
Council Newsletter



CITY MANAGER'S NOTES **January 26, 2012**

Upcoming Council Meetings

City Council will meet on **Monday, January 30, 2012**. The Study Session will begin at 6:00 p.m. in the Community Room. There is no Regular Meeting scheduled. The agenda is attached. Sandwiches will be available in the Community Room at 5:30 p.m.

The next meeting will be **Monday, February 6, 2012**.

Informative Memoranda

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

1. Letter from the Englewood Cultural Arts Center Association expressing appreciation for the donation.
2. Letter from Gateway Battered Women's Services expressing appreciation for the donation.
3. Letter from Inter-Faith Community Services expressing appreciation for the donation.
4. Letter from Up Close and Musical expressing appreciation for the donation.
5. Letter from Cornerstone Food Bank expressing appreciation for the donation.
6. Responsive Prehearing Statement of Littleton/Englewood Wastewater Treatment Plant.
7. 2012 State of our Cities & Towns: Resources to help you brochure.
8. Memorandum concerning Business Retention and Expansion Ambassadors.
9. Memorandum concerning the Project Update.
10. Memorandum concerning the Lehow road closure.
11. Calendar of Events.
12. Tentative Study Session Topics.
13. Minutes from the Housing Authority Board meetings of September 7, October 5 and December 7, 2011.
14. Minutes from the Liquor and Medical Marijuana Licensing Authority telephone polls of December 21, 2011 and January 4, 2012.

Board of Trustees

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Englewood Public Schools

Museum of Outdoor Arts

Up Close and Musical

Program Administrator

for *Strings Attached*

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Events Coordinator

Cyndi Mancinelli

Advisory Council

Amy Doe-Torres

John Fielder

John Gates

Susan Keene

Cynthia Madden Leitner

Janet Moore

Jeff Shoemaker

www.engagewoodarts.org

1000 Englewood Parkway

Englewood, CO 80110

303.806.8196

303.806.0504 - fax

ebertoluzzi@hotmail.com

Englewood Arts is a
501(c)3 tax- exempt
nonprofit corporation

January 23, 2012

City Council
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

Dear Council members:

On behalf of the Englewood Arts Board of Trustees, I want to thank you for supporting the *Strings Attached* program with a grant of \$400 from Aid to Other Agencies. In these challenging economic times, it is very comforting to have your support.

More than 120 Englewood elementary and middle school students enrolled in *Strings Attached* this year, which is a record number for the program. Program Director Ben Tomkins and his assistant David Short have been doing a wonderful job of providing a valuable learning experience for the students. New to the program this year has been the establishment of a string orchestra, which meets twice weekly and is the first in Englewood in more than 20 years.

Englewood Arts is pleased to have the opportunity to serve the community with a number of arts activities. We thank you again for your support.

Sincerely,

Eric Bertoluzzi, Chair



January 19, 2012

Mayor Randy Penn
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

Dear Mayor Penn:

Gateway Battered Women's Services is in receipt of your donation of \$900.00 (check #450492) to support our programs for women and children who are victims of domestic violence. On behalf of the staff, Board of Directors and clients, I extend our great appreciation for your thoughtful gift.

Gateway has provided services to victims of domestic violence since 1979. A large portion of our budget is dependent on the generosity and support of individual donors as well as concerned businesses, foundations and organizations in our community. It is through this support that Gateway continues to be a resource for women and children suffering from domestic violence. Thank you for choosing Gateway for your charitable contribution.

For tax purposes, it is noted that no goods or services were given in return for your contribution. Please keep this written acknowledgement of your donation for your tax records. Thank you for your concern and commitment to the women and children of our community. Please be assured that we will do our best to earn your continued confidence and good will.

Warm Regards,

Linda James, MSW
Executive Director

LJ/mmm

Business Phone / 303-343-1856
Fax No. / 303-343-8094

P.O. Box 914
Aurora, CO 80040



United Way Helps Here



January 18, 2012

City of Englewood
Attn: Mayor Jim Woodward
1000 Englewood Parkway
Englewood, CO 80110

Dear Englewood City Council Members:

I would like to take this opportunity to thank the Englewood City Council for the contribution of \$8,500.

Inter-Faith Community Services provides a "hand-up," not a "hand-out" by giving motivation, incentive, and by providing services to those in our service area who are struggling to make ends meet as a result of the economic downturn. Inter-Faith reaches out to families through basic services, moral support, and enrichment programs. For 48 years, the Board of Directors, staff, and many volunteers have been devoted to building an organization that meets an unfilled need in the community. Inter-Faith is always responsive and provides those in need with opportunities to learn, to grow, and to become or continue to be active and productive members of our community.

Again, thank you. It would be extremely difficult for Inter-Faith to provide for clients without the City of Englewood's support.

Sincerely,

Sandra Blythe-Perry, Executive Director



Up Close and Musical

1000 Englewood Parkway
Englewood, CO 80110
303.806.8196

Eric Bertoluzzi
Program Director

January 23, 2012

City Council
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

Dear Council members:

Up Close and Musical is very grateful to receive the support of \$1,500 from Aid to Other Agencies. Your grant assists our efforts to provide live, artistic experiences to the school children of Englewood. It is also helpful for the concerts we share with Englewood Arts in Hampden Hall.

Our organization is aware of the financial challenges faced by the City, which is another reason why we deeply appreciate your support.

Sincerely,

Eric Bertoluzzi, Program Director



Feeding the overlooked and underfed

Cornerstone Food Bank

Englewood Bible Church ■ 3190 S. Grant Street ■ Englewood, CO 80113
Becky Todhunter, Director 720-229-2336

January 23, 2012

City of Englewood City Council
1000 Englewood Parkway
Englewood, CO 80110

Dear City Council Members:

On behalf of Cornerstone Food Bank, I would like to thank the City Council for the \$1,700 grant from the City of Englewood. These funds help us buy food to distribute to families experiencing food insecurity. Cornerstone Food Bank is a group of compassionate volunteers dedicated to reducing hunger in the south metro Denver area by providing highly nutritional foods to overlooked and underfed families and individuals in a personal caring environment. Here are some highlights of 2011 for Cornerstone Food Bank:

- Had 13,131 client visits in 2011, 290 more than the year before
- Served 444 new families in 2011
- 87 volunteers worked over 3,900 hours to handle all aspects of Cornerstone's operations

The following is a summary detailing who received the food distributed by Cornerstone Food Bank in 2011. 56% of our clients are Englewood residents, 69% are families with children under 18, and 11% of the families we serve are homeless (up 63% since 2008). Many of our clients are families who were just getting by before the economy took a downturn, but now they are unemployed and struggling; 93% are extremely low income (less than 30% of the median family income for Arapahoe County), 32% are single-parent families, 76% of the adults are unemployed. 35% of our clients identify themselves as Hispanic (ethnicity) and 36% are people of color (race), 34% of our clients are children, 6% are elderly, and 12% of our clients are ill or disabled.

According to a recent survey Cornerstone Food Bank conducted, our clients prefer the client choice system we are now using, where clients have the opportunity to select food based on their own needs and preferences rather than receiving a standard food box. While the quantity of food clients receive is still determined by their family size, the client choice system better meets clients' needs while giving them some control over what they feed their families, preserves their dignity, and increases interaction with food bank volunteers.

We sometimes have Cornerstone clients fill out short forms telling us their stories and what impact Cornerstone Food Bank has had on their lives. Client input confirms that the food we supply makes a real difference in their ability to feed their families. This is what some of our clients have told us (in their own words):

"I am a single mom with two sons. I was recently laid off from Subway and we do not have money for food right now. I am currently looking for another job. The food we get from Cornerstone helps out a lot."

"Recently lost my job, have an infant in the household along with 3 young adults, need food."

"I am here at Cornerstone Food Bank because I have no income and have no money to buy food."

"Our family has lost our housing due to unemployment and no help getting child support. We are always in need of food and clothing."

We greatly appreciate your continued support.

Sincerely yours,

Naomi Rubin
Cornerstone Food Bank Administrator

Mailing Address: Cornerstone Food Bank ■ 6495 S. Clarkson Street ■ Centennial, CO 80121

**RESPONSIVE PREHEARING STATEMENT OF LITTLETON/ENGLEWOOD
WASTEWATER TREATMENT PLANT**

FOR CONSIDERATION OF THE ADOPTION OF REVISIONS TO THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER, REGULATION #31 (5 CCR 1002-31) AND THE ADOPTION OF A NEW NUTRIENTS MANAGEMENT CONTROL REGULATION, REGULATION #85 (TO BE CODIFIED AT 5 CCR 1002-85)

The Supervisory Committee of the Littleton/Englewood Wastewater Treatment Plant (“Littleton/Englewood”) submits the following responsive prehearing statement in opposition to the draft proposed regulations proposed by the Division and others in this proceeding.

I. STATEMENT OF ISSUES TO BE RESOLVED.

The Division and others have proposed that the Commission adopt statewide nutrient standards. The cost of compliance with the most stringent tier of the proposed regulations will, by the Division’s own estimates, cost multiple billions of dollars and will require Colorado wastewater treatment facilities to eventually employ reverse osmosis treatment in order to remove nutrients to the miniscule levels that would be required by such standards. The technical and scientific flaws associated with these proposals are described in the Colorado Nutrient Coalition’s Responsive Prehearing Statement and expert testimony. The legal issues that are raised by the proposed standards and that also must be resolved include the following:

- 1. Whether the Commission can lawfully adopt nutrient regulations that will impose costs on local governments far in excess of the benefits?**
- 2. Whether the Commission can lawfully adopt nutrient regulations that will impose treatment requirements costing billions of dollars without providing the funding to comply with those regulations?**
- 3. Whether the Commission can lawfully adopt classifications and standards that would be selectively enforced on some dischargers but not others?**
- 4. Whether the Commission can lawfully adopt water quality standards for a “Direct Use Water Supply” sub-classification to the extent that the sub-classification would apply to waters that are not “State waters”?**

Littleton/Englewood’s position on these issues is discussed below and constitutes its Written Testimony in this matter.

- 1. Colorado law precludes the Commission from adopting nutrient regulations that will impose costs on local governments far in excess of the benefits.**

Colorado law requires that prior to taking any final action, other than enforcement action, the Division must take into account the costs, benefits, and economic reasonableness of the action. C.R.S. § 25-8-102(5).

According to the analysis of the Division's own expert, the statewide costs of the proposed nutrient regulations will outweigh the benefits by over \$525.5 million for Tier 1 standards and by over \$2.678 billion and \$21.637 billion for Tiers 2 and 3, respectively. Division Exhibit 5 at 5-6, excerpted and attached hereto as L/E Exhibit 1.

Given the staggering magnitude of these costs in excess of the benefits, the proposed nutrient standards fail the economic reasonableness test set forth in the Colorado Water Quality Control Act, and should be rejected by the Commission.

2. Colorado law and Executive Order prohibits the Commission from approving new nutrient regulations that will impose treatment requirements costing billions of dollars unless state funding is provided to comply with those regulations.

C.R.S. § 29-1-304.5(1) prohibits state agencies from imposing new mandates on local governments unless the state provides the funds to reimburse the local governments for the costs of the new state mandates, or unless the mandate is a requirement of federal law.

The specific nutrient standards that the Division is proposing are not requirements of federal law. EPA has previously stated that its policy memoranda and other related guidance documents on nutrients "are not regulations nor do they contain or constitute a determination that new or revised nutrient water quality standards are necessary in a particular or site-specific context to meet the requirements of the Clean Water Act. State and Tribal decision-makers retain discretion to adopt water quality standards based on other scientifically defensible approaches that may differ from the recommendations in EPA guidance." EPA Report--*State Adoption of Numeric Nutrient Standards* (1998-2008) at page 2, excerpted and attached hereto as L/E Exhibit 2.

