

WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: August 19, 2015

SUBJECT: REVISED -Briefing and Post-City Council Briefing Agenda for August 24, 2015

PREPARED BY: Steve Smithers, Acting City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to Monday night's Briefing and Post-City Council meeting briefing, the following schedule has been prepared:

Dinner 6:00 P.M.

Council Briefing (The public is welcome to attend.)

6:30 P.M.

CITY MANAGER'S REPORT

POST BRIEFING (The public is welcome to attend.)

PRESENTATIONS

1. DIA Settlement Discussion with Adams County Commissioners - Verbal

CITY COUNCIL REPORTS

None at this time.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY

- 1. Discuss strategy and progress on negotiations involving property interests of the City concerning collaborative intergovernmental efforts for the provision of water and utility service as authorized by W.M.C. 1-11-3(C)(2) and (7) as well as C.R.S. 24-6-402(4)(a) and (e)(I) *Confidential Memo*
- 2. Planning Division Activity Report for the 1st Half of 2015
- 3. Monthly Residential Development Report
- 4. Review of City's Good Neighbor Policy

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

Stephen P. Smithers Acting City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call <u>303-658-2161/TTY 711 or State Relay</u>) or write to <u>mbarajas@cityofwestminster.us</u> to make a reasonable accommodation request.



Staff Report

Information Only Staff Report August 24, 2015



SUBJECT: Planning Division Activity for the First Half of 2015

PREPARED BY: Grant Penland, Principal Planner

Summary Statement

This report is for City Council information only and requires no action by City Council.

- This report provides the City Council with a summary of administratively approved projects processed between January and June 2015, since not all projects approved by the City require a public hearing and Planning Commission or City Council review.
- The Westminster Municipal Code subsections 11-5-9(B) and 11-5-10(B) require that a report be provided to the City Council that describes administratively approved Preliminary and Official Development Plans (PDPs and ODPs).
- Staff also reports some of this information as specific projects are approved throughout the year in the City's The Weekly. However, this report summarizes the development projects approved during the first half of 2015.

Staff Report – Planning Division Activity for the First Half of 2015 August 24, 2015 Page 2

Background Information

The Municipal Code allows the approval, by the City Manager or designee, of developments that are 10 acres or smaller without public hearings. This administrative approval eligibility does not include any Preliminary or Official Development Plans on a site larger than 10 acres (up to 20 acres for a project the City Council determines to be an economic development project), or any Official Development Plan amendment changing any zoning standard by more than 10% over the existing requirement. Notwithstanding any of the above, if neighborhood controversy arises during the development review process, projects are scheduled for the Planning Commission by the staff, even if they are eligible for administrative approval. As previously referenced, the Municipal Code requires that a report be provided to the City Council that describes administratively approved PDPs and ODPs.

In addition to the municipal code requirements to report on administratively approved Preliminary Development Plans and Official Development Plans, the Planning Division tracks activity levels in various areas and for performance measures. A list of the projects that were administratively approved is outlined in the attached table.

Highlights of the first half of 2015 Planning Division activities are summarized below:

- A total of 58 Official Development Plan Amendments, Official Development Plan Waivers and Preliminary Development Plan Amendments were approved administratively in the first half of 2015. This represents a 3.3% decrease over approvals in the first half of 2014 (58 v. 60).
- In the first half of 2015, staff held 236 informational meetings with customers interested in developing projects within the City. This is a 67.4% increase over 2014 (236 v. 141).
- The number of customer inquiries between January and June of 2015 was 6,516. This includes 634 walk-ins and 5,882 phone and e-mail requests. This is a 60.3% increase over 2014 (6,516 v. 4,065).
- For the first half of 2015, 243 business licenses were processed, which is a 4.7% decrease compared to the activity in the first half of 2014 (243 v. 255).

The work the Planning Division performs supports all of the City Council's Strategic Plan Goals.

