTER 6, SECTIONS 4 AND 10, AND TITLE 16, CHAPTER 11, SECTION 2 OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO HARD SURFACES.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16; and

WHEREAS, P&Z reviewed these amendments at a Public Hearing held on August 16, 2011 and made recommendations to City Council.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

**11-6-2: - Parking/Storage Regulations for Residential Districts.**

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.

3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
  4. A tow truck or automobile wrecker.
  5. A church bus or school bus not used for school or church purposes.
- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
  2. No vehicle shall be parked in ~~the front yard of the front setback of the principal structure~~ unless located on a ~~concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~

concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.
  3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
  4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
  5. No person shall occupy any vehicle in violation of the following:
    - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
    - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, “Definitions” of the Englewood Municipal Code 2000, to read as follows, with unchanged definitions:

**15-1-2: Definitions**

Hard Surface: A surface ~~as defined in 16-11-2 (B) EMC.~~

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼”) or crushed hard rock of a minimum depth of three and a half inches (3½”) placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾”) (100% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 9, “Zoning Site Plan Review” of the Englewood Municipal Code 2000, to read as follows:

**16-2-9: Zoning Site Plan Review.**

- A. Applicability. No land shall be used, occupied, or developed for any use without complying with the Zoning Site Plan requirements and procedures provided in this Section, as applicable. A Zoning Site Plan shall be required for:
1. The commencement of all development, improvement, or construction requiring a building permit, except for interior remodel and tenant finish.
  2. The construction or expansion of fences, walls, and accessory structures (e.g., garages, carports, storage sheds, decks) in all zone districts, including decks less than thirty inches (30”) in height and accessory structures containing less than one hundred twenty (120) square feet in floor area that do not otherwise require a building permit.
  3. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a residential driveway. An Accessory Permit shall also be required.
  4. Accessory uses, not including home occupations, marked as “A” in the applicable table cell in Table 16-5-1.1, “Table of Allowed Uses”.
  5. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a parking area. An Accessory Permit shall also be required.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection O, of the Englewood Municipal Code 2000, to read as follows:

#### 16-6-4: Off-Street Parking Loading Requirements.

- O. *Surface Cover.* Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust free surfacing materials (e.g. chip seal surfacing) to serve a principal permitted residential use.~~

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection B, Paragraph 5, Letter d, Number 4, of the Englewood Municipal Code 2000, to read as follows:

#### 16-6-10: Design Standards and Guidelines.

##### 5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

- d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.
- (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.
  - (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
  - (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').
  - (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a ~~durable hard surface approved by the City. Surfacing materials that may be used include concrete, exposed aggregate, and asphalt.~~  
concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches

(2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

~~Prohibited materials include dirt, gravel, crushed concrete and Grasserete. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.~~

**[EDITORS NOTE: The remainder of 16-6-10, contains no changes and is therefore not included here]**

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, of the Englewood Municipal code 2000, to read as follows:

**16-11-2: Definition of Words, Terms and Phrases.**

~~*Hard Surface:* As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, exposed aggregate, brick pavers, or similar alternate materials approved by the City.~~

concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 7. Grandfather Clause A gravel driveway or parking pad existing prior to shall be allowed to remain unless or until a site plan is required under 16-2-9(A) EMC which affects the driveway or parking area. Maintenance of a grandfathered driveway or parking area is specifically allowed and shall not be considered as an "alternative" or "resurfacing" under 16-2-9(A)(3) EMC.

Section 8. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 9. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 10. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 11. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 12. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of September, 2011 for thirty (30) days.

---

James K. Woodward, Mayor

ATTEST:

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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 6th day of September, 2011.

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Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 11 a i	<b>Subject</b> West Union Ave/Platte River Boat Chute Modifications – Agreement
<b>INITIATED BY</b> Utilities Department		<b>STAFF SOURCE</b> Stewart H. Fonda, Director of Utilities

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

### RECOMMENDED ACTION

The Englewood Water and Sewer Board, at their February 9, 2010 meeting, recommended Council to approve the License Agreement from the Colorado Water Conservation Board for river access to design and build the boat chute improvements on the South Platte River and Union Avenue.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The proposed project is 250' north of the Union Avenue Bridge on the South 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. The Colorado Water Conservation Board owns the kayak boat chutes, but Englewood supports these improvements and recommends approving an access and license agreement.

The proposed Boat Chute Agreement allows the Colorado Water Conservation Board to modify the intake structure by cutting an existing wall off to reduce the eddies in the river flow. Englewood agreed to let them modify the intake structure per their engineer's recommendation, as part of their planned safety improvements.

The agreement was passed at the February 9, 2010 meeting but was delayed due to the Corps wanting to review the project further. Two rounds of comments were submitted from the Corps of Engineers to McLaughlin Engineers on March 11, 2010 and September 16, 2010. Delays were also due to weather. The project could not begin in winter because of weather conditions and the project had to wait until spring runoff was over. The 404 Permit has been obtained and a contractor has been retained and ready to proceed.

### FINANCIAL IMPACT

All design and construction costs are the responsibility of the Colorado Water Conservation Board.

### LIST OF ATTACHMENTS

Excerpt from February 9, 2010 Minutes from the Water & Sewer Board meeting  
Ordinance

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.

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.

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 55  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING AN "AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS" BETWEEN THE COLORADO WATER CONSERVATION BOARD, A DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF COLORADO AND THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, there exists structures on the South Platte River known as the Union Avenue Boat Chutes; and

WHEREAS, the Colorado Water Conservation Board wishes to make improvements in those structures; and

WHEREAS, these improvements will require modifications to the discharge portion of the City's existing raw water intake structure; and

WHEREAS, the Englewood Water and Sewer Board recommended approval of this Agreement at their February 9, 2010 meeting;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes an "Agreement Regarding Design and Construction of Union Avenue Boat Chutes Safety Improvements" between the Colorado Water Conservation Board, a division of the Department of Natural Resources of the State of Colorado and the City of Englewood, Colorado, attached hereto as Attachment 1.

Section 2. The Mayor is authorized to execute and the City Clerk to attest and seal the Agreement for and on behalf of the City of Englewood, Colorado.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis

**AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF  
UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS**

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Colorado Water Conservation Board, a division of the Department of Natural Resources of the State of Colorado (hereinafter called "Board") and the City of Englewood (hereinafter called "City") collectively known as "Parties".

WHEREAS, the Board wishes to make certain improvements to the Union Avenue Boat Chutes area on the South Platte River at a location approximately two-hundred and fifty feet (250') north of the Union Avenue bridge across the South Platte River, near the City's raw water intake and pump station (hereinafter called "Project").

WHEREAS, the Board's proposed project is designed to improve safety to the public by, among other improvements, improving egress from the downstream pool, line of sight to the pool and reducing eddy velocities.

WHEREAS, planning and design is by McLaughlin Engineers.

WHEREAS, these improvements require a modification of the discharge portion of the City's existing raw water intake structure, which is owned by the City. (shown in the East Wall Profile on page 4 of Exhibit A as the concrete wall to be removed).

Now, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. SCOPE OF AGREEMENT.  
This Agreement defines the Project along with the responsibilities and financial commitments of the Parties with respect to the project.
2. SCOPE OF THE PROJECT.  
The Project shall include all activities involved in the construction of the improvements to include the modification of the discharge portion of City's raw water intake structure as shown on Exhibit A, attached hereto and incorporated by reference.
3. PUBLIC NECESSITY.  
Parties agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience and welfare of the public.
4. COSTS.  
All design and construction costs shall be the responsibility of the Board. However, the City will grant a temporary construction and access easement to Urban Drainage and Flood Control across the City's Union Avenue pump station property at no cost to the Board or Urban Drainage and Flood Control.
5. PROJECT.
  - A. The design and construction of the Project shall be the responsibility of the Board.
  - B. The City has signed the design documents for the Project shown in Exhibit A, as required by Urban Drainage and Flood Control in order to construct the Project.

- C. The City has no objections to the design of the Project shown in Exhibit A as it relates to the discharge portion of the City's raw water intake structure and facility.
  - D. Should the Project create a material or adverse change in the operation of the City's raw water intake facility, at the request of the City, the Board agrees to make repairs to the Project to return the City's raw water intake facility to a condition substantially similar to its condition before the Project or to a condition and acceptable to the City.
6. INSURANCE.  
The Urban Drainage and Flood Control District shall require any contractor to provide adequate liability insurance and shall require any contractor to provide proof that it carries general liability insurance for the Project, in amounts not less than \$150,000 per person and \$600,000 per occurrence, that names the City, the Board, and the District as additional insureds, and copies of certificates of insurance shall be provided to the City before any construction within the City's property commences.
7. MAINTENANCE.  
The Parties agree that the Board shall own and be responsible for maintenance of the completed and accepted Project. Future maintenance will occur by accessing the Project from Oxford Avenue and not through City's Union Avenue pump station property. Once the Project is completed, the City shall remain in possession of its raw water intake and pump station and shall be solely responsible for its maintenance and operation. No part of the Union Avenue Boat Chutes shall be deemed to be part of any Public Sanitation Facility or Public Water Facility, within the meaning of such terms as defined by §24-10-103(5.5) and 5.7), C.R.S. 2010.
8. LIABILITY.  
City shall not be liable in any suits, demands, costs or actions of law resulting from the design, construction or maintenance of the Project.
9. NOTICES.
- A. For the City shall be directed to:  
Director of Utilities  
1000 Englewood Parkway  
Englewood, CO 80110
  - B. For the Board shall be directed to:  
Chatfield Downstream Channel Improvement Project Coordinator  
Colorado Water Conservation Board  
1313 Sherman Street – Room 721  
Denver, CO 80203
  - C. Any notices, demands or other communications required or permitted to be given by any provision of this Agreement shall be given in writing, delivered personally or sent by registered mail, postage prepaid and return receipt requested, addressed to PARTIES at the addresses set forth above or at such other address as either party may hereafter or from time to time designate by written notice to the other party given when personally delivered or mailed, and shall be considered received in the earlier of either the day on which such notice is actually received by the party to whom it is addressed or the third day after such notice is mailed.

10. AMENDMENTS.  
This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments or modifications to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.
11. PRIOR AGREEMENTS.  
This Agreement does not abrogate or modify the rights and responsibilities of the parties under prior agreements regarding the boat chutes improvement at this location dated, May 1, 1983, May 1, 1986 and May 19, 1989.
12. SEVERABILITY.  
If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.
13. APPLICABLE LAWS.  
This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any and all legal actions regarding the transaction covered herein shall lie in District Court in and for Arapahoe County, State of Colorado.
14. ASSIGNABILITY.  
No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.
15. BINDING EFFECT.  
The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.
16. ENFORCEABILITY.  
PARTIES hereto agree and acknowledge that this Agreement may be enforced subject to the provisions of the laws of the State of Colorado.
17. TERM AND TERMINATION.  
It is anticipated that this Agreement shall remain in effect so long as the structures shown on Exhibit A remain. In no event shall the Board's responsibility for the design, construction and maintenance of the Project cease.
18. APPROPRIATIONS.  
Notwithstanding any other term, condition, or provision herein, each and every obligation of CITY and/or BOARD stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of CITY and/or BOARD.
19. GOVERNMENTAL IMMUNITY.  
No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, CRS §24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. §§1346(b) and 2671 et seq., as applicable now or hereafter amended.

20. NO THIRD PARTY BENEFICIARIES.

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

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

CITY OF ENGLEWOOD, COLORADO

By: \_\_\_\_\_  
James K. Woodward, Mayor

ATTEST:

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO )  
COUNTY OF Douglas ) ss.  
My Commission Expires 11-06-2014

By: \_\_\_\_\_

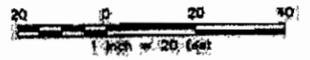
The foregoing instrument was acknowledged before me this 15 day of August, 2011, by Jennifer Gimbal as Director of the Colorado Water Conservation Board.

Witness my hand and official seal.

My Commission expires: 11-6-2014

\_\_\_\_\_  
NOTARY PUBLIC

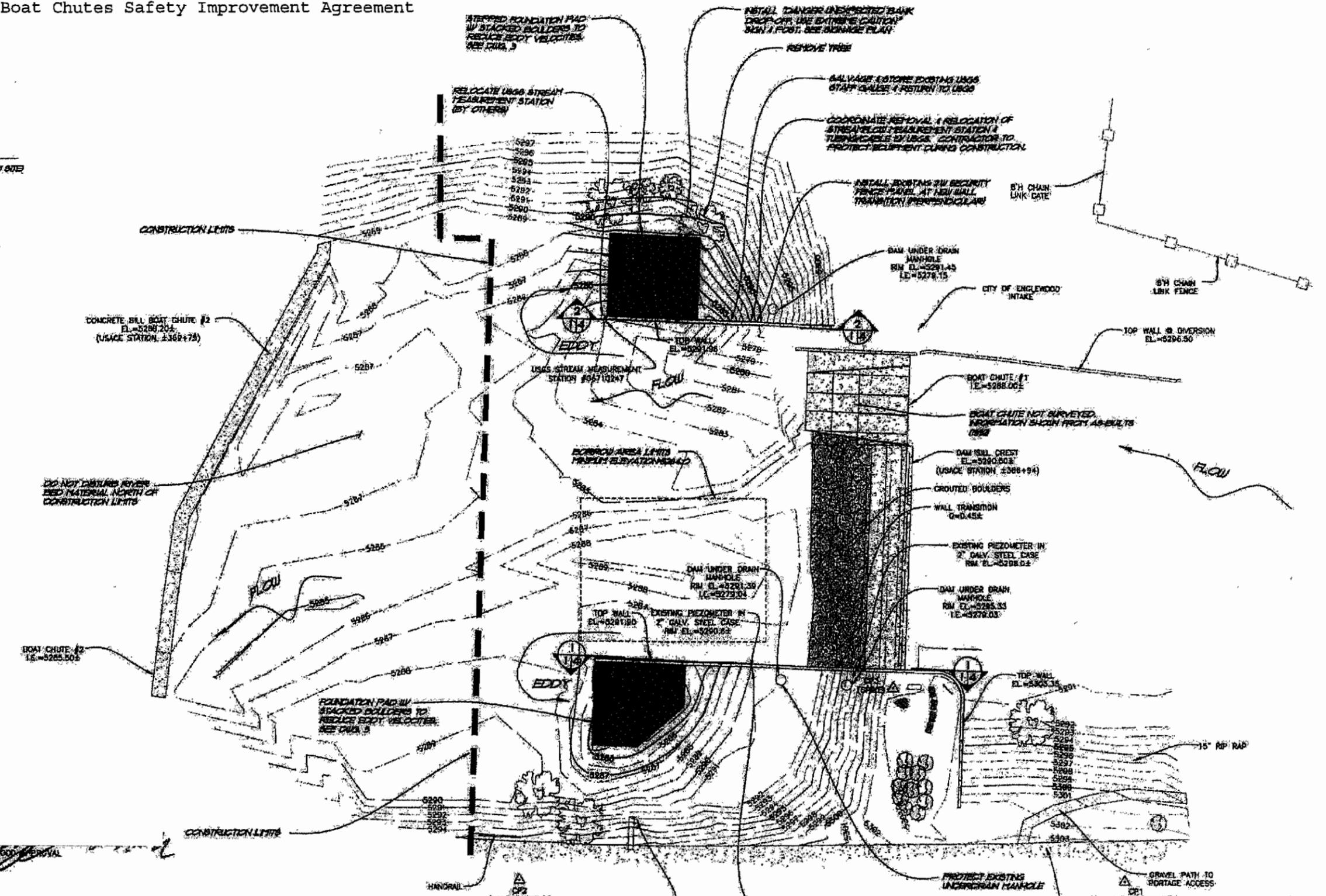
Exhibit A - Union Ave Boat Chutes Safety Improvement Agreement