Accordingly, the proposed nutrient regulations should be withdrawn until state funding is provided that will enable local governments to construct, operate, and maintain the facilities needed to remove phosphorus and nitrogen to the levels mandated by the draft standards as required by Colorado law.

Moreover, Governor Hickenlooper's Executive Order D 2011-005, attached hereto as L/E Exhibit 3, specifically directs state agencies to refrain from imposing requirements creating a mandate on local governments unless (1) specifically required by federal or state law, (2) the agency consults with local governments prior to promulgation, and (3) the state government provides the funding necessary to pay the direct costs incurred by local governments in complying with the mandate. (Emphasis added.)

Despite these clear directives, the Division-- in derogation of the Governor's Executive Order--is proposing the adoption of nutrient regulations that will impose billions of dollars of treatment costs on local governments without identifying the state funding source to pay those

costs. Therefore, the proposed mandates should be withdrawn until funding is provided to comply with the proposed mandates as required by the Governor's Executive Order.

3. Colorado law does not authorize the Commission to adopt statewide water quality classifications and standards that are to be selectively enforced on some dischargers but not others.

The Division is proposing that the Commission adopt some of the most onerous statewide nutrient regulations that have ever been adopted in the United States for the stated purpose of protecting classified use of waters. At the same time, the Division is proposing to exclude hundreds of dischargers from the ambit of the proposed regulations, even though those dischargers discharge nutrients at levels far higher than the Division's proposed standards, and presumably at levels that the Division believes would impair classified uses. Division Exhibit 7, attached hereto as L/E Exhibit 4.

Rather than being scientifically supportable, the Commission should see this for what it is: an attempt by the Division to keep its negative cost/benefit analysis from being even more negative, and an attempt to cull out opposition to its multi-billion dollar proposed regulations by promising to exclude certain dischargers from its ambit, at least for the time being.

However, this selective enforcement approach to statewide water quality standards, which would effectively create favored and unfavored classes of dischargers, is not authorized by the Colorado Water Quality Control Act.

C.R.S. § 25-8-204(2)(e) authorizes the Commission to adopt water quality standards for nutrients. Section 204(3) provides that water quality standards may be promulgated in connection with classes of water and may be made applicable to all state waters or to any designated portion of state waters. However, the Water Quality Control Act provides no authority for the Division or the Commission to pick and choose the dischargers that must comply with the standards and those who do not.

Accordingly, the Commission should reject the Division's proposal to the extent that it would select out dischargers that would not be subject to compliance with the proposed standards, because Colorado law does not authorize the Commission to adopt statewide standards that are only applicable to some dischargers, but not others.

4. The Commission has no authority to adopt water quality standards for a "Direct Use Water Supply" sub-classification to the extent that the sub-classification would apply to waters that are not "State waters".

The Colorado Water Quality Control Act authorizes the Commission to adopt classifications and standards only for State waters. C.R.S. §§ 25-8-203 and 204. The Commission has no authority to adopt classifications and standards for water that are not State waters. Under C.R.S. § 25-8-103(19) of the Colorado Water Quality Control Act, the term "State waters" is defined as:

. . . any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems,

waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

(Emphasis added). The above definition of "State waters" is the same definition adopted by the Commission in 5 CCR 1002-31 Part 31.5(38). Accordingly, under both the plain language of the statutory and regulatory definitions, water diverted and delivered to storage until treatment and use can occur, is excluded from the definition of State waters. Therefore, the Commission has no authority to adopt classifications and standards for such waters.

However, the Division's proposed new Direct Use Water Supply sub-classification would unlawfully apply to water that does not meet the definition of "State waters" to the extent that the new sub-classification is intended to be applicable to water in reservoirs that are part of a municipal or private water treatment and supply system.

Colorado law provides no authority for the Commission to set classifications and standards for waters that are not State waters. Thus, the Commission should reject the Division's proposal to adopt the Direct Use Water Supply Classifications and correlating standards for waters that are not "State waters" as defined by law, and thus are outside of the statutory jurisdiction of the Commission under the Water Quality Control Act.

II. WITNESSES.

David W. Robbins and/or Jennifer Hunt

III. EXHIBITS.

L/E Exhibit 1 (Excerpted Division Exhibit 5)—Cost-Benefit Summary

L/E Exhibit 2—EPA Notice Statement

L/E Exhibit 3—Executive Order D 2011-005

L/E Exhibit 4 —Division's Preliminary List of Excluded Facilities

Respectfully submitted this 20th day of January, 2012.

HILL & ROBBINS, P.C.

By: -

David W. Robbins

*Attorneys for Supervisory Committee of the
Littleton/Englewood Wastewater Treatment Plant*

CERTIFICATE OF SERVICE

I hereby certify that the original and 13 copies the foregoing Responsive Prehearing Statement was hand delivered to the Colorado Water Quality Control Commission's mailroom addressed to the administrator of the Commission, and that a true and correct copy was served by e-mail to the parties listed on the Commission's Email List for Nutrients Rulemaking Hearing – Amended 01/05/12 at the following e-mail addresses:

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connie@nfrwqpa.org
rclayshulte@earthlink.net
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rreling@northglenn.org
cynthia.brady@denverwater.org
daniel.arnold@denverwater.org

Table 1-5. Summary of Qualitative Costs and Benefits

	Cost or Benefit	Magnitude of Effect
Greenhouse Gas Emissions	Cost	Potentially Substantial
Potable Water Supplies	Benefit	Substantial
Private Property Values (streamside and lakeside)	Benefit	Potentially Substantial
Additional Recreational Activities (hiking, picnicking, wildlife watching)	Benefit	Moderate
Intrinsic Values	Benefit	Unknown
Agriculture (livestock source water, conveyance vegetation, crop irrigation)	Benefit/Cost	Minimal

River Basin and Statewide Results

The benefit-cost ratios developed for each Manageable Unit were aggregated into a benefit-cost ratio for the seven river basins (Study Table 1-6). The aggregate values are the combined benefit and cost values for each Manageable Unit shown as a combined benefit-cost ratio. Benefit-cost ratios at the river basin level are lower overall simply because the variable Manageable Unit results are being averaged across the river basin. The highest ratios are found for Tier 1, which is similar to the Manageable Unit results.

Table 1-6. Aggregate Benefits and Costs by River Basin

Aggregate (River Basin or Statewide)	Component	Tier 1*	Tier 2*	Tier 3*
Arkansas	Benefits	\$679,062,000	\$808,956,000	\$1,056,414,000
	Costs	\$545,429,000	\$1,121,448,000	\$5,910,796,000
	Benefit-Cost Ratio	1.25 : 1	0.72 : 1	0.18 : 1
Colorado	Benefits	\$103,315,000	\$154,851,000	\$279,996,000
	Costs	\$226,322,000	\$393,719,000	\$2,840,746,000
	Benefit-Cost Ratio	0.46 : 1	0.39 : 1	0.1 : 1
Gunnison	Benefits	\$24,043,000	\$31,798,000	\$43,075,000
	Costs	\$46,947,000	\$96,172,000	\$447,136,000
	Benefit-Cost Ratio	0.51 : 1	0.33 : 1	0.1 : 1
Platte	Benefits	\$1,068,108,000	\$1,278,498,000	\$1,854,325,000
	Costs	\$1,473,367,000	\$3,152,796,000	\$14,286,950,000
	Benefit-Cost Ratio	0.72 : 1	0.41 : 1	0.13 : 1
Rio Grande	Benefits	\$10,561,000	\$12,206,000	\$16,980,000
	Costs	\$68,185,000	\$94,131,000	\$502,522,000
	Benefit-Cost Ratio	0.15 : 1	0.13 : 1	0.03 : 1
Southwestern	Benefits	\$22,418,000	\$33,428,000	\$55,024,000
	Costs	\$63,657,000	\$98,692,000	\$542,752,000
	Benefit-Cost Ratio	0.35 : 1	0.34 : 1	0.1 : 1
Yampa-White	Benefits	\$31,882,000	\$36,204,000	\$49,229,000
	Costs	\$40,990,000	\$77,461,000	\$461,614,000
	Benefit-Cost Ratio	0.78 : 1	0.47 : 1	0.11 : 1

* Expressed in Present Value 2010 Dollars

The Manageable Unit values were also aggregated together to establish a statewide benefit-cost ratio for each effluent tier (Study Table 1-7). The final statewide numbers represent the combined costs and benefits for all Manageable Units presented as a total benefit-cost ratio. Similar to the river basin aggregation, aggregating all Manageable Units has the effect of averaging the wide range of benefit-cost ratios observed across the state. The highest benefit-cost ratio continues to be associated with the implementation of Tier 1 effluent limits.

Table 1-7. Aggregate Benefits and Costs Statewide

Aggregate (River Basin or Statewide)	Component	Tier 1*	Tier 2*	Tier 3*
Statewide Aggregate	Benefits	\$1,939,389,000	\$2,355,941,000	\$3,355,043,000
	Costs	\$2,464,897,000	\$5,034,419,000	\$24,992,516,000
	Benefit-Cost Ratio	0.79 : 1	0.47 : 1	0.13 : 1

* Expressed in Present Value 2010 Dollars

Study Limitations and Uncertainties

There are specific sources of uncertainty and limitations associated with this Study that have been noted by CDM or by the various Colorado stakeholders who participated in workshops, reviewed interim work products, provided comments, or interacted directly with the project team to better understand the project methodology. These uncertainties or limitations are identified in the table below.

Summary of Study Limitations and Uncertainties.

Study Component	Limitation/Uncertainty	Effect on Study Conclusions
<u>Manageable Unit Framework</u>		
<i>Key Geographic Differences</i>	Differences within Manageable Units	Data are not generally available at small geographic scales
<u>Development of Wastewater Costs</u>		
<i>Planning Level Costs</i>	Order of magnitude estimates (+50% to -30%)	Keep in mind when interpreting benefit-cost ratios
<i>Cost Validation</i>	Significant uncertainty underlies Tier 3 costs	Typical facility Tier 3 costs may be high
<i>Implementation of Facility Upgrades to Comply with Effluent Quality Tiers</i>	No other effluent quality issues emerge	Uncertainty would be site-specific and not evaluated
<u>Water Quality Analyses</u>		
<i>Data Limitations</i>	Uncertain estimated percent changes in water quality	Qualitative approach used rather than developing expected concentrations with substantial uncertainty
<i>Water Quality Improvements</i>	Use of median instream and discharge values	Under- or overestimate water quality improvements
<i>Other Water Quality Factors</i>	Estimated water quality changes attributable solely to changes in TP and TIN in WWTF effluent discharge	Water quality may improve or decline for many reasons unrelated to the proposed regulation
<u>Benefits Analyses</u>		
<i>Relationship of Nutrient Changes to Changes in Biologic Processes</i>	Exact incremental response of adverse conditions to changes in nutrient levels is unknown	Site-specific cause and effect relationships
<i>Elasticity Response of Active Recreation to Water Quality Changes</i>	Assumed a linear response, but may be nonlinear	No relevant studies found that provided reliable information regarding potential non-linearity
<i>Willingness-to-Pay Issues</i>	No specific Colorado survey conducted	Uncertainty reduced by applying substantial adjustment to WTP estimates
<i>Future Values versus Current</i>	Focus on conditions that might	Assumed current conditions that



Notice

Beginning in 1998, EPA recommended in a series of policy memoranda that States accelerate the development and adoption of numeric nutrient water quality standards. These policy memoranda and other related guidance documents are designed to implement national policy. They are not regulations nor do they contain or constitute a determination that new or revised nutrient water quality standards are necessary in a particular or site-specific context to meet the requirements of the Clean Water Act. State and Tribal decision-makers retain discretion to adopt water quality standards based on other scientifically defensible approaches that may differ from the recommendations in EPA guidance.