Respectfully submitted,

Stephen P. Smithers Acting City Manager

Attachment – First Half 2015 Administratively Approved Projects List

First Half of 2015 Administratively Approved Projects List

Subdivision Filing Block Lot	TOCATION ADDRESS I PROJECT		Project Type	Description of Project	Date Approved 6/25/2015	
		9101 Harlan Street (NWC Harlan St & 91st Ave)	Telecommunications	New antennas for better coverage and higher telecommunication speeds.		
Lowell Manor 1st Replat, Lot 1	Lakeview Apartments	3791 W. 68th Avenue (NWC Lowell Blvd & 68th Avenue)	Residential	Updating and improving landscaping at entrance, leasing office, courtyards and bldgs. I, H, C, and B.	6/25/2015	
Valley Lot 1	Shepherd of the Valley Lutheran Church	8997 W. 88th Avenue (NEC Field Street & 88th Ave)	Institutional	Install 5-foot tall powder coated aluminum fence with 2 gates, approximately 100' long between church and office buildings.	6/17/2015	
Westminster Plaza Lot 13	Westminster Plaza	7301 N Federal Blvd (approximately Hooker St & 72nd Ave)	Commercial	Upgrade path of travel to improve ADA accessibility.	6/17/2015	
Northpark Filing 8 Block 1, Lot 3	Northpark	10359 Federal Blvd. (SEC Federal Blvd & 104th Ave)	Telecommunications	Modify existing rooftop facility for Sprint Wireless.	6/17/2015	
Lowell Manor 1st Replat, Lot 1	Lakeview Apartments	3791 W. 68th Avenue (NWC Lowell Blvd & 68th Avenue)	Residential	Updating and improving south building elevations. Also updating building signage and exterior door/trim paint.	6/15/2015	
Westglenn Filing 2 Replat, Lot 3C	Mattress Firm - Town Center at Brookhill	6925 W 88th Ave (NWC Pierce Street & 88th Ave)	Commercial	New interior renovations/tenant improvement of existing retail building, including new awning structures.	6/2/2015	
Sheridan Park North Filing 1, Block 1	Hampton Inn	5030 W 88th Place (Yates & 88th Place)	Commercial	Façade upgrade-updating hotel exterior & porte-cochere to Hiltons new franchise standards.	6/1/2015	
Registry Longsview	Longsview Apartments	Zuni Street & Federal Parkway	Residential/Commercial	Modify fencing to address grades.	6/1/2015	
Park Centre Filing 1, Block 13, Lot 11	Urban Box	1461 W. 124th (Pecos & 124th Ave)	Commercial	Construct 2 buildings with 14 units total (condos/office).	5/28/2015	
Hyland Village	Hyland Village	SWC 98th and Sheridan	Residential	Allow a 3-car garage alternative for alley-loaded SFD homes. Renovate the existing shopping	5/27/2015	
Summit Square Shopping Center 1st Replat, Block 1, Lot 1	Summit Square	8430 Federal Blvd (NEC 84th & Federal Blvd)	Commercial	center façade and create a secondary main entryway for future tenant space.	5/26/2015	
Lucent Technologies 2nd Replat, Lot 1C	Park 12 Hundred	1150 W. 120th Avenue (SWC 120th & Huron)	Commercial	Exterior revisions including additional doors, windows, and outdoor plaza.	5/18/2015	
Park Centre Filing 4, Block 4, Lot 2D	Hooters	1111 W 120th Ave (NEC Mariposa St & 120th Ave)	Restaurant	New patio addition.	5/12/2015	
Registry Longsview Quail Crossing Commercial	Registry Longsview	Zuni Street & N Federal Blvd 13587 Huron (SWC Huron	Residential	Minor revision to revise tree and shrub quantities. Minor modifications to architectural plans and elevations.	5/7/2015	
Filing 1, Lot 4	Quail Crossing	St & 136th Ave)	Commercial	In-line retail with drive-thru. Telecommunications Upgrade	5/6/2015	
AMPS MTSO Block 1, Lot 2 Lucent Technologies 2nd	Verizon Wireless	7195 Newton Street 1100 W 120th Ave (SWC	Telecommunications	(Corrects submission error by AT&T made on ODPAA 14-062) Phase 2A, building elevation &	5/5/2015	
Replat, L01C Country Club Highlands	Park 12 Hundred	Huron & 120th Ave) 2627 W 122nd Ave (NWC	Commercial	landscaping changes.	4/30/2015	
Filing 1, Lot 27 Lucent Technologies 1st	Country Club Highlands	120th & Zuni St) 1300 W 120th Ave (SWC	Residential	Additional Elevation/Home Plan Request for the proposed monument signage fronting 120th	4/30/2015	
Replat, Lot 1B	Digital Globe	Huron & 120th Ave)	Commercial	to be 209.75 square feet.	4/29/2015	