CENTRIC INTERVAL = 1'  
 DAILY + LOCAL  
 PLANE BREAKING = LOCAL

- TECH**
- △ CP# PK NAIL IN ASPHALT BEST ON CONCRETE PATH (DW 502)
  - △ CP# SPOKE WEST OF CONCRETE PATH (DW 512)
  - △ CP# SPOKE ON EXISTING VEGETATION AREA DAM ADJACENT

- CONSTRUCTION NOTES**
1. ALL INSTALLATION AND MATERIALS SHALL MEET THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT STANDARD SPECIFICATION.
  2. SEE DWG PLAN FOR EXISTING AND PROPOSED UTILITIES.
  3. SITE SURVEY CONDUCTED BY HELMUT WINTERMAYER OF OCTOBER 21, 2008. USGS RIVER ELEVATION MEASUREMENT FOR THIS DATE WAS 500 CFS. RIVER WATER SURFACE ELEVATION UPSTREAM OF DAM WAS 5200.00. RIVER WATER SURFACE DOWNSTREAM OF DAM WAS 5200.00.
  4. PROPOSED TOP OF WALL ELEVATIONS CAN BE ADJUSTED UP TO AVOID HORIZONTAL BARRIERS.
  5. BEFORE BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL APPLICABLE UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH, AND CHARACTERISTICS OF ALL UTILITIES AND STRUCTURES TO BE MAINTAINED OR DAMAGED BY THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES CAUSED BY HIS OPERATIONS AND SHALL ACCURATELY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (800) 752-3434 TO OBTAIN AREA UTILITY LOCATIONS.
  6. EROSION & SEDIMENT CONTROL SHALL MEET THE REQUIREMENTS OF URBAN DRAINAGE AND FLOOD CONTROL DISTRICT. CONTAINMENT WALLS SHALL BE PROVIDED BY THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT.
  7. LOCATE AND MAINTAIN EXISTING BOLLARDS AS DIRECTED BY THE ENGINEER.
  8. COORDINATE SPILL AREA ON-SITE FOR EXISTING OR ANCHORAGE BOLLARDS UNACCEPTABLE FOR FULL BAY CONES.

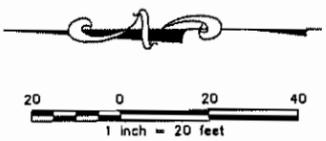


PAUL A. HINDMAN, P.E.  
 EXECUTIVE DIRECTOR  
 URBAN DRAINAGE & FLOOD CONTROL DISTRICT

DAVID BENNETTS, P.E., CFM  
 DESIGN, CONSTRUCTION AND MAINTENANCE MANAGER  
 URBAN DRAINAGE & FLOOD CONTROL DISTRICT



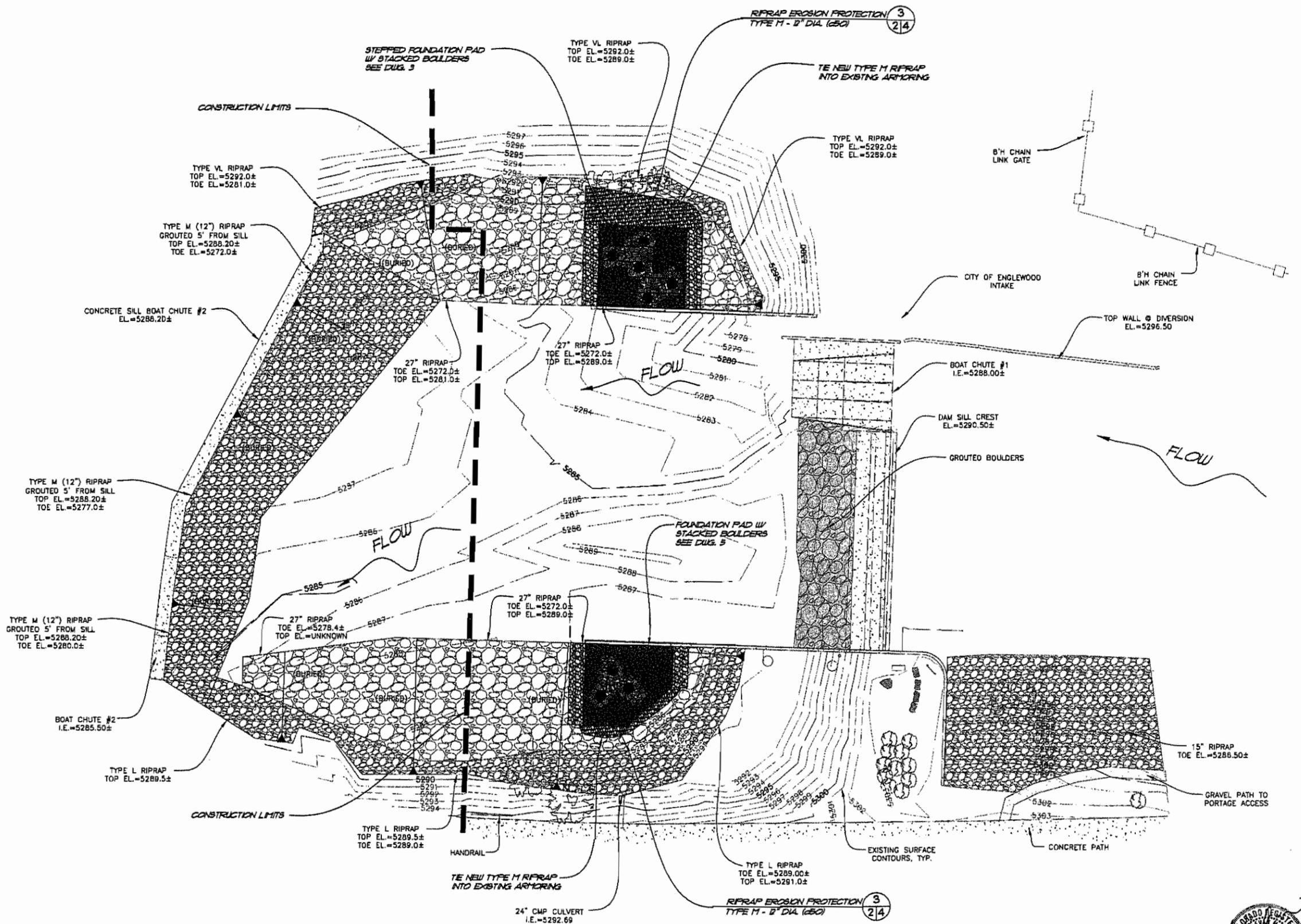
Number	Description	By	Date	SOUTH PLATTE RIVER ENGLEWOOD, CO	UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS	SITE & GRADING PLAN	Laughlin Whitewater DESIGN: REM BAN DETAIL: BAN CHECK: REM DATE: JANUARY 2011	PROJECT NUMBER 63-4606	Drawing Number: 1



- CONSTRUCTION NOTES:**
- EXISTING RIP RAP LIMITS, ELEVATIONS, AND SIZES ARE BASED ON FIELD OBSERVATION, DESIGN, AND AS-BUILT PLANS FROM PREVIOUS PROJECTS. LIMITS, ELEVATIONS, AND SIZES OF RIP RAP TYPES ARE APPROXIMATE BASED ON THE BEST INFORMATION AVAILABLE. CONTRACTOR TO FIELD VERIFY TYPE AND ELEVATION OF RIPRAP WHEN IS ENCOUNTERED. IF DIFFERENT THAN SHOWN CONTACT ENGINEER.
  - SITE OBSERVATION OF RIP RAP IS LIMITED TO THE RIVER WATER ELEVATION ON THE DATE OF SURVEY, OCTOBER 23, 2009. WATER SURFACE ELEVATION UPSTREAM OF DAM WAS 5290.0'. WATER SURFACE ELEVATION DOWNSTREAM OF DAM WAS 5288.0'. ALL RIP RAP BELOW EXISTING CONTOURS SHOWN IS BURIED.

**RIPRAP & BOULDER LEGEND**

- NEW FEATURE BOULDER  
3.5H - 5H x 4W x 4W
- NEW 36" DIA. BOULDER
- NEW 24" DIA. BOULDER
- NEW TYPE H RIPRAP (18"  $\phi$ 50)  
FOUNDATION MAT
- NEW TYPE M RIPRAP (12"  $\phi$ 50)
- NEW TYPE L RIPRAP (9"  $\phi$ 50)
- EXISTING GROUDED BOULDERS
- EXISTING 27" RIPRAP
- EXISTING RIPRAP:  
TYPE VL (5"  $\phi$ 50)  
TYPE L (9"  $\phi$ 50)  
TYPE M (12"  $\phi$ 50)  
15" RIPRAP  
(AS NOTED ON PLAN)

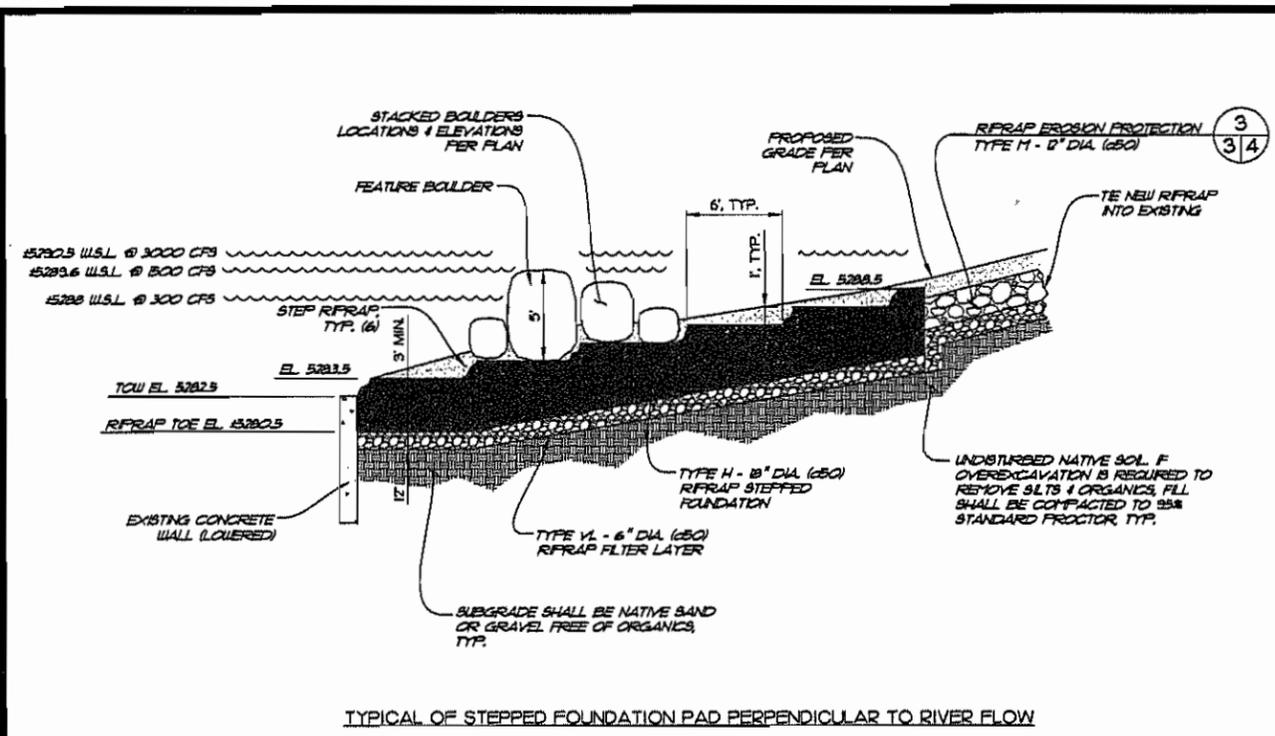


Number	Revision Description	By	Date

SOUTH PLATTE RIVER ENGLEWOOD, CO	UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS	RIPRAP PLAN
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McLaughlin Whitewater 25762 PROFESSIONAL ENGINEER	DESIGN: REM, BAN DETAIL: BAN CHECK: REM DATE: JANUARY 2011	PROJECT NUMBER 03-40.06	Drawing Number: 2
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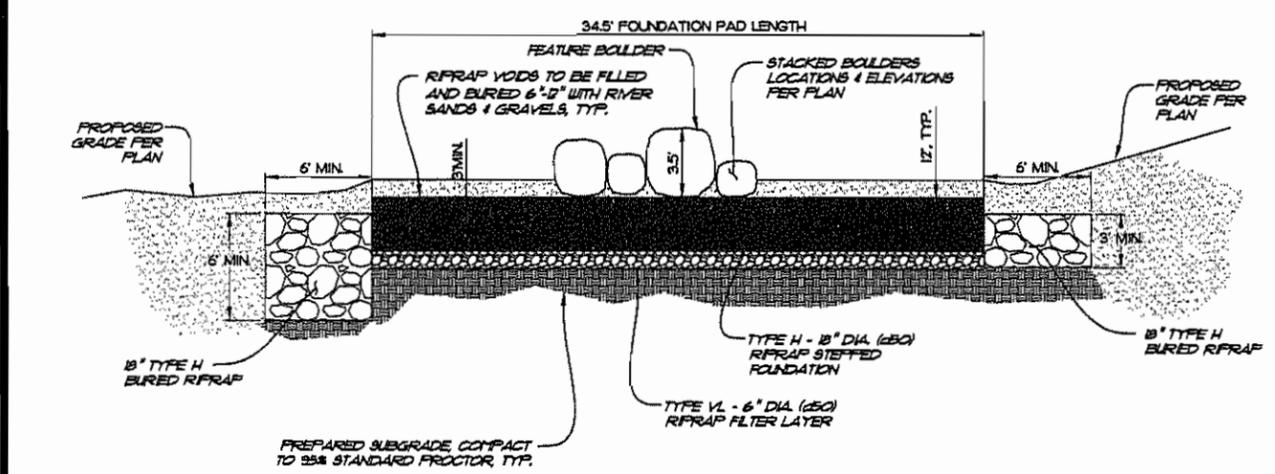
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SECTION