L/E EXHIBIT 2

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2003



John W. Hickenlooper
Governor

D 2011-005

EXECUTIVE ORDER

Establishing a Policy to Enhance the Relationship between State and Local Government

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order directing state agencies to take specific steps to enhance relations with local government.

I. Background and Purpose

For many years state government has imposed an ever-increasing number of legal requirements on local governments, without regard to the costs such requirements impose on already-strained local budgets, and without providing additional funding to enable local governments to comply. Local governments continue to face difficulties such as funding, complexity, and delay in securing flexibility and approvals regarding state requirements.

Local governments should have more flexibility to design solutions to problems without excessive interference or oversight, or unnecessary regulation, from state government. In addition, local governments should not be expected to implement laws and regulations without the funding necessary to do so. In order to assist local governments in effectively complying with such requirements, this Executive Order gives direction to state agencies on consulting and working with local governments before imposing new regulations or other obligations.

II. Directive and Scope

- A. To the extent authorized by law, no state agency shall promulgate any regulation creating a mandate on local governments unless:
1. The mandate is specifically required by federal or state law;
 2. The agency consults with local governments prior to promulgation of the regulation; and
 3. The state government provides the funding necessary to pay for the direct costs incurred by local governments in complying with the mandate.

- B. Each agency, prior to the formal promulgation of regulations containing the proposed mandate, shall provide to the Director of the Governor's Office of State Planning and Budgeting a description of the nature and extent of the agency's consultation with representatives of the local governments that would be affected by the proposed mandate, the nature of their concerns, any written communications or comments submitted to the agency by such units of local government, and the agency's reasoning supporting the need to issue the regulation containing the mandate.
- C. Each agency shall develop a process to actively solicit the meaningful and timely input of elected officials and other representatives of local governments into the development of regulatory proposals affecting local government. Each agency shall implement its process as soon as practicable and post the process on its website.
- D. Each agency that is permitted by law to grant temporary or permanent waivers of statutory or regulatory requirements shall adopt rules for granting waivers if a local government can demonstrate that the requirements conflict with other regulations or statutes, or are unduly burdensome. Each State agency shall prepare and publish on its website a policy describing the circumstances in which temporary or permanent waivers will be granted, and the criteria required for obtaining a waiver.
- E. Each agency shall consider any application by a local government for a waiver of statutory or regulatory requirements in light of the goal of increasing opportunities for local governments to exercise flexibility in seeking to comply with statutory or regulatory requirements.
- F. To the fullest extent practicable and as permitted by law, each agency shall render a decision on an application for waiver within 90 days of receipt of such application by the agency. If the application for waiver is not granted, the agency shall provide the applicant local government with timely written notice of its decision and the reasons for its decision.
- G. The executive director of each agency shall be responsible for ensuring implementation of, and compliance with, this Executive Order.
- H. Executive agency means any authority of the State of Colorado that is an "agency" pursuant to C.R.S. § 24-3-101.

III. No Creation of Rights

This Executive Order is intended only to improve intergovernmental operations, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the State of Colorado, its agencies, officers, employees, or any other person. This Executive Order shall not be used as a basis for legal challenge to statutes, regulations, or other actions or to any inaction of any state agency subject to it.

IV. Duration

This Executive Order shall remain in full force and effect until modified or rescinded by future Executive Order of the Governor. This Executive Order supersedes Executive Order D 0007 94.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this eleventh day of /
January, 2011.

John W. Hickenlooper
Governor

V

Preliminary List of Facilities that Qualify for Exclusion

WQCD Prehearing Statement – Exhibit 7

12/9/2011

L/E EXHIBIT 4

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Preliminary List of Facilities that are Excluded

Moose Haven Condominiums	Kremmling Sanitation District
Royal Gorge Company of Colorado	West Glenwood Springs Sanitation District
Young Life Campaign Inc	Winter Park Water and Sanitation District
Penrose Sanitation District	Dundee Realty USA LLC
Monarch Mountain Lodge	
Mt Princeton Hot Springs Resort	Red Cliff Town of
Leadville MHC LLC	Sopris Engineering LLC
Christian Mission Concerns	Riversbend Homeowners Association
Victor City of	El Rocko Mobile Home Park
Mountain View Villages WSD	Blue Creek Ranch LLC
Meadowbrook MHP LLC	Woody Creek Mobile Home Owners Association
Cheyenne Wells Sanitation District No 1	Independence Environmental Services
La Jara Town of	H Lazy F LLC
PowderMonarch LLC	Sunlight Inc
Colorado City Metropolitan District	Redstone WSD
Cripple Creek City of	Aspen Village Inc
Academy School Dist 20	Ranch at Roaring Fork
Broadmoor Park Properties	Roaring Fork Water and San District
Colorado Dept of Corrections	Spring Valley SD
Crowley County Correctional	Mid Valley Metro District
Sunset Metropolitan District	Mesa Water and Sanitation District
Avondale Water and Sanitation District	Wastewater Treatment Service LLC
Cokedale Town of	Colorado Department of Transportation
Hoehne School Dist R3	Canyon Creek Estates
Primero School District	Riverbend Water and Sewer Company
Trinidad City of	Mesa WSD
Country Host Motel	Grand Mesa Metro Dist 2
North La Junta Sanitation District	DeBeque Town of
Fowler Town of	Talbott Enterprises Inc
Colorado Dept of Corrections	Collbran Town of
La Veta Town of	Town of New Castle
Crowley Town of	Palisade Town of
Cucharas Sanitation and Water District	Steamboat Lake State Park
Simla, Town of	Whiteman School
Springfield Town of	Routt County
Walsenburg City of	Routt County Phippsburg/Dept of Envir Hlth
Limon Town of	Yampa Town of
Rocky Ford City of	Steamboat Lake Water and Sanitation Dist
Colorado Mountain Resort Investors LLC	Hayden Town of
Colorado Department of Transportation	Oak Creek Town of
Colorado Department of Transportation	Morrison Creek Metropolitan Water and Sanitation District
Roundup River Ranch	Whiteriver RV LLC
C Lazy U Ranch	Oak Meadows Service Company
Ouray Ranch Home Owners Association	Rangely Town of
Young Life Campaign Inc	City of Rifle
Rock Gardens MHP	Camp Gunnison Inc
Hot Sulphur Springs Town of	Ute Trail Ranch Foundation
Two Rivers Metro District	Camp Red Cloud
Tabernash Meadows WSD	

Preliminary List of Facilities that are Excluded

L and N Inc	WCFLP RE Wind River, LP
Almont Sewage Hereafter In Transit Plant	Peaceful Valley Ranch LLC
East River Regional Sanitation District	Mueller Red Lion Inn
Lake City Town of	Orodel Inc
Crested Butte South Metro District	Mead Town of
Town of Crested Butte	B and B Mobile Home and RV Park
Brookway Irwin LLC	San Souci MHP
Volunteers of America Care Fac	Lake Eldora WSD
Elk Meadows Estates	Eldorado Springs Wastewater
Elk Mountain Resort	Seventh-Day Adventist Assoc of Colorado
Delta Correctional Center	San Lazaro Park Properties LLP c/o
Crawford Town of	Nederland Town of
Ridgway, Town of	Lyons Town of
Paonia Town of	Mead Town of
Ouray City of	Aspen Lodge at Estes Park Corp
Cedaredge Town of	Serenity Ridge
Olathe Town of	Riverglen Homeowners Assoc
Hotchkiss Town of	Western Mini-Ranch/Vaquero Estates Sewer Assoc.
West Montrose Sanitation District	Berthoud Estates Community Assoc
Delta City of	Johnstown Town of
Jefferson County Public Schools	Johnstown Town of
Platte Canyon School Dist #1	Walden Town of
Hungate Bruce and Jayne	LONGS PEAK COUNCIL, INC.
Tiny Town Company LLC	Lutheran Ranches of The Rockies
Brook Forest Inn	Saddler Ridge Metro Dist Water Reclamation Facility
YMCA Camp Shady Brook	Girl Scouts Mile-Hi Council
Pikes Peak Council - Boy Scouts of America	Fox Acres Community Services Corp
Amen Real Estate, LLC	Wellington Town of
Lost Valley Ranch Corp	Orica USA Inc
Conifer Metropolitan District	Mile High Racing and Enter dba Arapahoe Park
Teller County	Rangeview Metro District
Forest Hills Metro District	Galeton Water and Sanitation District
Florissant Water and San Dist	Front Range Airport WWTF
Will-O-Wisp Metropolitan District	Weld County School District RE-3J
Kittredge Water and Sanitation District	SouthWest Water Company
Bailey Water and Sanitation District	Keenesburg Town of
Mountain Water and Sanitation District	Colorado Real Estate & Investment
Perry Park Water and Sanitation District	Gilcrest Town of
Alma Town of	Spring Valley Ranch Metro Dist
Morrison Town of	Platteville Town of
Fairplay Sanitation District	Kersey Town of
Perry Park Water and Sanitation District	La Salle, Town of
Shwayder Camp Wastewater	Bennett Town of
Clear Creek WWTP	Elizabeth Town of
Clear Creek Skiing Corp	Evans City of
Colorado Dept of Transportation	Elbert Water Sanitation District
Empire Town of	Woodlin School District R-104
Central Clear Creek Sanitation District	Snyder Sanitation District
St Marys Glacier WSD	Ovid Town of

Preliminary List of Facilities that are Excluded

Hillrose Town of	South Durango Sanitation District
Morgan Heights Water and Sanitation District	Silverton Town of
Kiowa Town of	Pagosa Springs Sanitation District
Julesburg Town of	Durango West Metropolitan District No. 2
Byers Water and Sanitation District	Dove Creek, Town of
Eastern Adams County Metro District	Hermosa Sanitation District
Fleming Town of	Pagosa WSD
Seibert Town of	Bayfield Town of
Arriba Town of	Fall Creek Home Owners Association
Stratton Town of	Blue Jay Lodge & Cafe
Flagler Town of	St Barnabas Church Camp
Haxtun, Town of	Last Dollar Pud Imps. Assoc.
Wray City of	Telecam Partnership II Limited
Holyoke City of	SW Mesa County Rural Public Improvement District
Akron Town of	Nucla Town of
Wolf Creek Ski Corp	Naturita Town of
Baca Grande Water and Sanitation District	Dolores Town of
Mountain Views at Rivers Edge RV	Norwood Sanitation District
Fun Valley Resort	
Costilla County Water and Sanitation System	
Baca Grande WSD	
Antonito Town of	
South Fork Water and Sanitation District	
San Luis Water and Sanitation District	
Saguache Town of	
Manassa Town of	
Creede City of	
DLMT, LLC	
Durango/La Plata County Airport	
Lakeside WWTP	
Haciendas de la Florida HOA	
High Country Lodge LLC	
Amorelli, Joe and Cheryl	
Forest Groves Estates	
Five Branches Camper Park	
Pine River Camp LLC	
Vallecito Resort LLC	
Vista Verde Village LLC	
Herrick Durango Land Co LLC	
Thomas J Feuerborn	
Lee Mobile Home Park	
Narrow Gauge Mobile Home Park	
Mill Creek Management Co LLC	
San Juan River Village Metro	
Edgemont Ranch Metro District	
Loma Linda San Dist	
Upper Valley Sanitation	
Mancos Town of	
Forest Lake Metro Dist	



THE VOICE OF COLORADO'S CITIES AND TOWNS

1144 Sherman Street, Denver, CO 80203 • (p) 303-831-6411 / 866-578-0936 • (f) 303-860-8175 • www.cml.org

To: Municipal managers and clerks in municipalities without managers
From: Sam Mamet, CML Executive Director
Date: January 9, 2012
Subject: *2012 State of our Cities & Towns*: Resources to help you

Enclosed please find 12 copies of CML's 2012 *State of Our Cities & Towns* report and DVD; a single copy of the report was also sent to your mayor. The report tells the story of how Colorado's municipalities are facing the challenges of today and moving their communities into the future based on our annual *State of Our Cities & Towns* survey conducted last October by Corona Insights.