First Half of 2015 Administratively Approved Projects List

		2741 W. 120th Avenue			
Country Club Village Filing		(NEC Federal Pkwy &			
1, 2nd Replat, Lot 2B	Country Club Village	120th Ave)	Commercial	New in-line retail buildings.	4/21/2015
Westminster Price Club				Installation of a new condenser	
Center 2nd Replat, Block 1,		6400 W 92nd Ave (NEC		unit at the receiving dock side of	
Lot 1	Costco	91st Ave & Marshall PI)	Commercial	building.	4/20/2015
				Danaina kaina maka ta masaad	
		11202 thru 11202 Ocean		Repairs being make to recessed windows in stone and the removal	
Highlands at Westbury	Highlands at Westbury	11203 thru 11293 Osage Circle	Residential	of planter boxes on exterior.	4/20/2015
riigilialius at Westbury	riigilianus at Westbury	Circle	Residential	of planter boxes on extenor.	4/20/2013
North Wadsworth Business		10850, 10860, 10900A, &			
Center Filing 1, Block 1, Lot	North Wadsworth Business	10900B Dover St (NEC		Amend ODP to permit Distillery	
1	Center	Dover St & 108th Ave)	Commercial	and associated tasting room uses.	4/15/2015
Orchard Park Place Filing 1,	St. Anthony North Health	SEC 144th & Orchard		2-story, 40,800 square foot	
Block 1, Lot 1	Campus-MOB II	Pkwy	Office	medical office building.	4/15/2015
		4040 to 4250 W 68th Ave			
		(South side of 68th Ave,		Minor adjustment of single family	
Moorings on Hidden Lake	Moorings on Hidden Lake	East of Utica)	Residential	residential lot lines.	4/15/2015
				Retail/mixed-use development of	
				approximately 7 acres to include 2	
				12,600 square foot retail shops	
				and associated parking and	
				landscaping. Two future	
				restaurant pads are included. Also	
				includes a 97 room Marriott	
				Courtyard Hotel with associated	
Orchard Park Place Filing 2,	Courtyard by Marriot at	SWC 144th & Orchard		parking and landscaping on a 2.4	
Block 1, Lots 1 & 2	Orchard Park Place	Pkwy (SEC 144th & Huron)	Commercial	acre parcel.	4/14/2015
		-			
Park Centre Filing 4, Block		1181 W. 120th Ave (NEC		Amend ODP for a fabric awning	
5, Lot 3D	Mad Greens at Park Centre	Mariposa St & 120th Ave)	Restaurant	change for tenant (Madgreens).	4/8/2015
		5654 W. 88th Avenue			
Westminster Village Filing 1,	Westminster Village 88th	(SWC Sheridan Blvd &	0 11	Add new allowable land use	0/04/0045
Block 1, Lots 1, 2 & 3	Ave	88th Ave)	Commercial	(consignment store).	3/31/2015
Fact Brodhum Filing 1	Century Communities	NWC 118th and Lowell	Residential	Amend PDP for minor lot line and	3/26/2015
East Bradburn Filing 1	Century Communities	INVICTION AND LOWER	Residential	park changes Amend ODP for minor lot line and	3/20/2013
East Bradburn Filing 1	Century Communities	NWC 118th and Lowell	Residential	park changes	3/26/2015
Park Centre Fliing 1 1st	Century Communities	IVVC From and Lowen	Residential	Construct a 1-story 53,000 square	3/20/2013
Replat Block 11 Lots 1 & 2	Alliance Data	NWC 122nd and Huron	Commercial	foot office building.	3/19/2015
				Construct a building connection to	
Park Centre Filing 1, 1st		995 W. 122nd Avenue		proposed new building on	
Replat, Block 10, Lot 1	Alliance Data	(NWC 122nd and Huron)	Commercial	adjacent lot to the east.	3/19/2015
				Provide one new storefront	
				window on the southwest building	
W		(005 M 00H 4 /4 114/0		elevation. Provide two new	
Westglenn Filing 2, 2nd	Taura Cantan II D. II III	6925 W. 88th Ave (NWC	0	storefront windows on the	2/10/2015
Replat, Lot 3C	Town Center at Brookhill	Pierce St & 88th Ave)	Commercial	southeast building elevation.	3/18/2015
Sunstream Filing 9, 1st Replat	Sunstream F09	93rd Court & Lark Bunting Drive	Residential	Minor Lot Line Modifications.	3/18/2015
ιτομιαι	Juliaticalii FU7	DIIAC	ivesineilligi	IVIIIIOI LOI LIITE IVIOUIIICATIOTIS.	3/10/2013
				Replacing existing (painted white)	
				wooden fencing along southern	
		Tract A (SEC Home Farm		boundary of Home Farm	
Home Farm	Home Farm	Ave and Huron Street)	Residential	subdivision with white vinyl.	3/10/2015
		,			
		5590 W. 97th Avenue		Minor exterior building material	
Hyland Village	Hyland Village	(SWC 98th and Sheridan)	Residential	modifications.	3/4/2015
		7575 W 400 11 11 11			
Church Dr. 111 St		7575 W. 103rd Ave, Units		In stall 20lm P	
Church Ranch Home Place	Flogobin Dioceire	100 & 102 (NEC Church	Com!-!	Install 20kw diesel generator on	2/2/2015
Filing 1, 3rd Replat Lot 3	Flagship Biosciences	Ranch Blvd & 103rd Ave)	Commercial	north side of bldg.	3/3/2015