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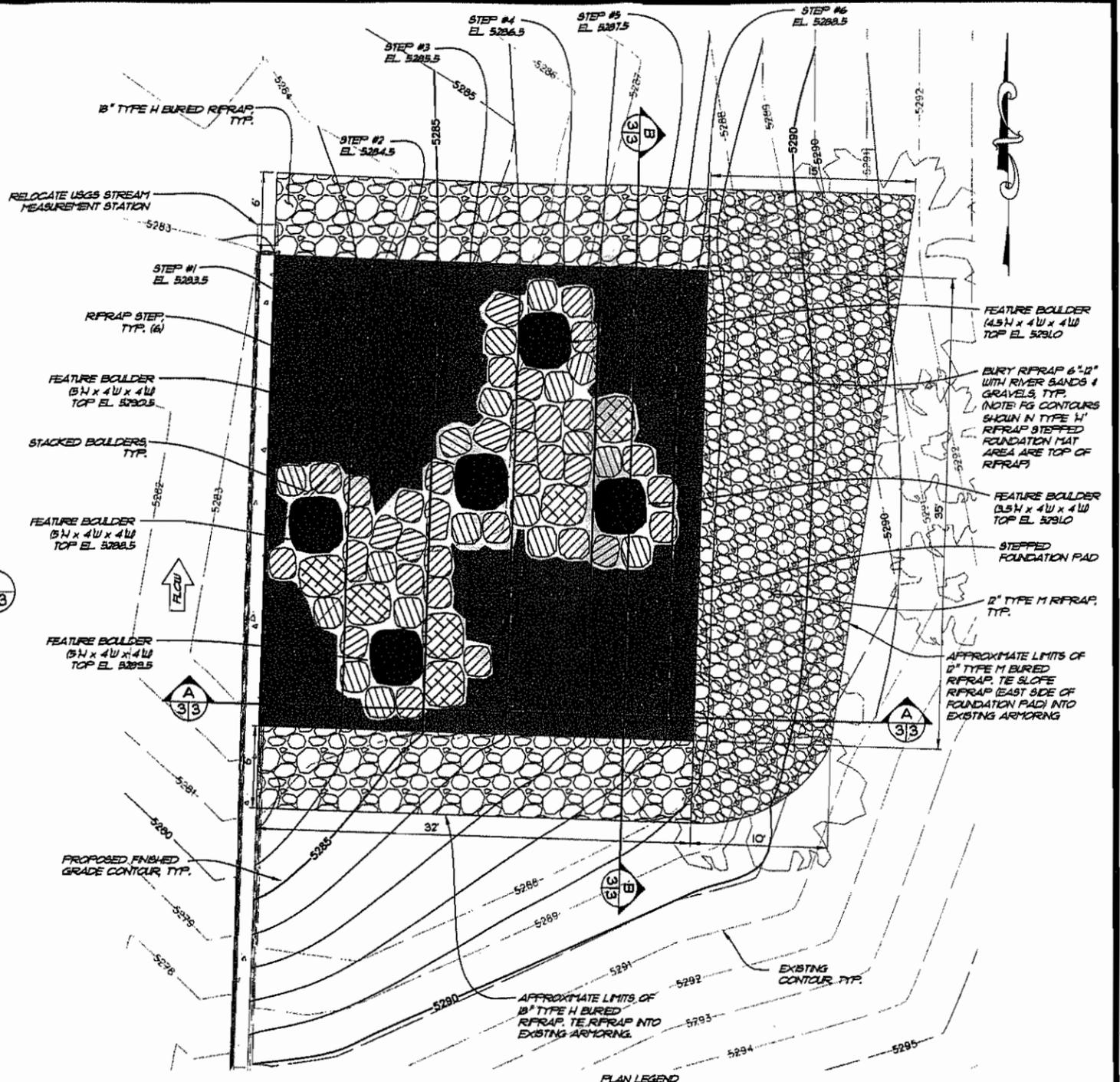
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3/3



SECTION

1/8"

B  
3/3



STEPPED FOUNDATION PAD W/ STACKED BOULDERS PLAN

SCALE: 1/8"



Number	Revision Description	By	Date

SOUTH PLATTE RIVER  
ENGLEWOOD, CO

UNION AVENUE BOAT CHUTES  
SAFETY IMPROVEMENTS

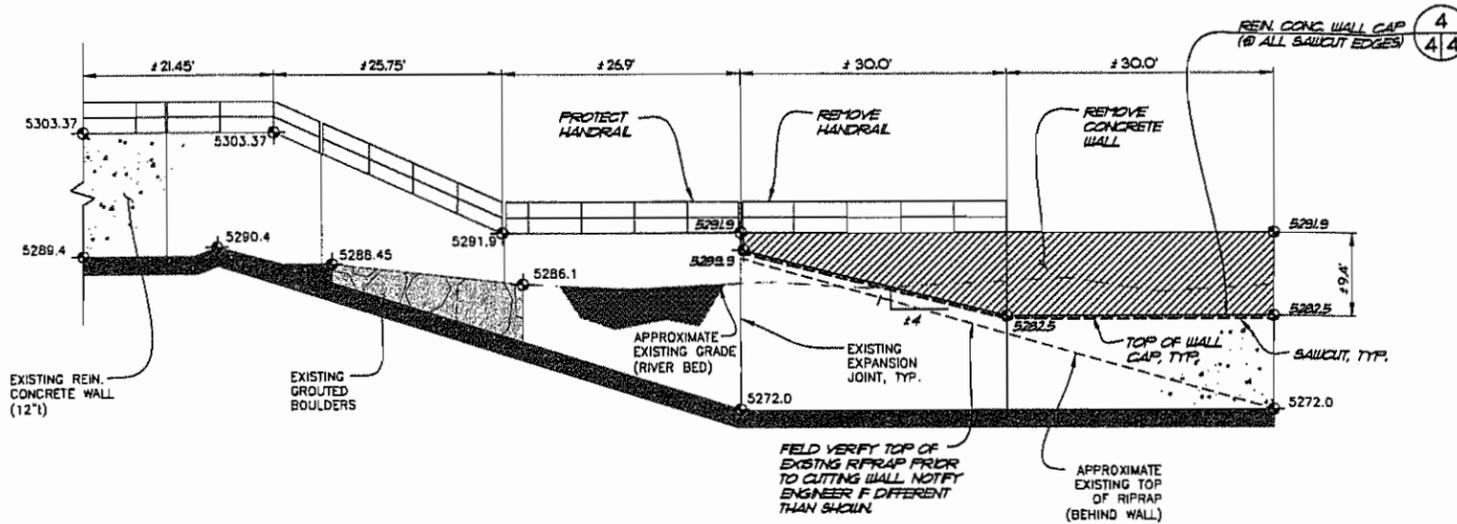
STEPPED FOUNDATION  
PAD DETAILS



DESIGN: REM, BAN  
DETAIL: BAN  
CHECK: REM  
DATE: JANUARY 2011

PROJECT NUMBER  
03-40.06

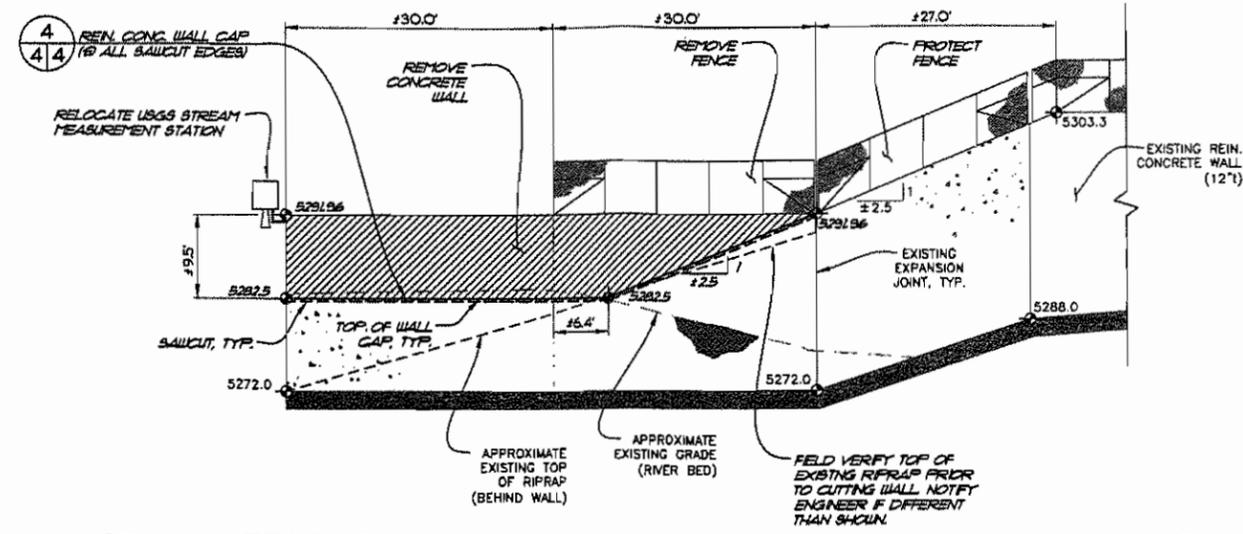
Drawing Number:  
3



WEST WALL PROFILE

SCALE: 1/40'

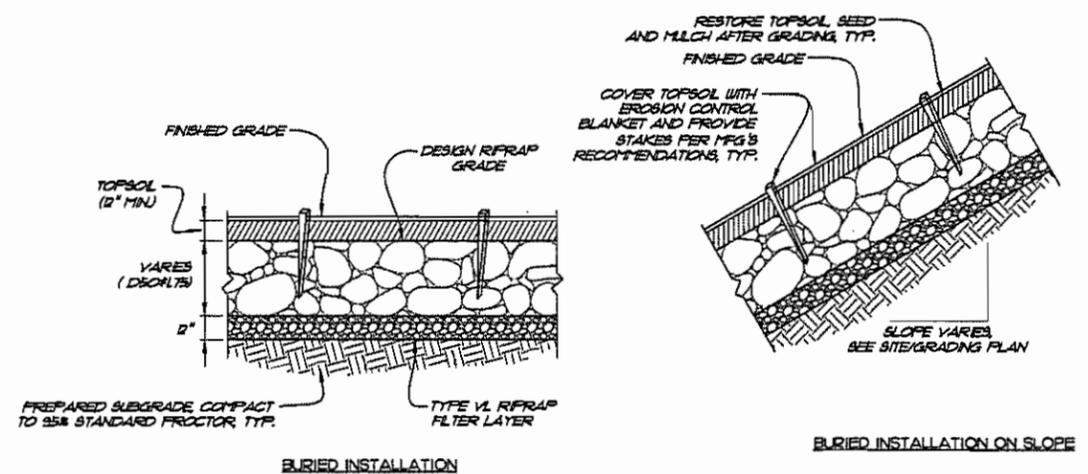
1/4



EAST WALL PROFILE

SCALE: 1/40'

2/4



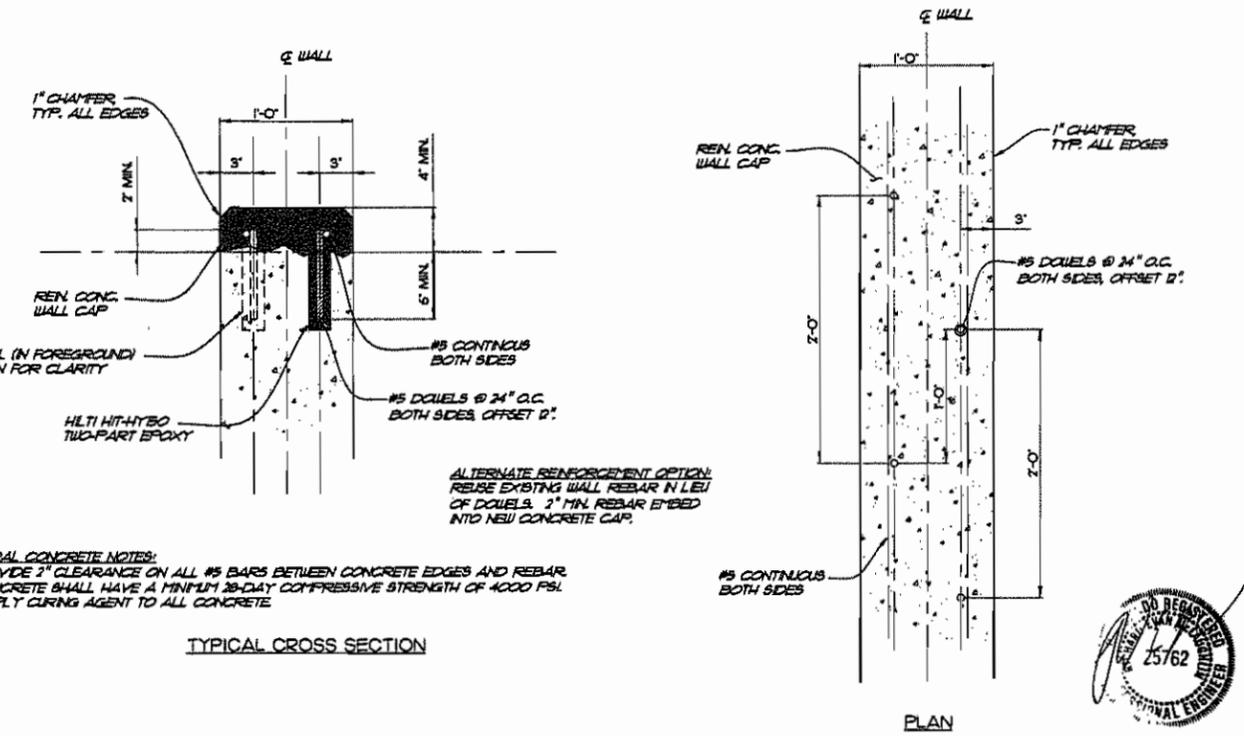
**RIPRAP NOTES:**  
 1. RIPRAP DETAIL IS APPLICABLE TO FLAT OR SLOPED AREAS. REFER TO THE SITE PLAN FOR ACTUAL LOCATION AND LIMITS.  
 2. GENERAL PLACEMENT TECHNIQUES SHOULD RESULT IN LARGER ROCK AT THE SURFACE WITH ROCK SECURELY INTERLOCKED AT THE DESIGN THICKNESS AND GRADE. COMPACTION AND LEVELING SHOULD RESULT IN MINIMAL VOIDS AND PROJECTIONS ABOVE GRADE.