We have provided the dozen copies for you to share with residents at your city or town hall. More are available free of charge by contacting CML at receptionist@cml.org.

The DVD contains several videos based on the survey analysis: the 11-minute version that is similar to previous years, as well as a shorter four-and-a-half-minute version of the survey analysis of the data. Two videos, both running three-and-a-half minutes have also been taken from the longer version on subjects vital to municipal interest: economic development and infrastructure.

The videos, report, and survey analysis also are available at www.cml.org.

If you have a government access channel, a copy of the video was mailed directly to the station. Feel free to use the enclosed version to provide presentations to staff or residents.

We encourage you to use these resources to share the story of your city or town, and ask that you urge your councilmembers and municipal colleagues to do the same. There are many ways to do this, including:

- making a presentation to volunteer committees, boards, and citizen academies;
- visiting local schools and engaging students;
- writing an article for your municipal newsletter;
- submitting a column to your local newspaper; and
- contacting your local Rotary or Kiwanis Club and offering to speak on the status of your city or town.*

Finally, please let us know if you use any of these resources and any suggestions you may have regarding how we can make future versions even more beneficial. Please share your thoughts and/or examples with my colleagues Mark Radtke or Traci Stoffel

There's never been a more important time to tell our story than 2012. I urge you to make a commitment to do just that in the new year.

** If you make arrangements to present to a service club or at a public forum and you'd like for me to join you to share a statewide perspective, I'd be happy to if my schedule permits. Contact me at _____ or 303-831-6411 to discuss.*



2012 STATE OF OUR CITIES & TOWNS

- **Delivering vital basic services**
- **Struggling to maintain infrastructure**
- **Working hard to improve our economy**

Cities and towns are seeking and finding new ways to provide services efficiently and cost effectively.

They are working to provide public safety, transportation, public utilities and community amenities that form the backbone of Colorado's quality of life.

From the small towns that are the centers of commerce in rural Colorado, to the mountain resorts, to the large cities along the Front Range, there is a community spirit that can't be quantified by numbers, a spirit that gives each of our municipalities its own personality. It is what makes Colorado's cities and towns such great places to live.





In these tough economic times, Colorado's cities and towns continue to provide us with the basic services we need to live in a safe, healthy and prosperous community:

- Police and fire protection
- Water and wastewater infrastructure
- Parks and recreation opportunities
- Streets
- Economic development

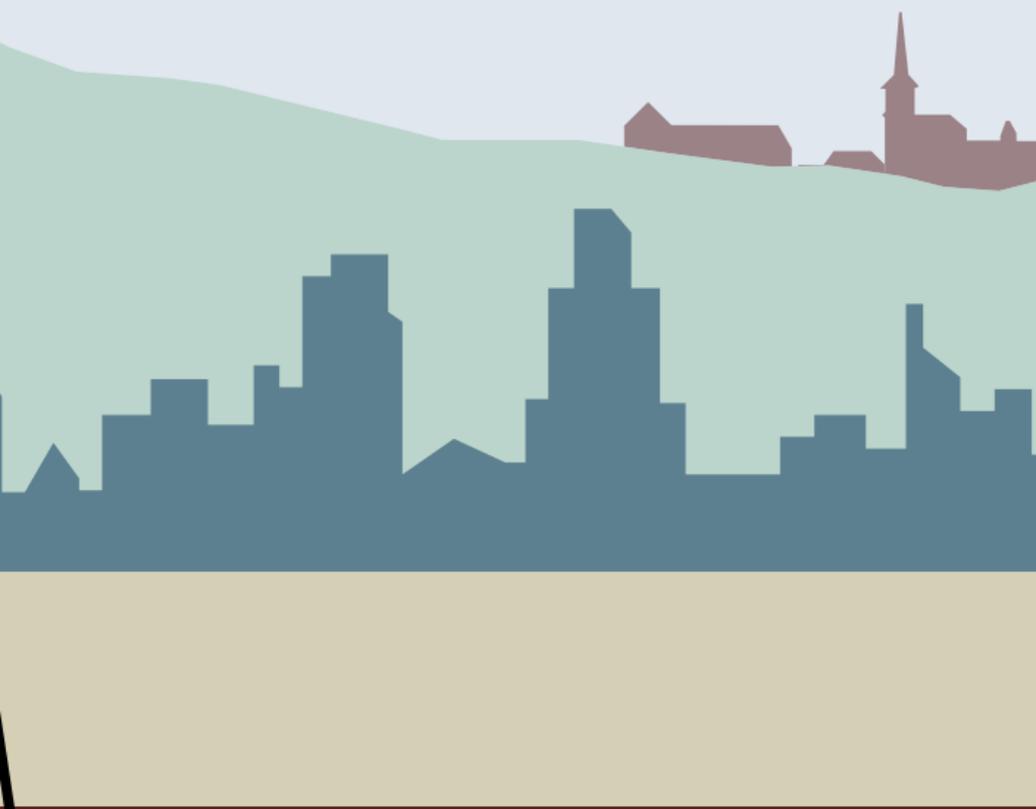
The 21st century's Great Recession has hit hard at the budgets of Colorado families and that's reflected in municipal government revenue. When consumers spend less at the store, it means fewer sales tax dollars to pay for municipal services.

Colorado's cities and towns continue to trim services and reduce staffing levels for a fourth year of decreased municipal spending:

- 28 percent have cut municipal employees in their latest budget
- 30 percent of cities and towns reduced street maintenance
- 10 percent cut police budgets
- 12 percent made across the board service cuts

But signs of recovery are beginning to show. According to the Colorado Municipal League's State of Our Cities & Towns survey:

- 35 percent of municipalities report increased revenue in 2011 compared with the previous year (while 30 percent reported an improvement in 2010; and only 7 percent saw increased revenue in 2009)



The most troubling aspect of budget cuts is that reduced municipal revenue and diversions of state and federal energy impact funding have dramatically reduced budgets for infrastructure construction and maintenance.

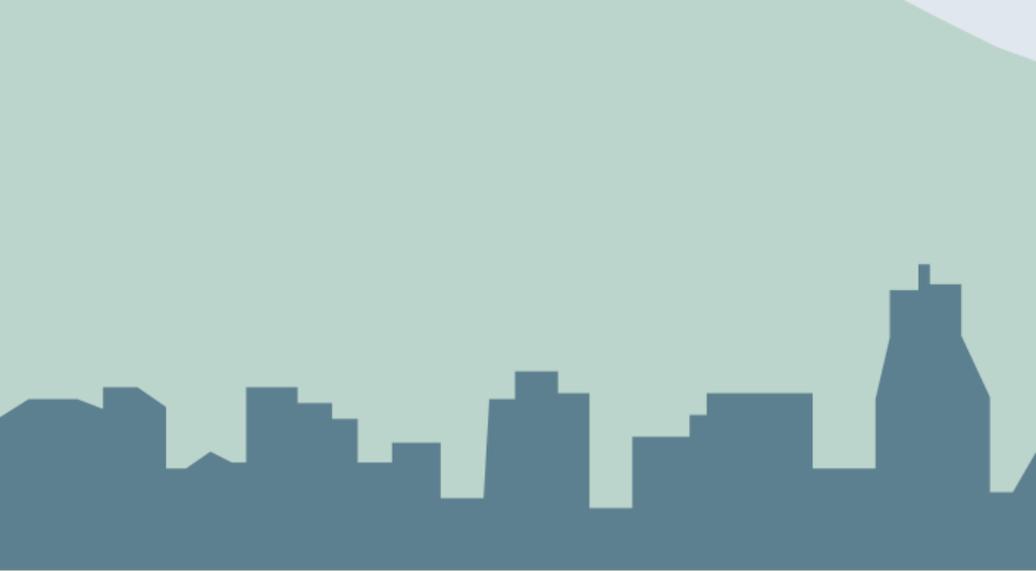
The number of municipalities reporting needed, but unfunded, capital projects is concerning:

- 16 percent report unfunded drinking water facilities
- 24 percent wastewater facilities
- 24 percent bridge projects
- 50 percent report unfunded street projects
- Altogether, 59 percent of municipalities have put needed capital projects on indefinite hold due to a lack of dollars

The infrastructure problem will grow as a lack of revenue prompts a continued reduction in maintenance spending:

- 53 percent of municipalities have deferred scheduled maintenance programs in order to balance their budgets.

CML has been working with government and private industry partners to increase the amount of state and federal dollars available to help cities and towns repair or replace outdated and insufficient facilities and distribution systems. Putting public projects in motion creates jobs and delivers infrastructure that will serve our citizens for decades to come.



Never have Colorado cities and towns worked harder to improve their local economies. Last year three-quarters of all municipalities dedicated funds for economic development activities. This year that number jumped to 85 percent.

Municipalities are involved in a wide range of activity including:

- Business incubators
- Buy-local campaigns
- Tourism marketing
- Urban renewal
- Tax incentives
- Mini business grants and revolving loan funds
- Streamlined approval processes

The results of these economic development efforts are encouraging as reflected in the better 2011 revenue picture. It's estimated that 27,500 new jobs were created in Colorado in 2011.

To view the complete survey results, as well as a video on the State of Our Cities & Towns, visit www.cml.org.



C I T Y O F E N G L E W O O D
C O M M U N I T Y D E V E L O P M E N T

To: Mayor Penn and City Council

Through: Gary Sears, City Manager
Alan White, Community Development Director ✓

From: Darren Hollingsworth, Economic Development Coordinator ✗

Date: January 25, 2012

Subject: Business Retention and Expansion Ambassadors

Background

The Economic Development Group from the South Metro Denver Chamber of Commerce has established a Business Retention and Expansion (BRE) Ambassadors Group. The group is intended to be a grass roots outreach economic development program to help businesses in the south metro area stay and grow. The goal of the BRE Ambassadors group is to engage 1,000 businesses in the south metro area over the next 11 months, including businesses within the incorporated boundaries of Englewood. Council members are invited and encouraged to participate with the BRE Ambassadors as time allows.

The BRE Ambassadors have already meet with Mr. Fordyce from Craig Hospital and will meet on January 31 with Mrs. White from Swedish Medical Center. There will certainly be upcoming meetings with additional primary and major employers from Englewood.

Attached is an overview of the BRE Ambassadors program and copy of the brief business survey.

How to get involved

If Council would like to attend an upcoming BRE Ambassadors site visit with an Englewood business, please contact Jeff Holwell with the South Metro Denver Chamber of Commerce. Mandatory BRE Ambassador training is required and is offered through the S. Metro Denver Chamber of commerce. If Council is interested in meeting Mr. Holwell for a brief discussion or to receive an overview of this economic development effort, he expressed a willingness to attend an upcoming Study Session and provide Council with an overview of the program.