First Half of 2015 Administratively Approved Projects List

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Orchard Park Place Filing 1, Block 1, Lot 1	St. Anthony North	14300 Orchard Parkway (SEC 144th & Orchard Pkwy)	Commercial/Institutional	Clarify design changes made during construction, including addition of features (fountain, fireplace, etc.) at Healing Garden, along with minor site changes and exterior building changes.	3/3/2015
East Bay Senior Housing Filing 1, Lot 1	East Bay	South side of 68th Ave, West of Lowell Blvd, East of Utica St	Residential	Remove Lot 1 from East Bay Senior Housing and add it to new Moorings at Hidden Lake PDP that is adjacent.	3/3/2015
Orchard Park Place Filing 1, Block1, Lot 1	St. Anthony North	14300 Orchard Parkway (SEC 144th & Orchard Pkwy)	Commercial/Institutional	Clarify design changes to existing signage, including color change on building mounted signage and main monument sign.	3/2/2015
Westminster Promenade East 4th Replat, Lots 3 & 4	T-Mobile Telecommunications at Westin Hotel	10600 Westminster Blvd (NEC Promenade Drive North & Westminster Blvd)	Telecommunications	Replace 3 antennas with 3 new antennas 700 MHz on existing rooftop with 3 new remote radio units.	3/2/2015
Country Club Village Filing 1 2nd Replat, Lot 2A	Ana's Mexican Grill	2821 W. 120th Avenue Unit E-100 (NEC 120th & Federal Pkwy.)	Restaurant	Addition of patio and railing.	3/2/2015
Mandalay Gardens for Lao Buddhist Temple Sheridan Crossing Filing 1	Lao Buddhist Temple	10685 Dover Street (South of SWC Dover St & 108th Ave)	Institutional	Phasing plan for temple. Minor changes to landscape	2/24/2015
and Filing 2	Sheridan Crossing	SEC 120th and Sheridan	Commercial	plans.	2/24/2015
Mandalay Gardens-Anthem Tract 63A Orchard at Westminster	Anthem Memory Care Marshall's at Orchard Town	(SWC Church Ranch Blvd & Wadsworth Blvd)	Commercial/Institutional	Amend monument sign location. Addition of new in-line tenant	2/19/2015
Filing 1, 6th Replat	Center	SEC 146th and Huron	Commercial	building (Marshall's).	2/18/2015
Park Centre Filing 4, Block 5, Lot 3D	Park Centre Multi-tenant retail	1181 W. 120th Avenue (NWC Mariposa St & 120th Ave)	Commercial	Relocation of light pole to landscape island south of patio, along with removal of screen wall and replace with landscape.	2/15/2015
Northridge at Park Centre Block 9, Lot 1	Northridge at Park Centre	12285 Pecos Street (SWC Pecos St & 124th Ave)	Commercial	Minor revisions to landscape details and building elevations.	2/2/2015
Bradburn Filing 7, Block 2,6 Lot 8	Residence	3905 W. 116th Way	Residential	Setback reduction and revisions to elevations including carriage house.	1/29/2015
Westfield Filing 1, Lot 8	Wendy's	9209 Sheridan Blvd (NWC 92nd Ave & Sheridan Blvd)	Commercial	Partial rebuild of exterior elevations and minor site modifications.	1/29/2015