RIPRAP GRADATION				
TYPE VI	TYPE II	TYPE H	SMALLER BY WEIGHT	
ROCK DIMENSION (INCHES)	ROCK DIMENSION (INCHES)	ROCK DIMENSION (INCHES)	ROCK DIMENSION (INCHES)	
2	2 1/2	3 1/2	10-100	
3	3 1/2	4 1/2	50-70	
4	4 1/2	5 1/2	35-50	
5	5 1/2	6 1/2	2-10	

RIPRAP EROSION PROTECTION

NOT TO SCALE

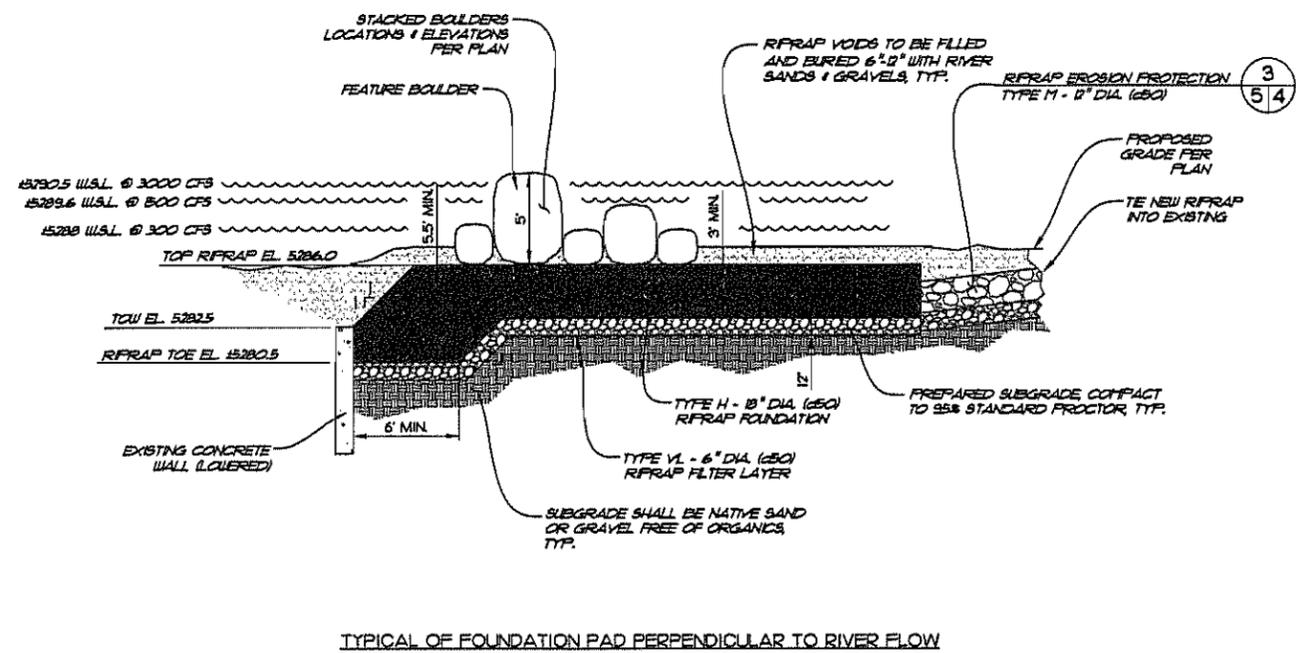
2,3,5  
3/4



REIN. CONC. WALL CAP

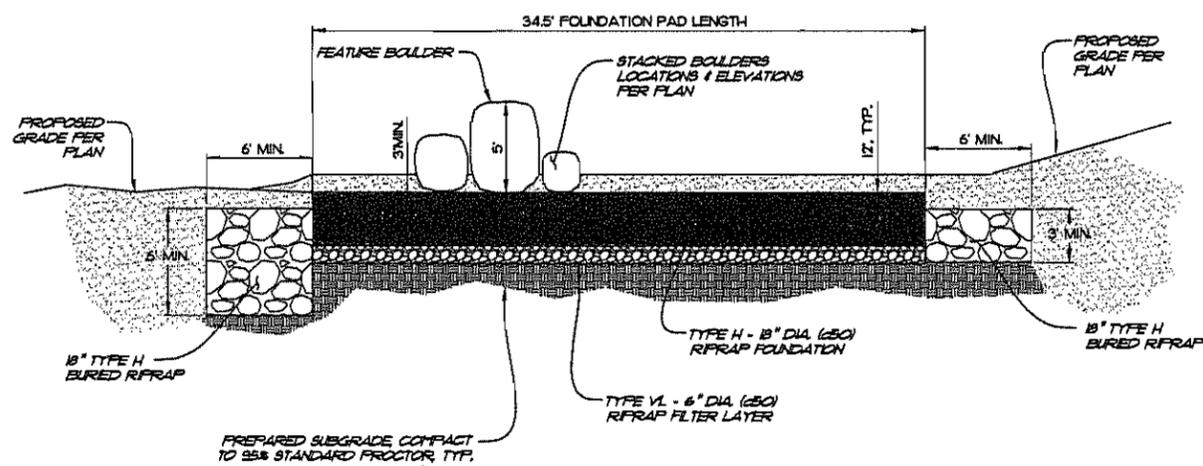
SCALE: 1/2\"/>

4/4



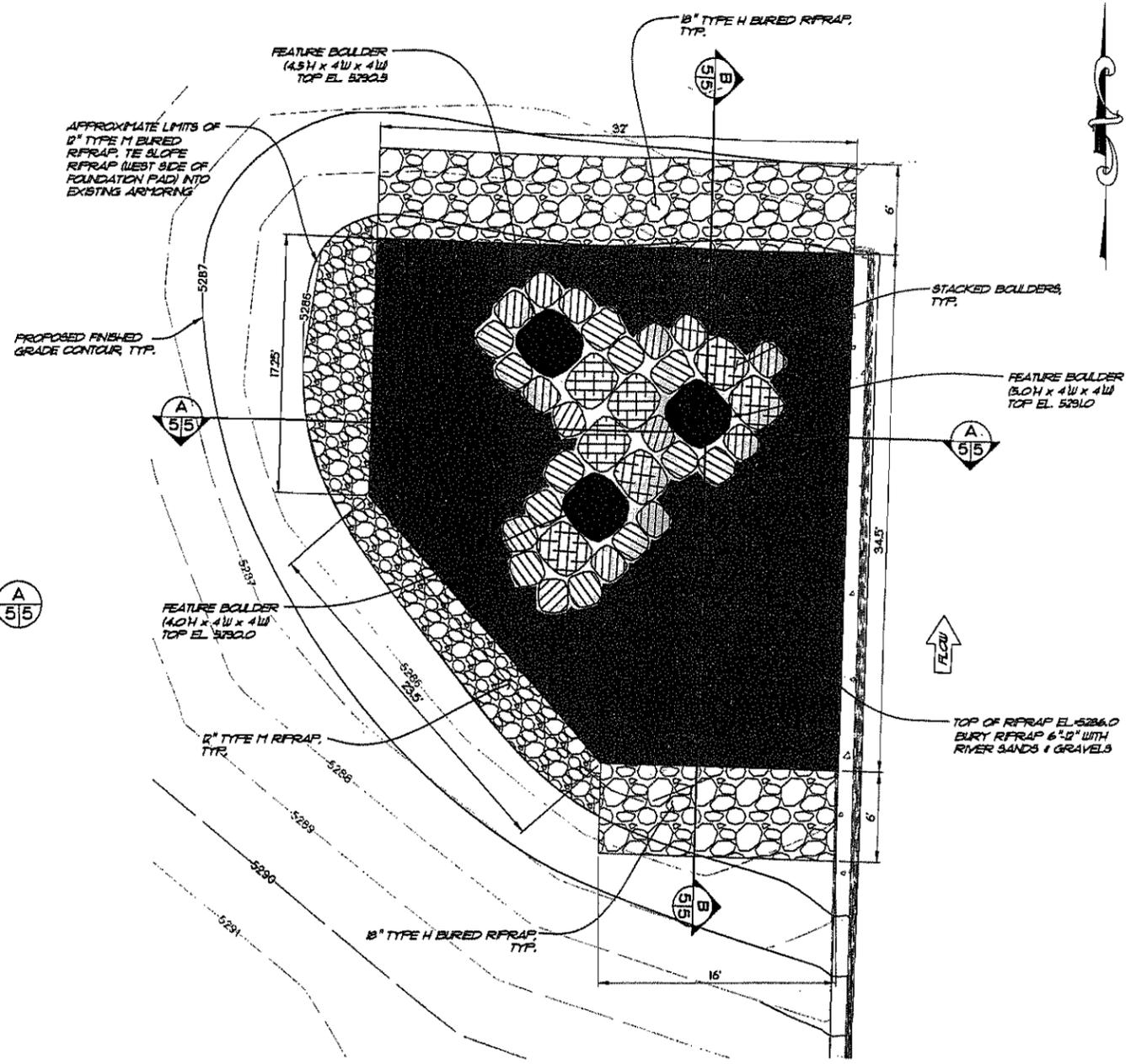
SECTION

1/4"



SECTION

1/4"



## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 11 a ii	<b>Subject</b> West Union Ave/Platte River Boat Chute Modifications – Grant of Access Easement
<b>INITIATED BY</b> Utilities Department	<b>STAFF SOURCE</b> Stewart H. Fonda, Director of Utilities	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

### RECOMMENDED ACTION

The Englewood Water and Sewer Board, at their February 9, 2010 meeting, recommended Council to approve the Grant of Access Easement from Urban Drainage and Flood Control District for crossing Englewood's property for the boat chute improvements project at South Platte River and Union Avenue.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The proposed project is 250' north of the Union Avenue Bridge on the South 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. The Colorado Water Conservation Board owns the kayak boat chutes, with Urban Drainage and Flood Control District overseeing the construction project. Englewood supports these improvements and recommends approving the access and license agreement.

The Access Agreement allows the Colorado Water Conservation Board permission to cross Englewood's river pump station property to gain access for construction at Union Avenue.

The agreement and access easement were passed at the February 9, 2010 meeting but were delayed due to the Corps wanting to review the project further. Two rounds of comments were submitted from the Corps of Engineers to the Colorado Water Conservation Board on March 11, 2010 and September 16, 2010. Delays were also due to weather. The project could not begin in winter because of weather conditions and the project had to wait until spring runoff was over. The 404 Permit has been obtained and a contractor has been retained and ready to proceed.

### FINANCIAL IMPACT

N/A

### LIST OF ATTACHMENTS

Excerpt from February 9, 2010 Minutes from the Water & Sewer Board meeting  
Ordinance

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.

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.

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 56  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING A GRANT OF ACCESS EASEMENT TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT BY THE CITY OF ENGLEWOOD, COLORADO PERTAINING TO IMPROVEMENTS OF STRUCTURES ON THE SOUTH PLATTE RIVER KNOWN AS THE UNION AVENUE BOAT CHUTES.

WHEREAS, there exist structures on the South Platte River known as the Union Avenue Boat Chutes; and

WHEREAS, the Colorado Water Conservation Board wishes to make improvements in those structures: and

WHEREAS, these improvements will be completed by the Urban Drainage and Flood Control District; and

WHEREAS, in order to complete this work the District must have access to the South Platte River across property owned by the City of Englewood; and

WHEREAS, the Englewood Water and Sewer Board recommended approval of this Agreement at their February 9, 2010 meeting;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes a "Grant of Access Easement" to the Urban Drainage and Flood Control District by the City of Englewood, Colorado, attached hereto as Attachment 1.

Section 2. The Mayor is authorized to execute and the City Clerk to attest and seal the Access Easement for and on behalf of the City of Englewood, Colorado.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis

GRANT OF ACCESS EASEMENT

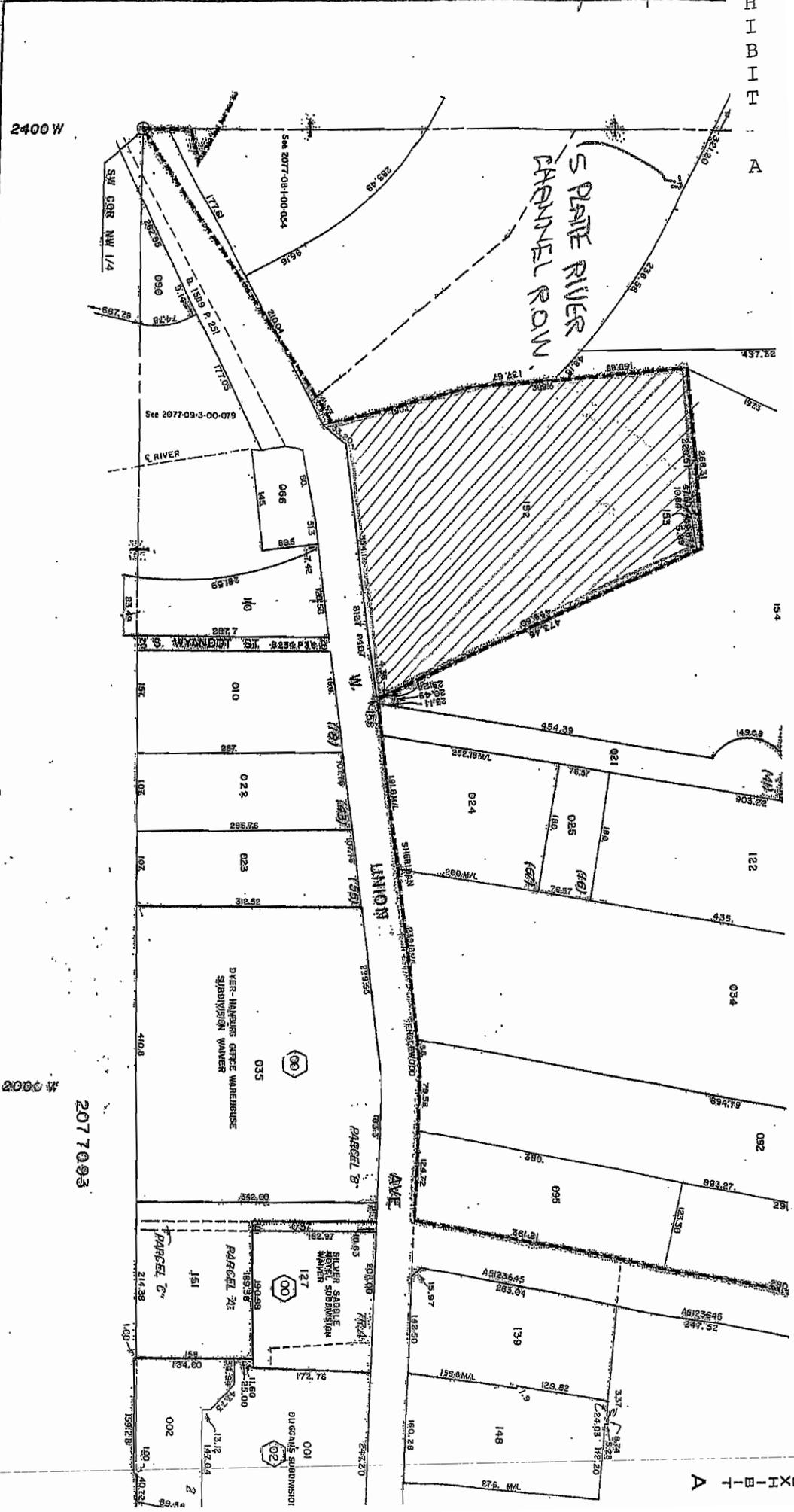
THIS GRANT OF ACCESS EASEMENT (“Grant”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the CITY OF ENGLEWOOD (“Grantor”), a Colorado municipal corporation, whose address is 1000 Englewood Parkway, Englewood, Colorado 80110, and the URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, (“Grantee”) whose address is 2480 West 26<sup>th</sup> Avenue, Suite 156-B, Denver, Colorado 80211.