BRE Ambassador meetings are established using the web-based social media site [meetup.com http://www.meetup.com/South-Metro-Denver-BRE-Ambassadors/](http://www.meetup.com/South-Metro-Denver-BRE-Ambassadors/)



BRE Ambassadors Overview and Training Seminar – 01/20/12
Welcome, Lunch, and Introductions – 11:30 AM

- I. What is Business Retention and Expansion (BRE), what are our goals/requirements for the program, and why are we doing this?
 - a. Historical Context: The South Metro Denver EDG and a variety of Colorado's Economic Development organizations have been involved with BRE for years as method of conducting Economic Development.
 - b. BRE is the opportunity to **engage** our business community in a meaningful way to ensure their success in our region and provide resources relative to their growth and development in the community.
 - c. BRE is not about retaining or growing members of the Economic Development Group; **it is not an opportunity to sell the Chamber or your business (in fact, it is forbidden for all members of Staff and the BRE Ambassador Team).**
- II. Who are the BRE Ambassadors and who are we engaging with the BRE program?
 - a. BRE Ambassadors are members of the Chamber and/or EDG who have committed to **arrange, interview, report (to the EDG), and thank** ten (10) primary or major employers in 2012.
 - b. Primary and/or Major Employers in the South Metro Denver area are the target for the BRE Program.
 - i. Primary Employers are wealth creating businesses.
 - ii. Major Employers are businesses or employers that have significant revenues, employees, facilities, etc. in the South Metro Area.
- III. When do BRE interviews take place?
 - a. BRE interviews occur when they are arranged by the BRE Ambassador on or before October 31, 2012.
- IV. Where will BRE interviews occur:
 - a. In most cases, at the BRE interview will occur at the employers office.
 - b. For strategic and planning purposes, we are beginning our BRE interviews process within the five following zip codes:
 - i. **80110** – Englewood; **80120** – Littleton; **80237** – DTC / Denver; **80111** – DTC / Greenwood Village; **80112** – DTC, Inverness / Arapahoe County, Centennial.
- V. How will the BRE Program be executed?
 - a. BRE Survey document (Provided)
 - b. BRE Ambassadors Meet Up Site (Presentation)



Company Information	
Company Name	Date of Visit (mm/dd/yy)
Contact Name	City/State/ZIP
Industry (i.e. Aviation, Aerospace, Energy, Financial Services, Health/Medical, Software, Information Technology)	
Interviewer(s)	
Lead Interviewer (s)	Organization
Other Interviewer(s)	Organization

1. How many people do you employ at this facility?
2. Do you see your business opportunities growing, shrinking, or remaining steady?
 - a. Growing / Shrinking / Remaining Steady
3. Does the company plan to expand in the next three years? Yes / No
4. Are you satisfied with the services provided by the community to your business (i.e. Chamber, EDG, City, County, State, etc.)?
 - a. Satisfied / Dissatisfied
 - b. What are the community's strengths as a place to do business?
 - c. What are the community's weaknesses as a place to do business?
5. Do you anticipate any federal, state, or local legislation that will adversely or positively affect your business in the next three years?
6. Do your employees frequently travel for business?
 - a. Domestic / International / Neither / Both
7. What are the skill sets that you require for effective employees? Is a trained workforce available to you in the community?
8. What types of jobs are going to exist in your company in five years?

MEMORANDUM



TO: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works ✓

FROM: David Henderson, Engineering/Capital Projects Administrator ✓

DATE: January 26, 2012

SUBJECT: PROJECT UPDATES –**Denver Water Projects**, Duncan Park Planning and Design, Servicenter Salt/Sand Storage, Kent Place, Security Camera Project, Xcel Energy Projects, Denver S. Broadway Improvements, Concrete Utility Program 2012, City Radio System, Street Maintenance Projects 2012, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects

DENVER WATER PROJECTS (CONDUIT 13 REHABILITATION)

Vault Repair at Quincy/Broadway

Denver Water will be rebuilding a concrete vault on Quincy Ave. just west of Broadway. The work will require a full closure of Quincy for approximately 60 days. Approximately 1400 properties will receive an informational flyer via mail. The limits of notification are between Oxford and Tufts and between Logan and Huron. **Notifications have been mailed and the contractor installed Electronic Message Boards on Quincy.** The contractor (Concrete Works of Colorado) expects to start on Monday, January 30th.

60" Water Line Repair Lehow Ave.

Denver Water will be installing a valve and replacing a portion of the 60-inch water line in Lehow Ave. This work will require a full closure of Lehow for approximately three weeks. The road will be closed west of the Kmart entrance (see attached drawing). Thru traffic will be detoured via Delaware St. and Rafferty Gardens Ave. The detour route has been approved by the City of Littleton. Approximately 100 properties will receive the attached informational flyer via mail. The contractor (T. Lowell) expects to start on February 6th.

DUNCAN PARK PLANNING AND DESIGN

Council approved awarding a Professional Services Agreement for the planning and design of new park facilities at Duncan Park. All Souls School has completed moving out of the building. The keys have been turned over to the Parks Department. **Staff continued the process of planning for environmental abatement and demolition of the old school building.**

SERVICENTER SALT/SAND STORAGE

The project is substantially complete. **A punch list has been prepared and communicated to the contractor.**

KENT PLACE

The developer has selected Mark Young Construction, Inc. as the contractor for both onsite and offsite work. Permits have been issued for all of the off-site work, along with grading and retaining wall work on-site. **Continuum Partners and Regency Centers Corporation are supplying bi-weekly project information. A link to this information is available on the City's web site:**

<http://www.englewoodgov.org/Index.aspx?page=498>

The contractor has temporarily demobilized due to weather. Some operations not affected by weather (i.e. traffic signal testing, removal of excess dirt, and installation of dry utilities), continue.

SECURITY CAMERA PROJECT

The consultant, Cator, Ruma, & Associates, is preparing final plans and specifications.

XCEL ENERGY PROJECTS

Santa Fe Light Poles

Xcel Energy continued installing new poles and fixtures on the Santa Fe corridor.

Belleview Gas Line Replacement

Q3 Contracting has been contracted by Xcel Energy to replace the cast iron gas main that runs from Broadway to Franklin on Belleview Ave. **The process of replacing the cast iron gas main continued. The contractor continued working at the Clarkson intersection and is proceeding east into Greenwood Village. Xcel expects to complete this project by February 17th.**

DENVER S. BROADWAY IMPROVEMENTS

The City of Denver continued construction on S. Broadway between Wesley and Yale. Information about the Denver project can be seen at the following website:

<http://www.denvergov.org/ProjectsInProgress/SouthBroadwayWesleytoYale/tabid/434078/Default.aspx>

CONCRETE UTILITY 2012

Questions regarding the upcoming program should be directed to the Concrete Utility, 303-762-2360 or concreteutility@englewoodgov.org.

CITY RADIO SYSTEM-REPLACEMENT WITH PUSH TO TALK

The Servicer Garage continues to remove old radios from vehicles as they are being serviced.

STREET MAINTENANCE PROJECTS 2012

Staff is in the process of developing a long range Street Maintenance Plan. We expect to present a plan to City Council at the February 13th Study Session. Streets Division staff will be pouring cracks and cutting/patching asphalt as weather allows. Ice cutting at problem areas continues as time and manpower are available.

CITYCENTER SITE DEVELOPMENT

Alexan East and West Parcels

438 residential units. Alexan's occupancy level for September, 2011 is 94.8%. Commercial uses: Let It Bead, State Farm, Lifetime Family Practice, Cuttin'It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, Creative Perspectives, CityCenter Community, Solid Grounds, and Weingarten Realty.

Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, MMB Hearing, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, CityCenter Wine and Spirits, Quizno's, Miller, Air Walk, "Insurance Company of the West", Printwear Express, Fred Astaire Dance Studio, Wellness Treatment Center, and SB Clark Companies. Weingarten Realty announced a new tenant for the 2,300 square foot space next to Englewood Eyecare. The new tenant is "Unifocus", a computer company.

Bally's Building

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

Retail South of the Parkway

Tenants: Petco, Ross, Payless Shoes, Coldstone Creamery, Noodles, Sports Authority, and Office Depot. Payless Shoes has signs in the window stating they will be closing soon.

Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, and Mega Wraps. Weingarten Realty announced a new tenant for the vacant space between Mega Wraps and Tokyo Joes, Doctors Express Urgent Care Facility which is expected to open in February or March. **Tenant finish for Doctor's Express continued.**

CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance.

Bradley Station Environmental

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

ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

PA-84 West

The Mike Ward Infiniti dealership opened on Monday, August 29th. A Grand Opening was held on November 10th.

The Larry Miller Nissan Dealership continues to move forward. A detailed update has been forwarded in response to City Council Short Term request.

PA-85 (RTD site)

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

PA-85 (Benjamin Franklin Charter School)

The Benjamin Franklin Charter School has received their Certificate of Occupancy.

AIR QUALITY/ENERGY SAVING PROJECTS

Flex Fuel Program

Currently, thirty-three of our fleet vehicles are running on E-85 ethanol fuel. All new replacement vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approx. \$0.55 per gallon less than regular unleaded gasoline. Thirteen of our fleet vehicles run on Compressed Natural Gas (CNG).

Hybrid Vehicle Purchase

The City of Englewood applied for a grant through the Regional Air Quality Commission for funding of hybrid vehicle technology. Two units have met the replacement criteria for 2011 and will be replaced with Ford Escape hybrid vehicles. One of the hybrid vehicles has been received and will be utilized by the Fire Department. The other hybrid was delivered and will be used by the Building Division. The total cost of these vehicles is within the budgeted replacement amount designated for these units, and if the grant is successful, the additional cost of the hybrid technology will be deposited back into the CERF fund.

"Green" Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources. The Servicer is now "single-streaming" waste at the Servicer and a dumpster has been supplied for *cardboard only* recycling.

Energy Saving Projects

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

Electric Vehicle Charging Stations

Staff discussed a potential grant to install charging stations at the Study Session on May 23rd. The joint application has been submitted to the Department of Energy. We have received word that the grant has been approved.



DENVER WATER

1600 W. 12th Avenue . Denver, CO 80204-3412
Phone 303-628-6000 . Fax 303-628-6199 . www.denverwater.org

January 25, 2012

Dear Resident/Business Owner:

Denver Water and its contractor, T. Lowell Construction, will be installing a valve and replacing a portion of the 60-inch treated water pipeline in Lehow Avenue, west of Broadway. This work is part of ongoing efforts to maintain Denver Water's aging infrastructure. The construction is scheduled to begin on February 6, 2012, and continue through the end of February.

The pipeline maintenance work will **require a full closure of Lehow Avenue approximately 300 feet east of the Big Dry Creek trail (300 W. block)**. Local access will remain open, but all Lehow thru traffic will be detoured via Delaware Street and Rafferty Gardens Avenue. All detours and parking restrictions will be clearly marked. During the week of January 30th, traffic and parking will be impacted near the construction zone as T. Lowell Construction begins staging equipment and materials on site.

The contractor intends to work weekdays from 7:00am thru 5:00pm. Weekend or extended hours may be needed on occasion, upon approval by the City of Englewood. The road closure/detour will remain in place for the duration of construction. Lehow Ave is expected to be reopened to thru traffic during the week of Feb. 27th.