Westglenn Filing 2, 2nd Replat, Lot 1C	Town Center at Brookhill	7159 W. 88th Avenue (NEC of 88th & Wadsworth)	Commercial	Extend patio on west side of in- line retail from 34 feet to 65 feet.	1/27/2015
Apple Blossom Lane Block 10, Lot 54	Apple Blossom building	7961 Federal Blvd (SWC Federal Blvd & 80th Ave)	Commercial	Modify parking orientation and construct new monument sign.	1/21/2015
Ball Campus 1st Replat, Lot 9A	Ball Corporation	9675 W 108th Circle (NWC 108th Ave & 108th Cr)	Commercial/Industrial	Installation of storage tank on concrete pad on north side of building to be painted to match existing building.	1/14/2015
Turnpike Commercial Filing 5, Block 1, Lot 1	T-Mobile at Turnpike Commercial	9191 Sheridan Blvd (SWC 92nd Ave & Sheridan Blvd)	Telecommunications	Site Upgrade - Telecommunications.	1/12/2015
Westbrook Shopping Center Filing 1 1st Replat Lots 1A, 2 & 3	Westbrook Shopping Center	9100, 9120, 9140 W. 100th Avenue (SWC 99th Ave & 100th Ave)	Commercial	Add additional retail commercial uses to increase marketability.	1/12/2015
Westpark Center Filing 5, Block 1, Lot 1 Westminster City Hall &	T-Mobile at University of Phoenix Building	8700 Turnpike Drive	Telecommunications	Site Upgrade - Telecommunications. Install a third potable drinking	1/8/2015
Public Safety Center Block 1, Lots 1 & 2	City Hall/Public Safety Center	4800 W. 92nd Avenue	Institutional	water storage tank on City property.	1/6/2015



Staff Report

Information Only Staff Report August 24, 2015



SUBJECT: Monthly Residential Development Report

PREPARED BY: Walter G. Patrick, Planner

Summary Statement

This report is for City Council information only and requires no action by City Council.

- The following report updates 2015 residential development activity per subdivision (please see attachment) and compares 2015 year-to-date totals with 2014 year-to-date totals.
- The table below shows an increase in new residential construction for 2015 year-to-date totals when compared to 2014 year-to-date totals (96 units in 2015 vs. 26 units in 2014).
- Residential development activity for the month of July 2015 versus July 2014 reflects an increase in single-family detached (9 units in 2015 versus 3 units in 2014), a decrease in single-family attached (0 units in 2015 versus 2 units in 2014), and no change in multiple-family or senior housing (0 units in both years).

NEW RESIDENTIAL UNITS (2014 AND 2015)

	JULY			YEA	İ	
			<u>%</u>			<u>%</u> <u>CHG</u>
<u>UNIT TYPE</u>	2014	2015	<u>CHG</u>	2014	2015	<u>CHG</u>
Single-						
Family						
Detached	3	9	800.0	18	77	327.8
Single-						
Family						
Attached	2	0	-	8	19	137.5
Multiple-						
Family	0	0	-	0	0	-
Senior						
Housing	0	0	-	0	0	-
TOTAL	5	9	80.0	26	96	269.2

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Background Information

In July 2015, there were 9 Service Commitments issued for new housing units.