THE PARTIES covenant and agree as follows:

1. Easement Property. The “Easement Property” shall mean the real property located at 2285 West Union Avenue in the County of Arapahoe, State of Colorado, more particularly described on the attached legal description with drawing, Exhibit A.
2. Consideration. In consideration for this Grant, Grantee will pay \$10.00 and other valuable consideration the receipt of which is acknowledged.
3. Grant of Easement. Grantor hereby grants to Grantee, a temporary construction easement over, under, across and through the Easement Property for the purpose of access to structures or improvements of Grantee during the construction of the Union Avenue Boat Chutes safety improvements.
4. Access. Grantee shall have the right of ingress and egress in, to, over, through and across the Easement Property for any purpose necessary or desirable for the full enjoyment of the rights granted to Grantee under this Grant.
5. Subjacent and Lateral Support. Grantor covenants and agrees that Grantee shall have the right of subjacent and lateral support on the Easement Property for any purpose necessary or desirable for the full enjoyment of the rights granted to Grantee under this Grant.
6. Warranty of Title. Grantor warrants and represents that Grantor has full right, title, and authority, and that this Grant is effective to grant and convey to Grantee the within described easement.
7. Security. At all times during the performance of this project, the Grantee or Grantee’s representative shall be responsible for maintaining the security of the Grantor’s property by securing the gates to the property.



Easement Properly 



R68W R67W R66W R65W R64W R63W R62W R61W R60W R59W R58W R57W

T4S	1971	1973	1975	1977	1979	1981	1983	1985	1987	1989	1991	1993	T4S
T5S	2071	2073	2075	2077	2069	2067	2065	2063	2061	2059	2057	2055	T5S

TOWNSHIP CODE MAP

DISCLAIMER

2	1
3	4

QUARTER SECTION

PLAT MAP  
 PLAT MAPS ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE PLAT MAPS ARE FOR INFORMATIONAL PURPOSES ONLY. THE PLAT MAPS DO NOT CONSTITUTE A WARRANTY OF ANY KIND, AND THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE PLAT MAPS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY WERE INTENDED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE PLAT MAPS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY WERE INTENDED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 11 a iii	<b>Subject</b> Ordinance for Sewer Connection Fee Revisions
<b>INITIATED BY</b> Utilities Department	<b>STAFF SOURCE</b> Stewart H. Fonda, Director of Utilities	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Current sewer connection fees for the collection system were established in 1981.

Current sewer connection fees for the Littleton/Englewood Wastewater Treatment Plant were established in 1981.

The proposed revisions were presented to City Council at the June 6, 2011 Study Session.

### RECOMMENDED ACTION

The Englewood Water and Sewer Board, at its April 12, 2011 meeting, recommended Council approval of the proposed ordinance relating to sewer connection and collection system fees.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

A sewer tap connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City's sewer collection system and wastewater treatment plant. Red Oak Consulting recently completed a sewer connection fee study to update the fees to recognize current value of the collection system and treatment plant assets.

The City is experiencing mixed-use developments in its sewer service area. These developments include multi-family dwelling units and commercial establishments that are served by a common water meter. Proposed mixed-use connection fees have been designed to recognize both residential and commercial demands.

A single family residential unit means a building or structure designed to be used as only one residential unit. Residential unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and non-transient basis. Kitchen facilities include any or all of the following: sink, range, stove, conventional oven or microwave oven. Bathroom facilities include any or all of the following: toilet, bath or shower. Because the actual water meter size determines the maximum possible load on the sewer system, Multifamily and Mixed Use usage shall be calculated based on the maximum possible load which may be greater than the current number of units or fixtures.

Sewer connection fees do not include the cost of material or labor for installation of service lines, stub outs or other installations or connections.

The attached study, presented to the Council at the June 6, 2011 study session, explains the methodology used to develop the mixed use connection fees. The Water and Sewer Board is recommending fees based upon replacement cost.

### **FINANCIAL IMPACT**

The proposed sewer connection fees schedule was presented to City Council at their June 6, 2011 study session. It is proposed to revise sewer connection fees according to the recommendations presented in the study.

### **LIST OF ATTACHMENTS**

Excerpt from April 12, 2011 Minutes from the Water & Sewer Board meeting  
Water and Sewer Connection Fees Study  
Ordinance

WATER AND SEWER BOARD  
MINUTES

April 12, 2011

The meeting was called to order at 5:06 p.m.

Members present: Burns, Clark, Cassidy, Wiggins,  
Woodward, McCaslin, Habenicht, Olson

Members absent: Higday

Also present: Stewart Fonda, Director of Utilities

1. MINUTES OF THE MARCH 8, 2011 MEETING.

The Englewood Water and Sewer Board received the minutes of the March 8, 2011 meeting. Mr. Cassidy noted a correction.

Mr. Habenicht moved;

Mr. Wiggins seconded: To approve the minutes of the March 8,  
2011 meeting, as amended.

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

Nays: None

Absent: Higday

Abstain: Olson

Motion carried.

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2. GUEST: JOHN GALLAGHER, RED OAK CONSULTANTS  
WATER & SEWER CONNECTION FEES.

John Gallagher of Red Oak Consultants appeared to discuss the reevaluation of the existing water and sewer tap fees. Red Oak calculated water and sewer connection fees using a replacement cost basis. An executive summary was distributed showing the existing and proposed water and sewer connection fees.

At a prior meeting, the Board approved connection fees for developments that include a mix of multi-family and commercial uses. Mixed use connection fees incorporate the proposed meter size, number of dwelling units and fixture units served by that meter size.

The Board previously reviewed and approved the changes to the connection fees on the replacements cost basis. The proposed changes were reviewed because the original study included connection fees based on a 5/8" tap, which Englewood does not change, and to illustrate to the Board the sewer connection charges based on both existing fees and the new fees as proposed in the study.

Discussion ensued regarding the proposed rates. It was noted that single family taps, up to a four unit tap, would increase. The multi-family taps, from the 15 to 20 unit range and up, would decrease.

Mr. Gray requested a comparison of tap fees from surrounding municipalities.

Mr. Clark moved;

Mr. Burns seconded: To recommend Council approval of the Alternative Fee Schedule rates for water and sewer and commercial mixed use connection fees. The Board also recommended a Council Study Session to study the Board's recommendation.

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

Nays: None

Absent: Higday

Motion carried.

City of Englewood

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# Water and Sewer Connection Fees

May 18, 2011

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Report Prepared By.



6149004

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# 1. Executive Summary

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## 1.1. Introduction

The City of Englewood, Colorado (City) provides water and sewer service to 8,400 and 43,000 customer accounts, respectively. About 75% of sewer accounts are located outside the City. The City's water and sewer utilities are funded primarily from rates and connection fees.

The connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City's water treatment plant and distribution system, sewer collection system, and wastewater treatment plant. The City authorized Red Oak Consulting to update the City's water and sewer connection fees. This report summarizes study assumptions, procedures, findings and recommendations.

## 1.2. Assumptions

This connection fee study is based on numerous assumptions. Changes in these assumptions could have a material effect on the study findings. Red Oak made the following assumptions in this study:

- The buy-in methodology is the best method to calculate the connection fees
- Capacity requirements of a 3/4-inch meter represent the requirements of one capacity unit
- Water and sewer mains smaller than 12 inches are contributed by developers
- Replacement cost of water and sewer mains are based on estimated rehabilitation cost
- Replacement cost of water and wastewater treatment plants are based on original cost trended to current cost using the 20-city Engineering News Record Construction Cost Index

## 1.3. Proposed Water Connection Fees

- Red Oak calculated water connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.
- Table 1-1 compares existing and proposed inside City water connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) multiplied by the meter capacity ratio.

**Table 1-1  
Comparison of Existing and Proposed  
Water Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	1,000	1.00	1,570	1,120	4,360	3,320
1"	1,800	1.67	2,620	1,870	7,270	5,530
1½"	4,000	3.33	5,200	3,700	14,500	11,100
2"	7,200	5.33	8,400	6,000	23,300	17,700
3"	16,000	10.67	16,700	11,900	46,500	35,400
4"	28,800	16.67	26,200	18,700	72,700	55,300
6"	64,000	40.00	62,800	44,800	174,400	132,800

**1.4. Proposed Sewer Collection System Connection Fees**

- Red Oak calculated sewer collection system connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.
- Table 1-2 compares existing and proposed sewer collection system connection fees. Existing fees have been in effect since 1982.

**Table 1-2  
Comparison of Existing and Proposed  
Sewer Collection System Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	500	1.00	170	70	1,200	530
1"	833	1.67	280	120	2,000	880
1½"	1,677	3.33	600	200	4,000	1,800
2"	2,667	5.33	900	400	6,400	2,800
3"	5,333	10.67	1,800	700	12,800	5,700
4"	8,333	16.67	2,800	1,200	20,000	8,800
6"	16,667	40.00	6,800	2,800	48,000	21,200

### 1.5. Proposed Wastewater Treatment Plant Connection Fees

- Red Oak calculated wastewater treatment plant connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.
- Table 1-3 compares existing and proposed wastewater treatment plant connection fees. Existing fees have been in effect since 1982.

**Table 1-3  
Comparison of Existing and Proposed  
Wastewater Treatment Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	1,400	1.00	890	730	1,140	860
1"	2,333	1.67	1,480	1,220	1,900	1,430
1½"	4,667	3.33	3,000	2,400	3,800	2,900
2"	7,467	5.33	4,700	3,900	6,100	4,600
3"	14,932	10.67	9,500	7,800	12,200	9,200
4"	23,332	16.67	14,800	12,200	19,000	14,300
6"	46,667	40.00	35,600	29,200	45,600	34,400

### 1.6. Proposed Mixed-Use Connection Fees

Red Oak developed connection fees for developments that include a mix of multifamily and commercial establishments. Proposed mixed-use connection fees produce connection fees designed to approximate the proposed meter size-based connection fees for the midrange of the number of dwelling units or fixture units served by that meter size. Section 5 shows the proposed mixed use connection fees.

## 2. Water Connection Fees

---

### 2.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases connection fees on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the water connection fees. This is considered an appropriate method to use for the City's water utility since it has ample capacity in its existing facilities to serve future growth.

### 2.2. Calculation Procedure

Red Oak calculated water connection fees using the following steps:

- Identify water system assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

### 2.3. Water System Value

Red Oak Consulting calculated the value of the City water system for each of the following standard valuation approaches:

- Original Cost
- Original Cost Less Depreciation
- Replacement Cost New
- Replacement Cost Less Depreciation

Original cost values are historic costs of purchasing and installing assets. Original cost less depreciation values are the book value of the assets. Replacement cost values are present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes into consideration physical depreciation and obsolescence of existing assets.

Original cost and original cost less depreciation are values based on City asset records. Replacement cost values for water line assets are based on estimates by line size. Replacement cost values for all other assets are based on original costs trended to present day value using the 20-City ENR-CCI. Table 2-1 compares water system asset values for the four valuation approaches.

**Table 2-1  
Water System Value**

Line No.	Fixed Asset	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	Treatment Plant	\$ 20,542,812	\$ 15,300,384	\$ 34,600,504	\$ 24,284,849
2	Pumps and Storage	4,396,834	1,586,681	12,927,468	2,856,956
3	Mains	15,089,114	7,995,125	4,626,418	2,451,356
4	General Plant	<u>11,551,563</u>	<u>9,884,451</u>	<u>62,161,229</u>	<u>57,413,563</u>
5	<b>Total System Value</b>	<b>\$ 51,580,323</b>	<b>\$ 34,766,641</b>	<b>\$ 114,315,619</b>	<b>\$ 87,006,724</b>

## 2.4. System Capacity

Red Oak assumed the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are a product of the number of customers for each meter size and capacity ratios of the respective meter sizes.

The City's water treatment plant peak day capacity is 28 million gallons per day (mgd) and is sufficient to serve the projected build-out population of the water service area. Red Oak assumes the number of capacity units that can be served by the water system is commensurate with treatment plant capacity.

Red Oak estimated peak day demand per capacity unit using City billing data and peak day demand data. The peak day demand per capacity unit of 1,070 gallons per day (gpd) is the product of 483 gpd average day demand for a 3/4-inch meter and the water system's peak day to average day demand ratio of 2.22.

Table 2-2 shows the calculation of the number of capacity units of the water treatment plant. System capacity of 26,200 is the quotient of peak day capacity of the water treatment plant and peak day demand of one capacity unit.

**Table 2-2  
Water Treatment Plant Capacity**

Line No.	Description	Calculation
1	Peak Day Capacity of Water Treatment Plant (GPD)	28,000,000
2	Peak Day Demand of One Capacity Unit (GPD)	1,070
3	<b>Water System Capacity (Capacity Units)</b>	<b>26,200</b>

## 2.5. Fee Calculation

The proposed water connection fee for a capacity unit is the quotient of the total system value and the capacity units of the system. System value is the value of existing assets less developer contribution. Red Oak assumed water mains 12-inches and smaller were contributed by developers. Table 2-3 shows the water connection fee calculation for a capacity unit.

**Table 2-3  
Development of Water Connection Fee per Capacity Unit**

Line No.	Fixed Asset	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	Existing Assets	\$ 51,580,323	\$ 34,766,641	\$ 114,315,619	\$ 87,006,724
2	Less Contributions	<u>(10,321,094)</u>	<u>(5,468,740)</u>	<u>(0)</u>	<u>(0)</u>
3	System Value	\$ 41,259,229	\$ 29,297,901	\$ 114,315,619	\$ 87,006,724
4	System Capacity Units	26,200	26,200	26,200	26,200
5	<b>Connection Fee, per Capacity Unit</b>	<b>\$ 1,570</b>	<b>\$ 1,120</b>	<b>\$ 4,360</b>	<b>\$ 3,320</b>

Table 2-4 compares existing and proposed single family and nonresidential water connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and meter capacity ratio.