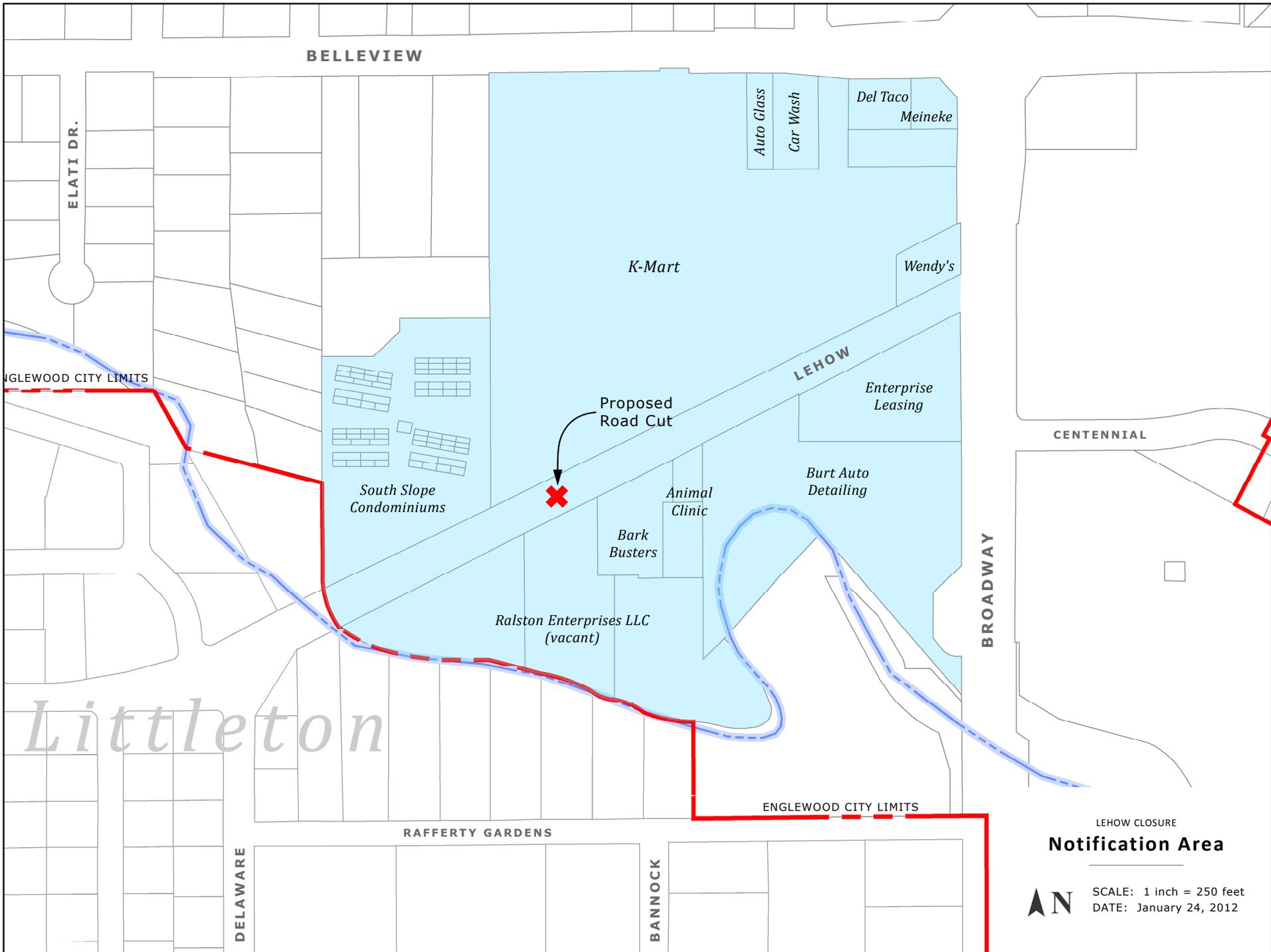
Except in cases of emergency, water service for the surrounding area should not be impacted by the project.

Denver Water and T. Lowell Construction understand the impacts and disruptions that projects of this type have on neighboring residents and businesses and appreciate your patience and cooperation during the project.

Important project contacts:

- General questions - Matt Bond, Denver Water Community Relations, 303-628-6553 or matt.bond@denverwater.org.
- After-hours emergencies – Denver Water, 303-628-6390; Tim Lowell, T. Lowell Construction, 303-435-6192
- Specific jobsite questions or concerns - Leo Perkins, T. Lowell Construction, 303-419-1200
- City of Englewood Department of Public Works, 303-762-2500

For additional information, please visit www.denverwater.org/Conduit13.



**CITY OF ENGLEWOOD
2012 CALENDAR OF EVENTS**



Mon. Jan. 30	6:00 p.m.	Study Session, Community Room
Wed., Feb. 1	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Feb. 6	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues. Feb 7	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Wed. Feb. 8	6:30 p.m.	Urban Renewal Authority, Community Dev. Conf. Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs. Feb. 9	11:30 a.m.	Alliance for Commerce in Englewood Committee, City Council Conference Room
	3:00 p.m.	Police Officers Pension Board, Public Works Conf. Rm.
	4:00 p.m.	Firefighters Pension Board, Public Works Conf. Rm.
Mon., Feb. 13	6:00 p.m.	Study Session, Community Room
Tues. Feb. 14	4:00 p.m.	NonEmergency Employees Retirement Board, Public Works Conference Room
Wed., Feb. 15	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Feb. 20		City Hall closed — Presidents' Day
Tues., Feb. 21	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Wed. Feb 22	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Mon., Feb. 27	6:00 p.m.	Study Session, Community Room
Mon., Mar. 5	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers

Tues. Mar. 6	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Wed., Mar. 7	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Thurs. Mar. 8	11:30 a.m.	Alliance for Commerce in Englewood Committee, City Council Conference Room
	6:30 p.m.	Transportation Adv. Committee, City Council Conf. Rm.
Mon., Mar. 12	6:00 p.m.	Study Session, Community Room
Wed., Mar. 14	6:30 p.m.	Urban Renewal Authority, Comm. Development Conf. Rm.
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Mon., Mar. 19	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues. Mar. 20	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Wed., Mar. 21	6:30 p.m.	Code Enforcement Advisory Board, City Council Conf. Rm.
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Mar. 26	6:00 p.m.	Study Session, Community Room
Mon., Apr. 2	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues. Apr. 3	7:00 p.m.	Planning and Zoning Commission, City Council Chambers/City Council Conference Room
Wed., Apr. 4	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Apr. 9	6:00 p.m.	Study Session, Community Room
Wed. Apr. 11	Noon	Meeting with Representative DeGette, Community Room
	6:30 p.m.	Urban Renewal Authority, Community Development Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers

TENTATIVE

**STUDY SESSIONS TOPICS
FOR ENGLEWOOD CITY COUNCIL**



January 30	Study Session EHA Tax Credit Projects Fire Department Grants Council Goal Setting/Economic Development Follow-up Board and Commission Liaison Reports
February 6	Study Session & Regular Meeting Redistricting Legislators Pirates Cove Projects Paving Program – LTAR funding
February 13	Study Session Englewood Depot Financial Report Hotels and Motels
February 21	Study Session & Regular Meeting - Tuesday Medical Marijuana Caregiver Park Dedication or Fee in Lieu Mind Mixer Presentation
February 27	Study Session General Iron Works/Winslow Social Media Humane Society Board and Commission Liaison Reports
March 5	Study Session & Regular Meeting Centennial Park Trail Loop Renovation
March 12	Study Session NLC Conference
March 19	Study Session & Regular Meeting Financial Report
March 26	Study Session Board and Commission Liaison Reports
April 2	Study Session & Regular Meeting

April 9	Study Session
April 16	Study Session & Regular Meeting Financial Report
April 23	Study Session Board/Commission Reappointment Discussion Board and Commission Liaison Reports
April 30	No Meeting Scheduled – 5 th Monday
May 7	Study Session & Regular Meeting GIW/Winslow Zoning
May 14	Study Session Citizen of the Year Celebration
May 21	Study Session & Regular Meeting Financial Report Board and Commission Liaison Reports
May 28	Memorial Day – Civic Center closed
June 4	Study Session & Regular Meeting
June 11	Study Session Board and Commission Interviews
June 18	Study Session & Regular Meeting Financial Report
June 25	Study Session Board and Commission Reports

FUTURE STUDY SESSION TOPICS

Historic Preservation
 Sign Code (April)
 ACE role in business initiatives
 Eats & Beats
 RTD Parking Alternatives
 Security Cameras Update
 Acoma Parking Lot Landscape

**ENGLEWOOD HOUSING AUTHORITY
BOARD OF COMMISSIONERS
Regular Meeting
September 7, 2011**

I. CALL TO ORDER

The Regular Meeting of the Englewood Housing Authority Board of Commissioners was called to order at 4:00 p.m. on Wednesday, September 7, 2011 at 3460 South Sherman Street, Suite 203, Englewood, Colorado, 80113, by Chair Beverly Bradshaw.

II. ROLL CALL

Members Present: Beverly Bradshaw, Chair
Rodger Hara, Vice Chair
Jarrod Schleiger, Commissioner
James Woodward, Mayor & Council Liaison

Members Absent: Jennifer Haynes, Commissioner (Excused)
Margaret Williams, Commissioner (Excused)

Also Present:

Dawn Shepherd, Executive Director
Renee Tullius, Administrative Manager
Geula Sherman, Financial Services Manager

III. SCHEDULED VISITORS

There were no scheduled visitors.

IV. UNSCHEDULED VISITORS

There were no unscheduled visitors.

V. MINUTES

A. Regular Meeting held August 3, 2011.

Corrections to the minutes were noted. Page 2, 1st paragraph discretely should be spelled discretely; page 4, 1st paragraph a period should be added to the end of the last sentence and the extra comma in Lee Applegate's name, page one, should be removed.

**COMMISSIONER SCHLEIGER MOVED TO ACCEPT AND APPROVE THE
MINUTES OF THE REGULAR MEETING OF THE ENGLEWOOD HOUSING**

**AUTHORITY BOARD OF COMMISSIONERS, HELD AUGUST 3, 2011 AS
CORRECTED. COMMISSIONER HARA SECONDED THE MOTION.**

Ayes: Bradshaw, Hara, Schleiger
Nays: None
Abstained: None
Absent: Haynes, Williams

The Chair declared the motion carried.

VI. DIRECTOR'S REPORT

A. Narrative

The security cameras for the elevators are a digital system.
The rental increases and the rental credit for unit 202 in the office building were approved by the Board.

Members of the Resident Advisory Board suggested investigating the transition of Simon Center and Orchard Place to non-smoking buildings during the meeting held in August to discuss the Annual Plan. Currently smoking is allowed inside the units of both buildings with the exception of the first floor units of Simon Center. Smoking is not allowed in the common areas of either building. The housing authority does incur additional cleaning expenses when a smoking resident moves. Non-smoking buildings can be difficult to monitor and the no smoking rules can be difficult for disabled individuals. EHA will pursue determining the residents' interest in a transition to non-smoking buildings and investigating transition methodologies in 2012.

EHA currently has an informal unwritten business continuity plan. The savings offered by the insurance company for an approved plan would not cover the cost of the staff time necessary to produce the plan, however, staff would like to address it next year, if possible.

B. Financial Reports

Chair Bradshaw appreciates the forecasting data.
Receipts of Housing Assistance Payments will be reduced \$45,000. This will result in a reduction in the number of units leased.

C. Program Reports

Unit occupancy is good. The Operations Manager has done a good job of coordinating unit turns and renovations. He has also located a new surfacing material for the handicapped ramp at the east end of the office building.

VII. DISCUSSION ITEMS, MOTIONS AND RESOLUTIONS

A. Resolution 12, Series 2011 Resolution to Amend 2011 Agency Consolidated Budget

The Board discussed the decrease in the Administrative fee and the impact of decreases in funding. Sheridan vouchers are fully utilized. The cost to administer the Sheridan and Englewood voucher program is offset by the administrative fees received. The cost to administer the Douglas County voucher programs is not fully covered by the administrative fee. Management fund reserves will cover any shortcoming. Continuing to serve our clients fulfills the Mission of the EHA.

The Board discussed the decrease in the proposed Fair Market Rents. As the EHA and Sheridan payment standards are at 90% of current FMRs our current subsidy will be close to 100% of the proposed FMRs. Douglas County voucher holders will experience a very noticeable decline in subsidized rental amounts.