**Table 2-4**  
**Comparison of Existing and Proposed**  
**Single Family and Nonresidential Water Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	1,000	1.00	1,570	1,120	4,360	3,320
1"	1,800	1.67	2,620	1,870	7,270	5,530
1½"	4,000	3.33	5,200	3,700	14,500	11,100
2"	7,200	5.33	8,400	6,000	23,300	17,700
3"	16,000	10.67	16,700	11,900	46,500	35,400
4"	28,800	16.67	26,200	18,700	72,700	55,300
6"	64,000	40.00	62,800	44,800	174,400	132,800

Table 2-5 compares existing and proposed multifamily water connection fees. Existing fees have been in effect since 1982 and consist of a \$1,000 fee for the first unit and a \$500 fee per unit for all additional units. Proposed multifamily connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee.

**Table 2-5**  
**Comparison of Existing and Proposed**  
**Multifamily Water Connection Fees**

Fee Structure	Existing Fee	Proposed Fee
<u>Base Fee</u> (per connection)	\$0	\$2,620
<u>Dwelling Unit Fee</u> (per dwelling unit)		
First unit	\$1,000	\$580
Next 11 units	500	\$580
Next 22 units	500	450
Over 34 units	500	275

Proposed multifamily fees produce connection fees designed to approximate the proposed meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed water connection fee for the midrange of this meter size (three dwelling units) is \$4,360 which matches the proposed fee for the 3/4-inch meter.

Red Oak recommends the City periodically review and adjust its water connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.

## 3. Sewer Collection System Connection Fee

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### 3.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases connection fees on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the sewer collection system connection fees. This is considered an appropriate method to use since it has ample capacity in its existing facilities to serve future growth.

### 3.2. Calculation Procedure

Red Oak calculated sewer collection system connection fees using the following steps:

- Identify sewer collection system assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

### 3.3. Sewer Collection System Value

Red Oak calculated the value of the City sewer collection system for each of the following standard valuation approaches:

- Original Cost
- Original Cost Less Depreciation
- Replacement Cost New
- Replacement Cost Less Depreciation

Original cost values are the historic costs of purchasing and installing assets. Original cost less depreciation is book value of assets. Replacement cost values are present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes physical depreciation and obsolescence of existing assets into consideration.

Original cost and original cost less depreciation values are based on City asset records. Replacement cost values for sewer collection main assets are based on estimates by main size. Replacement cost values for all other assets are based on original costs being trended to a present day value using the 20-City ENR-CCI. Table 3-1 compares sewer collection system asset values for the four valuation approaches.

**Table 3-1  
Sewer Collection System Value**

Line No.	Fixed Asset	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	Sewer Mains	\$ 5,078,528	\$ 2,327,874	\$ 27,116,907	\$ 9,234,583
2	General Plant	<u>1,236,475</u>	<u>389,243</u>	<u>2,358,608</u>	<u>1,206,237</u>
3	<b>Total System Value</b>	<b>\$ 6,315,003</b>	<b>\$ 2,717,117</b>	<b>\$ 29,475,515</b>	<b>\$ 13,009,236</b>

### 3.4. System Capacity

Red Oak assumed that the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are the product of number of customers for each meter size multiplied by each meter size's respective capacity ratio.

The existing collection system is sufficient to serve projected population at build-out without any additional expansions. Red Oak assumes the number of capacity units that can be served by the sewer's collection system is commensurate with the wastewater treatment plant capacity to serve those inside city customers.

The City owns 50% (25 mgd) of the Littleton/Englewood wastewater treatment plant capacity. The City's collection system serves only inside City customers and requires about 25% (6.25 mgd) of the City's treatment plant capacity.

Red Oak estimated wastewater flow per capacity unit using City planning data from the 2003 Wastewater Treatment Plant Utility Plan and Site Application Report. Wastewater flow per capacity unit of 255 gpd is the product of 85 gallons per capita per day for a 3/4-inch meter and 3 persons per household.

Table 3-2 shows the calculation of the number of capacity units that can be served by the sewer collection system. The system capacity of 24,500 is the quotient of the capacity of the sewer collection system and the demand of one capacity unit.

**Table 3-2  
Sewer Collection System Capacity**

Line No.	Description	Calculation
1	Capacity of Wastewater Treatment Plant Serving City Sewer Collection System (gpd)	6,250,000
2	Wastewater Flow per Capacity Unit (gpd)	255
3	<b>Sewer Collection System Capacity (Capacity Units)</b>	<b>24,500</b>

### 3.5. Fee Calculation

The proposed sewer collection system connection fee for a capacity unit is the quotient of the total system value and the capacity units of the system. System value is the value of existing assets less developer contribution. Red Oak assumed sewer mains 12-inches and smaller were contributed by developers. Table 3-3 shows the sewer collection system connection fee calculation for a capacity unit.

**Table 3-3  
Development of Sewer Collection System Connection Fee per Capacity Unit**

Line No.	Fixed Asset	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	Existing Assets	\$ 6,315,003	\$ 2,717,117	\$ 29,475,515	\$ 13,009,236
2	Less Developer Contributions	<u>(2,250,594)</u>	<u>(928,732)</u>	<u>(0)</u>	<u>(0)</u>
3	System Value	\$ 4,064,409	\$ 1,788,385	\$ 29,475,515	\$ 13,009,236
4	System Capacity Units	24,500	24,500	24,500	24,500
5	Connection Fee, per Capacity Unit	\$ 170	\$ 70	\$ 1,200	\$ 530

Table 3-4 compares existing and proposed single family and nonresidential sewer collection system connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and meter capacity ratios.

**Table 3-4  
Comparison of Existing and Proposed  
Sewer Collection System Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	500	1.00	170	70	1,200	530
1"	833	1.67	280	120	2,000	880
1½"	1,677	3.33	600	200	4,000	1,800
2"	2,667	5.33	900	400	6,400	2,800
3"	5,333	10.67	1,800	700	12,800	5,700
4"	8,333	16.67	2,800	1,200	20,000	8,800
6"	16,667	40.00	6,800	2,800	48,000	21,200

Table 3-5 compares existing and proposed multifamily sewer collection system connection fees. Existing fees have been in effect since 1982 and are \$500 per unit. Proposed multifamily connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee.

**Table 3-5  
Comparison of Existing and Proposed  
Multifamily Sewer Collection System Connection Fees**

Fee Structure	Existing Fee	Proposed Fee
<u>Base Fee</u> <i>(per connection)</i>	\$0	\$720
<u>Dwelling Unit Fee</u> <i>(per dwelling unit)</i>		
First 12 units	500	160
Next 22 units	500	125
Over 34 units	500	75

Proposed multifamily fees produce connection fees designed to approximate the proposed meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed fee for the midrange of this meter size (three dwelling units) is \$1,200 which matches the proposed sewer collection system connection fee for the 3/4-inch meter.

Red Oak recommends the City periodically review and adjust its sewer collection system connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.

## 4. Wastewater Treatment Plant Connection Fee

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### 4.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases the connection fee on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the wastewater treatment plant connection fees. This is considered an appropriate method to use since there is ample capacity in existing facilities to serve future growth.

### 4.2. Calculation Procedure

Red Oak calculated wastewater treatment plant connection fees using the following steps:

- Identify wastewater treatment plant assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

### 4.3. Wastewater Treatment Plant Value

Red Oak calculated the value of the City wastewater treatment plant assets for each of the following standard valuation approaches:

- Original Cost
- Original Cost Less Depreciation
- Replacement Cost New
- Replacement Cost Less Depreciation

Original cost values are the historic costs of purchasing and installing assets. Original cost less depreciation values are the book value of assets. Replacement cost values are the present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes into consideration physical depreciation and obsolescence of existing assets.

Original cost and original cost less depreciation values are based on City asset records. Replacement cost values are based on original costs trended to present day value using the 20-City ENR-CCI. The City owns 50% of the Littleton/Englewood (L/E) wastewater treatment plant capacity. Table 4-1 compares the City portion of wastewater treatment plant asset values for the four valuation approaches.

**Table 4-1  
City Portion of Wastewater Treatment Plant Value**

Line No.	Fixed Asset	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	L/E WWTP	\$ 43,629,042	\$ 19,745,680	\$ 87,829,825	\$ 32,658,581
2	L/E WWTP Expansion	<u>56,500,000</u>	<u>56,500,000</u>	<u>56,500,000</u>	<u>56,500,000</u>
3	Subtotal	\$ 100,129,042	\$ 76,245,680	\$ 144,329,825	\$ 89,158,581
4	Less WWTP Replacement	(\$11,871,209)	(\$11,871,209)	(\$11,871,209)	(\$11,871,209)
5	Less Grants	<u>(9,209,268)</u>	<u>(721,000)</u>	<u>(28,902,051)</u>	<u>(721,000)</u>
6	<b>Total Value</b>	<b>\$ 79,048,565</b>	<b>\$ 63,653,471</b>	<b>\$ 103,556,565</b>	<b>\$ 76,566,372</b>

#### 4.4. System Capacity

Red Oak assumed the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are the product of number of customers for each meter size and each meter size's respective capacity ratio.

The wastewater treatment plant capacity is sufficient to serve projected population at build-out without any additional expansions. The City owns 50% (25 mgd) of the Littleton/Englewood wastewater treatment plant capacity.

Red Oak estimated wastewater flow per capacity unit using City planning data from the 2003 Wastewater Treatment Plant Utility Plan and Site Application Report. The wastewater flow per capacity unit of 255 gpd is the product of 85 gallons per capita per day for a 3/4-inch meter and 3 persons per household.

Table 4-2 shows the calculation of the number of capacity units that can be served by the wastewater treatment plant. System capacity of 98,000 is the quotient of the capacity of the wastewater treatment plant and the demand of one capacity unit.

**Table 4-2  
Wastewater Treatment Plant Capacity**

Line No.	Description	Calculation
1	Capacity (City portion) of Wastewater Treatment Plant(gpd)	25,000,000
2	Wastewater Flow per Capacity Unit (gpd)	255
3	<b>Wastewater Treatment Plant Capacity (Capacity Units)</b>	<b>98,000</b>

#### 4.5. Fee Calculation

The proposed wastewater treatment plant connection fee for a capacity unit is the quotient of the total system value and capacity units of the system. Financing costs are included in the total system value and are equal to the net present value of growth-related interest payments related to the 2004 CWRPDA loan. Table 4-3 shows the wastewater treatment plant connection fee calculation for a capacity unit.

**Table 4-3  
Development of Wastewater Treatment Plant Connection  
Fee per Capacity Unit**

Line No.	Description	Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
1	Total WWTP Value	\$ 79,048,565	\$ 63,653,471	\$103,558,565	\$76,566,372
2	NPV of Existing Debt Service Interest Payments	<u>8,084,272</u>	<u>8,084,272</u>	<u>8,084,272</u>	<u>8,084,272</u>
3	Total System Value	\$ 87,132,837	\$ 71,737,743	\$111,640,837	\$ 84,650,644
4	Existing System Capacity – Capacity Units	98,000	98,000	98,000	98,000
5	<b>Connection Fee, per Capacity Unit</b>	<b>\$ 890</b>	<b>\$ 730</b>	<b>\$ 1,140</b>	<b>\$ 860</b>

Table 4-4 compares existing and proposed single family and nonresidential wastewater treatment plant connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and the meter capacity ratio. Since the proposed fees are less than existing fees, consideration should be given to continuing the existing wastewater treatment plant connection fees at this time.

**Table 4-4  
Comparison of Existing and Proposed  
Single Family and Nonresidential  
Wastewater Treatment Plant Connection Fees**

Meter Size	Existing Fees	AWWA Meter Capacity Ratios	Proposed Fees			
			Original Cost	Original Cost Less Depreciation	Replacement Cost	Replacement Cost Less Depreciation
3/4"	1,400	1.00	890	730	1,140	860
1"	2,333	1.67	1,480	1,220	1,900	1,430
1½"	4,667	3.33	3,000	2,400	3,800	2,900
2"	7,467	5.33	4,700	3,900	6,100	4,600
3"	14,932	10.67	9,500	7,800	12,200	9,200
4"	23,332	16.67	14,800	12,200	19,000	14,300
6"	46,667	40.00	35,600	29,200	45,600	34,400

Proposed multifamily wastewater treatment plant connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee. Proposed fees produce connection fees designed to approximate the *proposed* meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed wastewater treatment plant fee for the midrange of this meter size (three dwelling units) is \$1,140 which matches the proposed sewer collection system connection fee for the 3/4-inch meter.

Red Oak also developed *alternative* multifamily wastewater treatment plant connection fees based on *existing* meter size-based fees. Alternative fees consist of a base fee per connection and a three-tier dwelling unit fee. The alternative fees produce connection fees designed to approximate the *existing* meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The alternative wastewater treatment plant fee for the midrange of this meter size (three dwelling units) is \$1,400 which matches the existing wastewater treatment plant connection fee for the 3/4-inch meter.

Table 4-5 compares existing, proposed and alternative multifamily wastewater treatment plant connection fees. Existing fees have been in effect since 1982 and are \$1,400 per unit. Both the proposed and alternative multifamily connection fees consist of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

**Table 4-5  
Comparison of Existing, Proposed and Alternative  
Multifamily Wastewater Treatment Plant Connection Fees**

Fee Structure	Existing Fee	Proposed Fee <sup>(a)</sup>	Alternative Fee <sup>(b)</sup>
<b>Base Fee</b> (per connection)	\$0	\$690	\$845
<b>Dwelling Unit Fee</b> (per dwelling unit)			
First 12 units	\$1,400	\$150	\$185
Next 22 units	1,400	120	150
Over 34 units	1,400	70	85
(a) Consistent with proposed meter size-based connection fees.			
(b) Consistent with existing meter size-based connection fees.			

Red Oak recommends the City periodically review and adjust its wastewater treatment plant connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.

## 5. Mixed-Use Connection Fees

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### 5.1. Background

Mixed-use developments have multiple intended purposes within a single structure and typically include a combination of multifamily residential and commercial customers. Although the City presently has few mixed-use customers, future growth in this type of development is likely.

The City's current mixed-use connection fee structure is based on meter size, which may not equitably assess new mixed-use connectors for their capacity requirements. Table 5-1 illustrates the ranges of multifamily dwelling units and commercial fixture units for each meter size which could produce a wide variety in capacity requirements within a given meter size.

**Table 5-1  
Range of Units Served By Meter Size**

<b>Meter Size</b>	<b>Multifamily Dwelling Units</b>	<b>Number of Fixture Units</b>
3/4"	2 to 4	0 to 50
1"	5 to 12	51 to 125
1½"	13 to 34	126 to 375
2"	35 to 63	376 to 700
3"	64 to 203	701 to 2,225
4"	204 to 455	2,226 to 5,000

The mixed-use fees will equitably tailor the connection fee to the individual requirements of each new connector by using the combination of the number of multifamily dwelling units and commercial fixture units to represent the capacity required by mixed-use customers.