MOTION

COMMISSIONER HARA MOVED TO APPROVE RESOLUTION 12 TO AMEND THE 2011 AGENCY BUDGET. COMMISSIONER SCHLEIGER SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Schleiger
Nays:	None
Abstained:	None
Absent:	Williams, Haynes

The Chair declared the motion carried.

B. Resolution 13, Series 2011 Resolution to Revise the Englewood Housing Authority Employee Handbook

The revisions clarify that a part time staff member has annual and medical leave at an accrual rate proportionate to the hours worked and holiday pay for holidays that fall on an employee's regularly scheduled work day in an amount equal to the hours scheduled for work on those days.

MOTION

COMMISSIONER SCHLEIGER MOVED TO APPROVE RESOLUTION 12 TO REVISE THE ENGLEWOOD HOUSING AUTHORITY EMPLOYEE HANDBOOK. COMMISSIONER HARA SECONDED THE MOTION.

Ayes: Bradshaw, Hara, Schleiger
Nays: None
Abstained: None
Absent: Williams, Haynes

The Chair declared the motion carried.

VIII. INFORMATION AGENDA

The reduction in the Fair Market Rents proposed by HUD for 2012 was noted. The reduced rate may change the willingness of the private market landlords to accept Section 8 tenants. The final rates will be published on October 1st. The vacancy rate in the Denver area has never been lower as fewer persons are able to purchase houses with the current credit market.

IX. GENERAL DISCUSSION

A. Commissioner's Choice

Commissioner Schleiger noted he had toured several units in Orchard Place and Simon Center and viewed the duplexes.

Dawn Shepherd, on behalf of Commissioner Haynes, gave the Board information on ticket availability for a Brothers Redevelopment fund raising event including dinner and entertainment.

Chair Bradshaw has been appointed to the Open Space Advisory Board.

B. Director's Choice

Dawn Shepherd noted that new furniture and artwork would be delivered to Orchard Place the next day. EHA would like to make another donation to the ART bus in 2012 if possible. The Board concurred.

C. Council Communication

Mayor Woodward reported the City is in the midst of Budget and Election season.

IX. ADJOURNMENT

Vice Chair Hara moved to adjourn the meeting into Executive Session. Commissioner Schleiger seconded the motion. Dawn Shepherd cited CRS 24-6-402(4)(b) and CRS 24-6-402(4)(e). Chair Bradshaw declared the meeting adjourned into Executive Session to discuss potential litigation and obtain legal advice at 5:15 pm.

Beverly J. Bradshaw, Chair
Englewood Housing Authority
Board of Commissioners

Dawn Shepherd, Executive Director
Englewood Housing Authority
Board of Commissioners

**ENGLEWOOD HOUSING AUTHORITY
BOARD OF COMMISSIONERS
Regular Meeting
October 5, 2011**

I. CALL TO ORDER

The Regular Meeting of the Englewood Housing Authority Board of Commissioners was called to order at 4:00 p.m. on Wednesday, October 5, 2011 at 3460 South Sherman Street, Suite 203, Englewood, Colorado, 80113, by Chair Beverly Bradshaw.

II. ROLL CALL

Members Present: Beverly Bradshaw, Chair
Rodger Hara, Vice Chair
Jennifer Haynes, Commissioner
Jarrod Schleiger, Commissioner
Margaret Williams, Commissioner
James Woodward, Mayor & Council Liaison

Members Absent: None

Also Present:

Dawn Shepherd, Executive Director
Renee Tullius, Administrative Manager
Geula Sherman, Financial Services Manager

III. SCHEDULED VISITORS

There were no scheduled visitors.

IV. UNSCHEDULED VISITORS

There were no unscheduled visitors.

V. MINUTES

A. Regular Meeting held September 7, 2011.

Corrections to the minutes were noted. Page 3, VII B. should read" Resolution 13, Series 2011 Resolution to Revise the Englewood Housing Authority Employee Handbook"

VICE CHAIR HARA MOVED TO ACCEPT AND APPROVE THE MINUTES OF THE REGULAR MEETING OF THE ENGLEWOOD HOUSING AUTHORITY BOARD OF COMMISSIONERS HELD SEPTEMBER 7, 2011 AS CORRECTED. COMMISSIONER SCHLEIGER SECONDED THE MOTION.

Ayes: Bradshaw, Hara, Schleiger
Nays: None
Abstained: Haynes, Williams
Absent: None

The Chair declared the motion carried.

VI. DIRECTOR'S REPORT

A. Narrative

Commissioner Schleiger clarified that HUD's recapture of housing authority reserves will impact the EHA. Every Housing Authority that has reserves will lose a large percentage of their reserves.

B. Financial Reports

The public housing program reported loss for the month of August resulted from the large number of capital projects. EHA incurs the costs (expenditures) and then submits a request for reimbursement to HUD. Reimbursements are applied for and received the following month.

The FSS client was taken off the program due to non-compliance with program requirements.

All accounts have been transferred from Bank of Choice to First Bank.

EHA did sustain some impact from the transfer of vouchers between Englewood and Sheridan. The strategy of transferring vouchers had previously been approved by HUD but at some point was reversed.

C. Program Reports

The number of work orders and the relative consistency in totals with seasonal variances was noted.

Waiting list information is reported at a higher level of detail.

Chair Bradshaw recognized the good condition of the duplex units and asked that staff be complimented.

VII. DISCUSSION ITEMS, MOTIONS AND RESOLUTIONS

A. Resolution 14, Series 2011 Resolution to Adopt the 2011 Agency Plan

This meeting is also the Public Hearing on the Agency Plan for 2012. A public notice was published in the Denver Post stating the plan was available for review and giving the date of this meeting as the public hearing. The notice is also published on the EHA website. The Agenda noting the Agency Plan is posted at the City of Englewood, the EHA office and the City website. The Plan was presented to the Resident Advisory Board and comments were received. The comments are included in the Plan. The payment standard and the Fair Market Rents are included in the Plan as they affect the flat rent in Public Housing. EHA payment standard in 2011 was 90% of Fair Market Rents. Fair Market rents published by HUD for 2012 are approximately 11% lower than those for 2011 in all bedroom sizes. If EHA adopts a payment standard of 100% going forward the voucher holders will see an average increase in their portion of the rent of \$15.00. If EHA had been at 100% payment standard previously, rather than the 90%, the voucher holders would see a much larger increase in their portion of the rental payments. As the subsidy amount decreases the voucher holder's portion of the contracted rental amount for their unit increases. Currently our voucher holders' rents are close to Fair Market Rents but if the rents charged by landlords continue to increase they will need to pay a larger portion of the rent. Landlords are free to increase rents at any time if the voucher holders are in a month to month rental. Vice Chair Hara reported that 300 of 600 vouchers issued by the Denver Housing Authority remained unused because the voucher holders were unable to locate units they could afford or that met their needs. The effect of lower Fair Market Rents is to make the market tighter for voucher holders and is an especially difficult situation in Douglas County.

Commissioner Haynes noted that Agency Goal 2 included refurbishing the lounge areas of Orchard Place which has already been completed. That project was anticipated to complete later in the year at the time the Plan was written and discussed with the residents. It was completed in the last few weeks.

Agency Goal 3 includes a reference to the continuing weekly office hours at the residential buildings. Although these hours have been decreased due to low demand they do continue at a reduced frequency and duration and the property manager is available to meet at the buildings upon request.

The Agency Plan contains a reference to the Sheridan Housing Authority. Englewood Housing Authority does administer the Section 8 HCV program for Sheridan and does suggest and maintain the policies of the Sheridan Housing Authority.

Section 8 vouchers holders are required to be present at the inspection of their unit to allow the inspector entrance into the unit. If the voucher holders are not present at the scheduled time the voucher holder has been charged a fee of \$15.00. If approved this

fee will increase to the rate charged EHA by the contracted inspector which is currently \$27.00.

As a Qualified Public Housing Authority, EHA is not required to submit the 2012 Agency Plan to HUD which has been reviewed by the Board of Commissioners and the Resident Advisory Board. The Civil Rights certification form must be submitted as well as the HUD forms detailing plans for the capital funds that may be received in 2012.

HUD has notified housing authorities that a new form for the Agency Plan is forthcoming. It has not yet been posted therefore the 2012 Plan utilizes the previous form.

MOTION

COMMISSIONER HAYNES MOVED TO APPROVE RESOLUTION 14 TO APPROVE THE 2012 AGENCY PLAN. COMMISSIONER WILLIAMS SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Schleiger, Williams, Haynes
Nays:	None
Abstained:	None
Absent:	None

The Chair declared the motion carried.

B. Resolution 15, Series 2011 Resolution Approving the Amendment of the Section 8 Administrative Plan

MOTION

VICE CHAIR HARA MOVED TO APPROVE RESOLUTION 15 TO AMEND THE ENGLEWOOD HOUSING AUTHORITY SECTION 8 ADMINISTRATIVE PLAN. COMMISSIONER SCHLEIGER SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Schleiger, Williams, Haynes
Nays:	None
Abstained:	None
Absent:	None

The Chair declared the motion carried.

**C. Resolution 16, Series 2011 Resolution Approving the
Amendment of the Section 8 Administrative Plan**

MOTION

**COMMISSIONER SCHLEIGER MOVED TO APPROVE RESOLUTION 16 TO
APPROVE THE PAYMENT STANDARD OF 100% FOR THE SECTION 8 HCV
PROGRAM. COMMISSIONER HAYNES SECONDED THE MOTION.**

Ayes:	Bradshaw, Hara, Schleiger, Williams, Haynes
Nays:	None
Abstained:	None
Absent:	None

The Chair declared the motion carried.

VIII. INFORMATION AGENDA

Chair Bradshaw noted that her students were impressed with the time the FSS Coordinator devoted to helping the participants in her program. The thank you note from the residents expressing appreciation for the building improvements was noted.

IX. GENERAL DISCUSSION

A. Commissioner's Choice

There was no discussion.

B. Director's Choice

Dawn Shepherd reported Lee Applegate was not able to attend tonight's meeting nor were any developments to report therefore an Executive Session following the regular board meeting was not necessary.

C. Council Communication

Mayor Woodward reported the City is in the midst of Budget and Election season.

IX. ADJOURNMENT

Commissioner Schleiger moved to adjourn the meeting. Vice Chair Hara seconded the motion. Chair Bradshaw declared the meeting adjourned at 5:11 pm.

Beverly J. Bradshaw, Chair
Englewood Housing Authority
Board of Commissioners

Dawn Shepherd, Executive Director
Englewood Housing Authority
Board of Commissioners

**ENGLEWOOD HOUSING AUTHORITY
BOARD OF COMMISSIONERS
Regular Meeting
December 7, 2011**

I. CALL TO ORDER

The Regular Meeting of the Englewood Housing Authority Board of Commissioners was called to order at 4:20 p.m. on Wednesday, December 7, 2011 at 3460 South Sherman Street, Suite 203, Englewood, Colorado, 80113, by Chair Beverly Bradshaw.

II. ROLL CALL

Members Present: Beverly Bradshaw, Chair
Rodger Hara, Vice Chair
Jennifer Haynes, Commissioner
Jarrod Schleiger, Commissioner
Margaret Williams, Commissioner
James Woodward, Mayor Pro Tem & Council Liaison

Members Absent: None

Also Present:
Dawn Shepherd, Executive Director
Renee Tullius, Administrative Manager
Geula Sherman, Financial Services Manager

III. SCHEDULED VISITORS

There were no scheduled visitors.

IV. UNSCHEDULED VISITORS

There were no unscheduled visitors.

V. MINUTES

A. Regular Meeting held October 5, 2011.

VICE CHAIR HARA MOVED TO ACCEPT AND APPROVE THE MINUTES OF THE REGULAR MEETING OF THE ENGLEWOOD HOUSING AUTHORITY BOARD OF COMMISSIONERS HELD OCTOBER 5, 2011. COMMISSIONER HAYNES SECONDED THE MOTION.

Ayes: Bradshaw, Hara, Schleiger, Haynes, Williams
Nays: None
Abstained: None
Absent: None

The Chair declared the motion carried.

VI. DIRECTOR'S REPORT

A. Narrative

The current balance in the Section 8 Administrative Fee Reserve is approximately \$45,000. \$35,000 of the reserves will be used to cover the shortfall caused by the reduction in the Administrative Fee from HUD.

The City of Sheridan approved utilizing the Sheridan Administrative Fee Reserve for the same reason. The balance of that account is \$85,000.

Pat Coyle, Director of the Colorado Division of Housing, is organizing a meeting in order to supplement the contractors' fees for administrating the state's vouchers. The contact with DOH ends June 31st.

HAAT Force volunteers have been distributing severe weather voucher from the Salvation Army office and the EHA board room. EHA is working with the volunteers to minimize disruption to the other tenants. The HAAT Force funds for the motel vouchers have been depleted and donations are being requested.

Dawn Shepherd met with the developers who have the site of Martin Plastics at Santa Fe and Oxford under contract. They are proposing a mixed use Transportation Oriented Development with 140 studio, 1 and 2 bedroom units. Office space and a restaurant are also planned on site. They are seeking 4% tax credits. They will seek support of the project from EHA. A discussion on economic feasibility followed. The developers would like to attend the January meeting to discuss the project. The Board Members concurred that they would like them to attend. If EHA were to partner in the project that partnership would exempt them from property tax and would allow them to obtain a favorable interest rate. It is possible they could seek private investment bonds from the City. Advantages and disadvantages were discussed. Economic feasibility might dictate the minimum number of affordable units. The Urban Land Conservancy is not able to supply funds to a project outside of Denver. The developers may seek to supplement the funds they would have contributed if in Denver.

Dawn Shepherd had been in contact with the Community Housing Development Corporation regarding a possible joint venture. They called with specific properties in mind located west of Broadway and south of Hampden. It could involve up to 60 units

of affordable housing. The Board Members agreed that Dawn Shepherd should explore the proposal.

Commissioner Haynes confirmed that in cases of bed bug infestations the units of the friends of the residents involved are examined. EHA may also check the cars of the residents who provide transportation for other residents.

Commissioner Williams commented that reconfiguring the trash room so that the dumpsters are stored inside has decreased the opportunity for infestation by limiting access to infested items. The front office and the board room are currently scheduled for pest extermination sprays every two weeks.

The owner of the dog that bit a maintenance technician did receive a court summons. The staff person did not require shots; the court had not yet notified EHA of the outcome of the court case.

B. Financial Reports

Commissioner Schleiger questioned the future ability of the voucher programs to be self-supporting. Geula Sherman considered it unlikely given the depth of the cuts in the administrative fee. Chair Bradshaw requested close monitoring of those accounts. The Englewood voucher program will sustain a \$35,000 loss in 2012.

Chair Bradshaw expressed concern that the funds budgeted for legal expenses were adequate. The budgeted amount is based on an extension of 2011 expenses. If necessary the amount could be increased through the budget adjustment process. Current legal expenses were discussed.

Vice Chair Hara requested the amount of the Simon Center residual receipt balance. A HUD notice dated November 22, 2011 requires all projects with HAP contracts to use residual receipts to cover any increase in rental amounts.

C. Program Reports

Commissioner Haynes noted the work order report. The REAC inspection was not ongoing. Annual HQS inspections may have generated some of the increased number of orders. Work orders may be called in by the residents or generated by EHA staff during inspections. The unit category may be used for work orders not included in other categories.

A discussion of the portability process followed and its impact on utilization and budget, absorbing or administrating vouchers. EHA is absorbing ported families. The Programs Reports show the number of vouchers administered and absorbed.

VII. DISCUSSION ITEMS, MOTIONS AND RESOLUTIONS

A. Resolution 18, Series 2011 Resolution to Amend the Section 8 Administrative Plan

A family recently wished to port to Englewood from another state. The head of household expressed concern that his criminal record would prevent Englewood from accepting the family. EHA's customary procedure is to request a criminal background report on every family who enters the program. In this case HUD noted that our Administrative Plan did not expressly state that a criminal background report would be run on each family porting into Englewood. Resolution 16 amends the Plan to include this statement and to also clarify the reasonable accommodation paperwork that each applicant family will receive.

If EHA receives reports of criminal activity EHA will obtain police reports and can run a background check.

MOTION

COMMISSIONER HAYNES MOVED TO APPROVE RESOLUTION 16 TO AMEND THE SECTION 8 ADMINISTRATIVE PLAN. COMMISSIONER SCHLEIGER SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Schleiger, Williams, Haynes
Nays:	None
Abstained:	None
Absent:	None

The Chair declared the motion carried.

B. Resolution 17, Series 2011 Resolution Approving the Consolidated Budget

Chair Bradshaw requested the cancellation of her subscription to the Englewood Herald.

Geula Sherman reported that health insurance cost had increased 7%. Dawn Shepherd stated that EHA is very grateful to be included under the City's umbrella of health benefits. We are glad for the work City staff does to keep premiums reasonable. The Housing Authority pays for our staff's insurance premiums.

HUD will not fund the Public Housing Operating Subsidy. EHA will use reserves in lieu of receiving a subsidy. The Section 8 Administrative Fee is reduced 25%. This shortfall will be covered by reserves.

Grant applications to Arapahoe County were noted. The fire suppression canisters and the engineering study will not be procured without the grant funding.

The budget as presented does not contain salary increases for staff. The cost of a 0 to 3% merit increase at anniversary date is \$8,000. The City of Englewood has budgeted a 3% salary increase for staff. A discussion of reserves followed.

MOTION

VICE CHAIR HARA MOVED TO APPROVE A MERIT INCREASE FOR STAFF OF 0 TO 3% ON ANNIVERSARY DATES IN 2012. COMMISSIONER HAYNES SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Williams, Haynes
Nays:	Schleiger (procedure)
Abstained:	None
Absent:	None

The Chair declared the motion carried.

Commissioner Haynes clarified that the PILOT expense is a payment in lieu of taxes that EHA makes to the City to cover services normally covered by property taxes. The value of the discounted property taxes is approximately \$5,000. In addition EHA does donate \$5,000 to the Art Bus.

The site improvements specified in the budget were noted. Planned purchases of equipment are found in Dwelling Equipment.

Commissioner Schleiger noted that Simon Center 2012 budget projects revenue lower than 2011.

Dawn Shepherd noted that the amount of Social Security the residents receive did increase which will result in an increase in rents. Housing Assistance Payments from HUD will not increase.

Commissioner Haynes noted that the phone and internet expense decreased for 2012. The EHA contract with XO has been terminated and EHA has entered into a new contract with Integra at a reduced rate.

New items to the budget are the lease purchase payments re the Johnson Controls, Inc. (JCI) project and the solar set aside. The JCI interest is an expense. The principal appears on the balance sheet.

MOTION

VICE CHAIR HARA MOVED TO APPROVE RESOLUTION 17 TO APPROVE THE ENGLEWOOD HOUSING AUTHORITY CONSOLIDATED OPERATING BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2012. COMMISSIONER HAYNES SECONDED THE MOTION.

Ayes:	Bradshaw, Hara, Schleiger, Williams, Haynes
Nays:	None
Abstained:	None
Absent:	None

The Chair declared the motion carried.

VIII. INFORMATION AGENDA

EHA's designation as an EIV star and High Performer by HUD was noted. Mayor Pro Tem Woodward discussed the PIH Notice regarding FHEO's proposed rules.

IX. GENERAL DISCUSSION

A. Commissioner's Choice

Commissioner Schleiger inquired into any relationship with EHDC.

The commissioners exchanged holiday greeting and wishes. Vice Chair Hara noted that his singing group would be performing carols at The Terraces and Libby Bortz and also Bonfils.

B. Director's Choice

Dawn Shepherd is excited about the potential developments and partnership with Community Housing Development Corp.

C. Council Communication

Mayor Pro Tem Woodward also wished everyone happy holidays. City revenue is up 9% from last year. Englewood does not receive tax revenue from Ikea.

IX. ADJOURNMENT

Chair Bradshaw declared the meeting adjourned at 6:20 pm.

Beverly J. Bradshaw, Chair
Englewood Housing Authority
Board of Commissioners

Dawn Shepherd, Executive Director
Englewood Housing Authority
Board of Commissioners



City of Englewood

**ENGLEWOOD LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY
Telephone Poll
December 21, 2011**

1. Consideration of Minutes

- a) Results of the minutes of the telephone poll of December 7, 2011.

Vote results:

Ayes: Members Buchanan, Lay, Ostmeier, VanDerLeest, Wilmoth
Nays: None

The minutes were approved.

2. Renewals

- | | |
|---|--|
| a) Colore Italian Restaurant & Pizzeria
2700 S. Broadway | Hotel/Restaurant Liquor License
Expires February 22, 2012 |
| b) Jasmine Chinese Cuisine
3999 S. Broadway | Hotel/Restaurant Liquor License
Expires December 15, 2011 |

Vote results:

Ayes: Members Buchanan, Lay, Ostmeier, VanDerLeest, Wilmoth
Nays: None

The renewals were approved.

3. Modification of Premises

- a) YJHW Inc dba Englewood Wine and Spirits
2709 S. Broadway
Retail Liquor Store Liquor License

Vote results:

Ayes: Members Lay, Ostmeier, VanDerLeest, Wilmoth
Nays: Member Buchanan

The Modification of Premises was approved but several members had concerns regarding the number of entrances as well as the appearance of a "combination" of the liquor store and the mini mart. The liquor store remains a separate entity from the mini mart with only a door connection. These concerns will be passed on to the new owners of both the mini mart and the liquor store.

* * * * *

/s/ Kerry Bush, MMC
Deputy City Clerk



City of Englewood

**ENGLEWOOD LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY
Telephone Poll
January 4, 2012**

1. Consideration of Minutes

- a) Results of the minutes of the telephone poll of December 21, 2011.

Vote results:

Ayes: Members Buchanan, Lay, Ostmeier, VanDerLeest, Wilmoth

Nays: None

The minutes were approved.

2. Renewals

- a) Thorobred Liquors
5050 S. Federal Blvd.

Retail Liquor Store Liquor License
Expires February 22, 2012

Vote results:

Ayes: Members Buchanan, Lay, Ostmeier, VanDerLeest, Wilmoth

Nays: None

The renewal was approved.

3. Special Event Permit

- a) Museum of Outdoor Arts
1000 Englewood Parkway
March 10, 2012 from 5:00 p.m. to 9:00 p.m.

Vote results:

Ayes: Members Buchanan Lay, Ostmeier, VanDerLeest, Wilmoth

Nays: None

The special event permit was temporarily approved for the Museum of Outdoor Arts, pending the ten (10) day posting of the property and with the public hearing date of January 18, 2012, which will be vacated if no written protests to the issuance of the permit are received by the City Clerk, during the ten-day posting. If no protests are received, the permit will be approved with the January 18, 2012 date. Neighborhood boundaries are set at: Yale Avenue to the north, Oxford Avenue to the south, Broadway to the east and Zuni Street to the west.

* * * * *

/s/ Kerry Bush, MMC
Deputy City Clerk