### 5.2. Proposed and Alternative Fees

Proposed mixed-use fees use replacement cost asset values and produce connection fees that are in the midrange of the proposed meter size-based connection fees. Alternative mixed-use fees use replacement cost asset values and produce wastewater treatment connection fees that are in the midrange of the existing meter size-based wastewater treatment connection fees (Existing meter size-based wastewater treatment connection

fees are greater than proposed meter size-based wastewater treatment connection fees). The proposed and alternative mixed-use connection fees consist of three components:

- Base fee per connection
- Multifamily fee based on number of dwelling units
- Commercial fee based on the number of fixture units

Table 5-2 compares existing, proposed and alternative multifamily connection fees. Existing fees include a unit fee based on the number of dwelling units. Proposed and alternative fees consist of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

**Table 5-2  
Comparison of Existing, Proposed and Alternative  
Multifamily Connection Fees**

Fee Structure	Water	Sewer Collection	Wastewater Treatment	Total
<b>Existing Fees</b>				
<u>Dwelling Unit Fee</u> <i>(per dwelling unit)</i>				
First unit	\$1,000	\$500	\$1,400	\$2,900
Each Additional unit	500	500	1,400	2,400
<b>Proposed Fees</b>				
<u>Base Fee</u> <i>(per connection)</i>	\$2,620	\$720	\$690	\$4,030
<u>Dwelling Unit Fee</u> <i>(per dwelling unit)</i>				
First 12 units	\$580	\$160	\$150	\$890
Next 22 units	450	125	120	695
Over 34 units	275	75	70	420
<b>Alternative Fees</b>				
<u>Base Fee</u> <i>(per connection)</i>	\$2,620	\$720	\$845	\$4,185
<u>Dwelling Unit Fee</u> <i>(per dwelling unit)</i>				
First 12 units	\$580	\$160	\$185	\$925
Next 22 units	450	125	150	725
Over 34 units	275	75	85	435

Table 5-3 shows proposed and alternative commercial mixed-use connection fees that consist of a three-tier fixture unit fee.

**Table 5-3  
Comparison of Proposed and Alternative  
Commercial Mixed-Use Connection Fees**

Fee Structure	Water	Sewer Collection	Wastewater Treatment	Total
	<i>per fixture unit</i>	<i>per fixture unit</i>	<i>per fixture unit</i>	<i>per fixture unit</i>
<b>Proposed Fees</b>				
First 125 fixture units	\$83	\$23	\$22	\$128
Next 250 fixture units	35	10	9	54
Over 375 fixture units	26	7	7	40
<b>Alternative Fees</b>				
First 125 fixture units	\$83	\$23	\$27	\$133
Next 250 fixture units	35	10	11	56
Over 375 fixture units	26	7	9	42

Proposed and alternative mixed-use connection fees are the greater of the following:

- Sum of calculated mixed-use multifamily and commercial connection fees or
- Meter size based connection fee

Tables 5-4 and 5-5 shows examples of the proposed mixed-use connection fee calculation for typical small, medium, and large connectors. Table 5-4 shows the detailed calculations for multifamily and commercial mixed-use fees, and Table 5-5 summarizes the total fee amount. In all cases the sum of calculated mixed-use multifamily and commercial connection fees is greater than the meter size based connection fee.

**Table 5-4  
Mixed-Use Connection Fee Examples  
Proposed Fees**

Mixed-Use Multifamily Fee							
Mixed-Use Customer	Meter Size	Multifamily Dwelling Units	Base Charge	First 12 Dwelling Units	Next 22 Dwelling Units	Over 34 Dwelling Units	Total
				\$890 <i>per unit</i>	\$695 <i>per unit</i>	\$420 <i>per unit</i>	
Small	1"	4	\$ 4,030	\$ 3,560	\$ -	\$ -	\$ 7,590
Medium	2"	20	\$ 4,030	\$ 10,680	\$ 5,560	\$ -	\$ 20,270
Large	3"	60	\$ 4,030	\$ 10,680	\$ 15,290	\$ 10,920	\$ 40,920
Mixed-Use Commercial Fee							
Mixed-Use Customer	Meter Size	Commercial Fixture Units	Base Charge	First 125 Fixture Units	Next 250 Fixture Units	Over 375 Dwelling Units	Total
				\$128 <i>per unit</i>	\$54 <i>per unit</i>	\$40 <i>per unit</i>	
Small	1"	40	\$ -	\$ 5,120	\$ -	\$ -	\$ 5,120
Medium	2"	200	\$ -	\$ 16,000	\$ 4,050	\$ -	\$ 20,050
Large	3"	600	\$ -	\$ 16,000	\$ 13,500	\$ 9,000	\$ 38,500

**Table 5-5  
Mixed-Use Connection Fee Examples  
Proposed Fees**

Mixed-Use Customer	Meter Size	Multifamily Mixed-Use Fee	Commercial Mixed-Use Fee	Total Mixed-Use Fee	Calculated Meter Size Fee	Proposed Mixed-Use Fee
Small	1"	\$ 7,590	\$ 5,120	\$ 12,710	\$ 11,170	\$ 12,710
Medium	2"	\$ 20,270	\$ 20,050	\$ 40,320	\$ 35,800	\$ 40,320
Large	3"	\$ 40,920	\$ 38,500	\$ 79,420	\$ 71,500	\$ 79,420

Tables 5-6 and 5-7 shows examples of the alternative mixed-use connection fee calculation for typical small, medium, and large connectors. Table 5-6 shows the detailed calculations for multifamily and commercial mixed-use fees, and Table 5-7 summarizes the total fee amount. In all cases the sum of calculated mixed-use multifamily and commercial connection fees is greater than the meter size based connection fee.

**Table 5-6  
Mixed Use Connection Fee Examples  
Alternative Fees**

Mixed Use Multifamily Fee							
Mixed Use Customer	Meter Size	Multifamily Dwelling Units	Base Charge	First 12 Dwelling Units	Next 22 Dwelling Units	Over 34 Dwelling Units	Total
				\$925 <i>per unit</i>	\$725 <i>per unit</i>	\$435 <i>per unit</i>	
Small	1"	4	\$ 4,185	\$ 3,700	\$ -	\$ -	\$ 7,885
Medium	2"	20	\$ 4,185	\$ 11,100	\$ 5,800	\$ -	\$ 21,085
Large	3"	60	\$ 4,185	\$ 11,100	\$ 15,950	\$ 11,310	\$ 42,545
Mixed Use Commercial Fee							
Mixed Use Customer	Meter Size	Commercial Fixture Units	Base Charge	First 125 Fixture Units	Next 250 Fixture Units	Over 375 Dwelling Units	Total
				\$133 <i>per unit</i>	\$56 <i>per unit</i>	\$42 <i>per unit</i>	
Small	1"	40	\$ -	\$ 5,320	\$ -	\$ -	\$ 5,320
Medium	2"	200	\$ -	\$ 16,625	\$ 4,200	\$ -	\$ 20,825
Large	3"	600	\$ -	\$ 16,625	\$ 14,000	\$ 9,450	\$ 40,075

**Table 5-7  
Mixed Use Connection Fee Examples  
Alternative Fees**

Mixed Use Customer	Meter Size	Multifamily Mixed Use Fee	Commercial Mixed Use Fee	Total Mixed Use Fee	Calculated Meter Size Fee	Proposed Mixed Use Fee
Small	1"	\$ 7,885	\$ 5,320	\$ 13,205	\$ 11,170	\$ 13,205
Medium	2"	\$ 21,085	\$ 20,825	\$ 41,910	\$ 35,800	\$ 41,910
Large	3"	\$ 42,545	\$ 40,075	\$ 82,620	\$ 71,500	\$ 82,620

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 57  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, RELATING TO SEWER CONNECTION AND COLLECTION SYSTEM FEES

WHEREAS, 31-35-402 C.R.S. authorizes any municipality to operate and maintain sewer facilities within and outside of the municipality; and

WHEREAS, the Englewood Home Rule Charter Sections 121, 122 and 125, require City Council to set sewer services by Ordinance; and

WHEREAS, the sewer connection fees were last reviewed in 1983; and

WHEREAS, Red Oak Consulting was asked to complete a study to update the City's connection and collection system fees which may be based on the current value of the sewer plant and system, the operating cost of the sewer plant and system or the replacement cost of the City's sewer plant and system; and

WHEREAS, the Englewood Water and Sewer Board determined that the replacement cost was the preferred basis for the calculation of connection and collection system fees because it most accurately reflected the value of the system; and

WHEREAS, the Englewood Water and Sewer Board recommended this proposed fee schedule at its May 10, 2011 meeting;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 12, Chapter 2, Section 8, of the Englewood Municipal Code 2000, to read as follows:

**12-2-8: Sewer ~~Tap~~ Connection and Collection Fees.**

A. A sewer ~~tap~~ connection permit for a single-family, residential, and/or commercial and/or an industrial user shall remain in effect until terminated by the City.

B. At the time of filing the application, sewer ~~tap~~ connection fees shall be paid in accordance with the following schedules:

<u>Water Meter Size</u>	<u>Sewer Tap</u>
<u>3/4" or less</u>	<u>\$ 1,400.00</u>
<u>1"</u>	<u>\$ 2,333.00</u>
<u>1 1/2"</u>	<u>\$ 4,667.00</u>

2"	\$ 7,467.00
3"	\$ 14,932.00
4"	\$ 23,332.00
6"	\$ 46,667.00
8"	\$ 74,667.00
10"	\$107,332.00

For multi family units, and mobile home courts, the total tap fee shall not be less than one thousand four hundred dollars (\$1,400.00) per dwelling unit. For hotels and motels, the tap fee shall be seventy five percent (75%) of the tap fee as set forth in this section. If the fee determined by the water meter size from the above schedule is greater than the fee determined by the minimum charge of one thousand four hundred dollars (\$1,400.00) per unit, then the greater fee, as determined by meter size, shall prevail.

~~C. 1.~~ At the time of filing an application for a sewer tap connection permit, sewer tap connection fees for the following properties shall be increased by the addition of a collection system surcharge to the sewer tap connection fees established by ~~subsection A~~ of this section according to the established surcharge schedule:

- ~~1.~~ a. Properties within the City which are not in an established sanitation district.
- ~~2.~~ b. Properties outside the City which are tributary to the Northeast Englewood Relief Sewer System which are not exempted by agreement from sewer tap connection surcharge

~~The established sewer tap fee surcharge is:~~

<del>Water Meter Size Sewer</del>	<del>Tap Fee</del>
<del>¾"</del>	<del>\$ 500.00</del>
<del>1"</del>	<del>833.00</del>
<del>1½"</del>	<del>1,667.00</del>
<del>2"</del>	<del>2,667.00</del>
<del>3"</del>	<del>5,333.00</del>
<del>4"</del>	<del>8,333.00</del>
<del>6"</del>	<del>16,667.00</del>
<del>8"</del>	<del>26,667.00</del>
<del>10"</del>	<del>38,333.00</del>

**SINGLE USE SEWER CONNECTION AND COLLECTION SURCHARGE FEES**

Water Meter Size	Sewer <u>Tap Connection</u> Fee	<u>Collection Surcharge</u> Fee
¾" or less	\$ 1,400.00	\$ 1,200.00
1"	\$ 2,333.00	\$ 2,000.00
1½"	\$ 4,667.00	\$ 4,000.00
2"	\$ 7,467.00	\$ 6,400.00
3"	\$ 14,932.00	\$12,800.00
4"	\$ 23,332.00	\$20,000.00
6"	\$ 46,667.00	\$48,000.00
8"	\$ 74,667.00	\$
10"	\$107,332.00	\$

For multi family units, and mobile home courts, the total tap fee shall not be less than one thousand four hundred dollars (\$1,400.00) per dwelling unit. For hotels and motels, the tap fee shall be seventy five percent (75%) of the tap fee as set forth in this section. If the fee determined by the water meter size from the above schedule is greater than the fee determined by the minimum charge of one thousand four hundred dollars (\$1,400.00) per unit, then the greater fee, as determined by meter size, shall prevail.

**MULTI-FAMILY AND MOBILE HOME DEVELOPMENT SEWER SYSTEM CONNECTION AND COLLECTION SYSTEM SURCHARGE FEES**

The sewer connection and collection system surcharge fees for Multi-Family Residential properties consists of the greater of:

- 1) The sum of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

Or

- 2) The meter sized based connection fee.

	<u>Connection Fee</u>	<u>Collection System Surcharge</u>
<u>Base Fee</u>	\$ 845.00	\$ 720.00
<u>Dwelling Unit Fee</u> <u>(per dwelling unit)</u>		
<u>First 12 units</u>	\$ 185.00	\$ 160.00
<u>Next 22 units</u>	\$ 150.00	\$ 125.00
<u>Over 34 units</u>	\$ 85.00	\$ 75.50

For multi family units, mobile home courts and other multiple dwelling units, the sewer tap fee surcharge shall not be less than five hundred dollars (\$500.00) per dwelling unit. For hotels and motels, the tap connection fee shall be seventy-five percent (75%) of the tap connection fee as set forth in this section. If the collection system surcharge established by the water meter size from the above surcharge schedule is greater than the fee of five hundred dollars (\$500.00) per dwelling unit, the greater fee shall be charged.

**Mixed Use Residential and Commercial Sanitary Sewer Connection and Collection System Surcharge Fees**

Mixed use Residential and Commercial Sewer Connection and Collection system fees consist of the greater of:

- 1) The sum of a base fee per connection, plus the per residential dwelling unit fee, plus a per commercial fixture unit fee based on the number of fixture units.

OR

- 2) The meter sized based connection fee.

**MULTIFAMILY SEWER CONNECTION FEES**

	<u>Connection fee</u>	<u>Collection system fee</u>
<u>Base Fee</u>	<u>\$845.00</u>	<u>\$720.00</u>
<u>Dwelling Unit Fee</u> <u>(per dwelling unit)</u>		
<u>First 12 units</u>	<u>\$185.00</u>	<u>\$160.00</u>
<u>Next 22 units</u>	<u>\$150.00</u>	<u>\$125.00</u>
<u>Over 34 units</u>	<u>\$ 85.00</u>	<u>\$ 75.00</u>

**COMMERCIAL MIXED USE SEWER CONNECTION FEES**

	<u>Connection fee</u>	<u>Collection system fee</u>
<u>First 125 fixture units</u>	<u>\$27.00</u>	<u>\$23.00</u>
<u>Next 250 fixture units</u>	<u>\$11.00</u>	<u>\$10.00</u>
<u>Over 375 fixture units</u>	<u>\$ 9.00</u>	<u>\$ 7.00</u>

2. Properties that connect to the Big Dry Creek interceptor system shall pay a sewer ~~tap~~ connection surcharge fee in the sum of ~~three-one~~ hundred dollars (~~\$300.00~~) (\$100.00) per single-family residential equivalent ~~tap~~ connection in addition to all other charges.
- D. C. The actual cost of any sewer main extension shall be recorded in the utilities office. Where such cost has not been paid, it shall be added to the plant assessment fee to arrive at a total amount due. New sewer extension costs shall include the actual cost of construction plus ten percent (10%) to defray costs of engineering. The total costs shall be assessed in proportion to the front footage of the property served.
- E. D. Where a proposed ~~tap~~ connection will serve property for which a previous assessment has been paid, the previous ~~tap~~ connection fee shall be credited against the current ~~tap~~ connection fee in calculating the balance of the fee due.
- F. E. Nothing in this section shall be construed to alter the rates or terms contained in the connector's agreements heretofore existing between the City of Englewood and sanitation districts.
- G. F. No ~~tap~~ connection shall be made to the POTW without payment of the ~~tap~~ connection fees. Failure to pay fees before tapping to the POTW shall result in ~~tap~~ connection fees being doubled. Any fee or charge not paid shall constitute a lien on the subject property and be collected like taxes.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23<sup>rd</sup> day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

---

James K. Woodward, Mayor

ATTEST:

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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 19th day of September, 2011.

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Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date</b> September 19, 2011	<b>Agenda Item</b> 11 a iv	<b>Subject</b> Ordinance for Water Connection Fee Revisions
<b>INITIATED BY</b> Utilities Department	<b>STAFF SOURCE</b> Stewart H. Fonda, Director of Utilities	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Current water connection fees were established in 1977.

The proposed revisions were presented to City Council at the June 6, 2011 Study Session.

### RECOMMENDED ACTION

The Englewood Water and Sewer Board, at its April 12, 2011 meeting, recommended Council approval of the proposed bill for an ordinance establishing fee schedules for water connection service.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

A water connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City's water treatment plant and distribution system. Red Oak Consulting recently completed a water connection fee study to update the fees to recognize current value of the water treatment plan and distribution system assets.

The City is experiencing mixed-use developments in their water service area. These developments include multi-family dwelling units and commercial establishments that are served by a common water meter. Proposed mixed-use connection fees have been designed to recognize both residential and commercial demands.

A single family residential unit means a building or structure designed to be used as only one residential unit. Residential unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and non-transient basis. Kitchen facilities include any or all of the following: sink, range, stove, conventional oven or microwave oven. Bathroom facilities include any or all of the following: toilet, bath or shower. Because the actual water meter size determines the maximum possible load on the water system, Multi-family and Mixed Use usage shall be calculated based on the maximum possible load which may be greater than the current number of units or fixtures.

Water connection fees do not include the cost of material or labor for installation of service lines, stub outs, meter pits or other installations or connections.

The study presented to the Council at the June 6, 2011 study session explains the methodology used to develop the mixed use connection fees. The Water and Sewer Board is recommending fees based upon replacement cost.

### **FINANCIAL IMPACT**

The proposed water connection fee schedule was presented to City Council at their June 6, 2011 study session. It is proposed to revise water connection fee schedule according to the recommendations presented in the study

### **LIST OF ATTACHMENTS**

Excerpt from April 12, 2011 Minutes from the Water & Sewer Board meeting  
Ordinance

WATER AND SEWER BOARD  
MINUTES

April 12, 2011

The meeting was called to order at 5:06 p.m.

Members present: Burns, Clark, Cassidy, Wiggins,  
Woodward, McCaslin, Habenicht, Olson

Members absent: Higday

Also present: Stewart Fonda, Director of Utilities

1. MINUTES OF THE MARCH 8, 2011 MEETING.

The Englewood Water and Sewer Board received the minutes of the March 8, 2011 meeting. Mr. Cassidy noted a correction.

Mr. Habenicht moved;

Mr. Wiggins seconded: To approve the minutes of the March 8,  
2011 meeting, as amended.

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

Nays: None

Absent: Higday

Abstain: Olson

Motion carried.

2. GUEST: JOHN GALLAGHER, RED OAK CONSULTANTS  
WATER & SEWER CONNECTION FEES.

John Gallagher of Red Oak Consultants appeared to discuss the reevaluation of the existing water and sewer tap fees. Red Oak calculated water and sewer connection fees using a replacement cost basis. An executive summary was distributed showing the existing and proposed water and sewer connection fees.

At a prior meeting, the Board approved connection fees for developments that include a mix of multi-family and commercial uses. Mixed use connection fees incorporate the proposed meter size, number of dwelling units and fixture units served by that meter size.

The Board previously reviewed and approved the changes to the connection fees on the replacements cost basis. The proposed changes were reviewed because the original study included connection fees based on a 5/8" tap, which Englewood does not change, and to illustrate to the Board the sewer connection charges based on both existing fees and the new fees as proposed in the study.

Discussion ensued regarding the proposed rates. It was noted that single family taps, up to a four unit tap, would increase. The multi-family taps, from the 15 to 20 unit range and up, would decrease.

Mr. Gray requested a comparison of tap fees from surrounding municipalities.

Mr. Clark moved;

Mr. Burns seconded: To recommend Council approval of the Alternative Fee Schedule rates for water and sewer and commercial mixed use connection fees. The Board also recommended a Council Study Session to study the Board's recommendation.

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

Nays: None

Absent: Higday

Motion carried.

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. 68  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE ESTABLISHING FEE SCHEDULES FOR WATER CONNECTION SERVICE FOR THE WATER CUSTOMERS OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, 31-35-402 C.R.S. authorizes any municipality to operate and maintain water facilities within and outside of the municipality; and

WHEREAS, the Englewood Home Rule Charter Sections 121, 122 and 125, require City Council to set water services by Ordinance; and

WHEREAS, a water connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City's water treatment plant and distribution system. Red Oak Consulting recently completed a water connection fee study to update the fees to recognize current value of the water treatment plan and distribution system assets; and

WHEREAS, the City is experiencing mixed-use developments in their water service area. These developments include multi-family dwelling units and commercial establishments that are served by a common water meter. Proposed mixed-use connection fees have been designed to recognize both residential and commercial demands; and

WHEREAS, Multi-family and Mixed Use usage shall be calculated based on the maximum possible load which may be greater than the current number of units or fixtures; and

WHEREAS, Red Oak Consulting was asked to complete a study to update the City's connection fees which may be based on the current value of the water plant and system, the operating cost of the water plant and system or the replacement cost of the City's water plant and system; and

WHEREAS, the Englewood Water and Sewer Board determined that the replacement cost was the preferred basis for the calculation of connection fees because it most accurately reflected the value of the system, and

WHEREAS, the Englewood Water and Sewer Board recommended the proposed fee schedule at its May 10, 2011 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT THE FOLLOWING FEES SHALL BE ADOPTED:

**TABLE ONE**

**Single User Water System Connection Fees**

The Water Connection Fees for Single Users, whether residential or commercial, are based solely on meter size.

Meter Size	Inside City	Outside City
3/4"	\$4,360.00	\$6,540.00
1"	\$7,270.00	\$10,905.00
1 1/2"	\$14,500.00	\$21,750.00
2"	\$23,300.00	\$34,950.00
3"	\$46,500.00	\$69,750.00
4"	\$72,700.00	\$109,050.00
6"	\$174,400.00	\$261,600.00

**TABLE TWO**

**Multi-Family Residential Water System Connection Fees**

The Water Connection Fees for Multi-Family Residential properties consists of a base fee per connection plus a three-tier dwelling unit fee based on the number of dwelling units or the meter size fee.

	Inside City	Outside City
Base Fee	\$2,620.00	\$3,930.00
Dwelling Unit Fee (per dwelling unit)		
First 12 units	\$580.00	\$870.00
Next 22 units	\$450.00	\$675.00
Over 34 units	\$275.00	\$412.50

Note: For multi-family water connections, fee shall be the greater of the following:

- 1) The sum of the multi-family connection fee as shown in Table 2 above  
or
- 2) The Meter size based connection fee as shown on Table 1.

**TABLE THREE**

**Mixed Use (Containing Both Residential and Commercial Uses) Water System Connection Fees**

The Water Connection Fees for residential/commercial mixed use consists of the sum of the multi-family residential connection fees as shown in Table 2 plus a three-tier fixture unit fee based on the number of commercial use fixture units as shown below or the meter size fee.

**Commercial Use Connection Fees**

	Inside City	Outside City
First 125 fixture units	\$83.00	\$124.50
Next 250 fixture units	\$35.00	\$ 52.50
over 375 fixture units	\$26.00	\$ 39.00

Note: For Mixed Use water connections the fee shall be the greater of the following:

- 1) The sum of calculated mixed use multifamily and commercial connection fees
- or
- 2) Meter size based connection fee.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21<sup>st</sup> day of September, 2011 for thirty (30) days.

\_\_\_\_\_  
James K. Woodward, 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 19th day of September, 2011.

\_\_\_\_\_  
Loucrishia A. Ellis

RESOLUTION NO. \_\_\_\_\_  
SERIES OF 2011

A RESOLUTION SUPPORTING THE 2011 ENGLEWOOD SCHOOL DISTRICT'S BALLOT QUESTIONS IN THE NOVEMBER ELECTION.

WHEREAS, public education is the cornerstone of democratic government and a free society; and

WHEREAS, Englewood School District voters are being asked to give the District permission to sell bonds and raise property taxes to repay the bonds; and

WHEREAS, plans are to use \$42 million from bonds to turn the current Englewood High School into a 21<sup>st</sup> century campus for seventh through twelfth graders; and

WHEREAS, the remaining \$8 million will be used to cover about half the anticipated cost of renovating Englewood Middle School so it can be the new location of Colorado's Finest Alternative High School; and

WHEREAS, a separate ballot question will ask voters to approve an increase in the property tax mill levy sufficient to provide an additional \$1.5 million to support the District operations annually; and

WHEREAS, additional money for day-to-day operations is needed to offset state funding cuts; and

WHEREAS, programs for youth are a priority of the Englewood City Council; and

WHEREAS, the educational progress of our youth help build a strong future for the citizens of Englewood

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT THE CITY COUNCIL SUPPORTS THE TWO BALLOT QUESTIONS ASKED FOR BY THE ENGLEWOOD SCHOOLS IN THE GENERAL ELECTION OF NOVEMBER 1<sup>ST</sup>, 2011.

ADOPTED AND APPROVED this 19th day of September, 2011.

ATTEST:

\_\_\_\_\_  
James K. Woodward, 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 2011.

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

**ENGLEWOOD SCHOOLS DISTRICT #1**

**ELECTION NOVEMBER 1, 2011**

**CERTIFIED BALLOT**

**OFFICE** Board of Education Director

THREE SEATS UP FOR ELECTION (Vote for 3)

AT LARGE

2—FOUR-YEAR TERMS

1—TWO-TERM

**CANDIDATES IN ORDER**

Vicki Howard (FOUR-YEAR TERM)

Duane Tucker (FOUR-YEAR TERM)

Thomas J. O'Connor (TWO-YEAR TERM)

BALLOT ISSUE NO. 3A: ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 MILL LEVY OVERRIDE QUESTION TO MITIGATE STATE FUNDING CUTS, ATTRACT AND RETAIN QUALITY TEACHERS, AND MAINTAIN CORE EDUCATIONAL AREAS.

SHALL ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 TAXES BE INCREASED \$750,000 IN 2012 AND BY \$1,500,000 BEGINNING IN 2013 AND ANNUALLY THEREAFTER FOR GENERAL FUND PURPOSES, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO:

- MITIGATING STATE FUNDING CUTS;
- ATTRACTING AND RETAINING QUALITY TEACHERS;
- MAINTAINING CORE EDUCATIONAL AREAS TO ENSURE QUALITY EDUCATION;

BY AN ADDITIONAL PROPERTY TAX MILL LEVY IN EXCESS OF THE LEVY AUTHORIZED FOR THE DISTRICT'S GENERAL FUND, WITHOUT LIMITATION AS TO RATE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 22-54-108, C.R.S., SUCH ADDITIONAL TAXES TO BE DEPOSITED IN THE GENERAL FUND; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES FROM SUCH TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH REVENUES AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

BALLOT ISSUE NO. 3B: ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 BOND QUESTION TO FINANCE CAPITAL PROJECTS AND PROVIDE MATCHING FUNDS FOR POSSIBLE "BEST" GRANT.

SHALL ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 DEBT BE INCREASED \$50,000,000, WITH A REPAYMENT COST OF UP TO \$93,000,000, AND SHALL DISTRICT TAXES BE INCREASED UP TO \$5,380,000 ANNUALLY, FOR ENLARGING, IMPROVING, REPAIRING OR MAKING ADDITIONS TO SCHOOL BUILDINGS, FOR EQUIPPING OR FURNISHING SCHOOL BUILDINGS, FOR IMPROVING SCHOOL GROUNDS, OR ACQUIRING, CONSTRUCTING OR IMPROVING ANY CAPITAL ASSET THAT THE DISTRICT IS AUTHORIZED BY LAW TO OWN, WHICH IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

- BUILDING, FURNISHING AND EQUIPPING A NEW 7-12 CAMPUS ON THE CURRENT ENGLEWOOD HIGH SCHOOL SITE ;
- RENOVATING ENGLEWOOD MIDDLE SCHOOL IN PREPARATION FOR OCCUPANCY BY COLORADO'S FINEST ALTERNATIVE HIGH SCHOOL;
- ENHANCING SAFETY AND SECURITY AT SCHOOL SITES;
- CONSTRUCTING CLASSROOM AND ACADEMIC SPACES TO MEET 21<sup>ST</sup> CENTURY INSTRUCTIONAL NEEDS;

SUCH DEBT TO BE ISSUED, EITHER SEPARATELY OR TOGETHER WITH FINANCIAL ASSISTANCE FROM THE STATE'S BUILDING EXCELLENT SCHOOLS TODAY ("BEST") PROGRAM IF SUCH ASSISTANCE IS AWARDED TO THE DISTRICT;

SUCH DEBT TO BE EVIDENCED BY THE ISSUANCE OF GENERAL OBLIGATION BONDS, INSTALLMENT SALE OR LEASE PURCHASE AGREEMENTS, OR OTHER MULTIPLE FISCAL YEAR OBLIGATIONS WHICH EITHER MAY BE SOLD TO

INVESTORS OR ISSUED TO THE STATE TREASURER UNDER THE "BEST" PROGRAM;

SUCH DEBT TO BE SOLD OR ISSUED IN ONE SERIES OR MORE, FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT THEREOF, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

AND SHALL THE MILL LEVY BE INCREASED IN ANY YEAR, WITHOUT LIMITATION OF RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT); AND SHALL THE DISTRICT BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE DISTRICT PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL SUCH TAX REVENUES AND THE EARNINGS FROM THE INVESTMENT OF SUCH BOND PROCEEDS AND TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

SUBMITTED BY: Linda Felling, Designated Election Official  
Englewood Schools