The column labeled "# Rem." on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column will change as new residential projects (awarded Service Commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc., receive Official Development Plan (ODP) approval and are added to the list. Conversely, projects with expired service commitments are removed from the list.

This report supports the City Council Strategic Plan goals of Beautiful, Desirable, Safe and Environmentally Responsible City.

Respectfully submitted,

Stephen P. Smithers Acting City Manager

Attachment – Active Residential Development Table

ACTIVE RESIDENTIAL DEVELOPMENT

Single-Family Detached Projects:	Jun-15	Jul-15	2014 YTD	2015 YTD	# Rem.*	2014 TOTAL
Bradburn (120th & Tennyson)	0	0	0	0	0	0
Bradurn East (120th & Lowell)	0	3	0	4	51	0
CedarBridge (111th & Bryant)	0	0	0	1	2	0
Country Club Highlands (120th & Zuni)	18	1	14	29	26	16
Countryside Vista (105th & Simms)	0	0	0	0	9	0
Huntington Trails (144th & Huron)	2	0	3	4	15	4
Hyland Village (96th & Sheridan)	12	3	0	24	77	4
Legacy Ridge West F08 (107th & Leg. Ridge Pky	0	2	0	12	77	0
Lexington (140th & Huron)	0	0	0	0	2	0
Shoenberg Farms (Berkely Homes)	0	0	0	3	49	0
Various Infill	0	0	1	0	7	1
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0
SUBTOTAL	32	9	18	77	333	25
Single-Family Attached Projects:						
Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Cottonwood Village (88th & Federal)	0	0	0	0	62	0
HollyPark (96th & Federal)	0	0	0	0	58	0
Legacy Ridge West F08 Patio Villas	0	0	0	2	62	0
Hyland Village (96th & Sheridan)	0	0	0	0	153	0
Legacy Village (113th & Sheridan)	0	0	0	8	14	8
South Westminster (East Bay)	0	0	0	3	50	0
Shoenberg Farms	0	0	0	0	8	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	0
Sunstream (93rd & Lark Bunting)	0	0	8	6	2	8
SUBTOTAL	0	0	8	19	551	16
Multiple-Family Projects:						
Hyland Village (96th & Sheridan)	0	0	0	0	54	0
Orchard at Westminster	0	0	0	0	0	194
Prospector's Point (87th & Decatur)	0	0	0	0	24	0
South Westminster (East Bay)	0	0	0	0	28	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	6	0
SUBTOTAL	0	0	0	0	112	194
Senior Housing Projects:						
Crystal Lakes (San Marino)	0	0	0	0	7	0
Mandalay Gardens (Anthem)	0	0	0	0	0	0
SUBTOTAL	0	0	0	0	7	0
TOTAL (all housing types)	32	9	26	96	1003	235

^{*} This column refers to the number of approved units remaining to be built in each subdivision.



Staff Report

Information Only Staff Report August 24, 2015



SUBJECT: Review of City's Good Neighbor Policy

PREPARED BY: Martee Erichson, Risk Manager

Summary Statement

This report is for City Council information only and requires no action by City Council.

This report is to brief City Council on the City's "Good Neighbor Policy" related to the handling of claims for property damage submitted to the City from third parties and citizens.

Background Information

In 1997 the City Council passed Resolution No. 22 for "City Payments for Damages Resulting from Sewer Backups." This policy is commonly referred to as the City's "Good Neighbor Policy." The purpose of the resolution is to address concerns regarding citizen property loss that result from a backup in a City sewer line, where it is determined that the City has no legal liability. This policy allows for up to \$2,500 to be paid to a citizen over and above the cost for cleaning and disinfection, when the citizen's home is damaged and they meet the criteria that is outlined in the policy. The actual dollar amount is determined by what the citizen's personal insurance will not cover up to \$2,500. The City discontinued the practice of cleaning and disinfecting citizen's private property when it became apparent this might create a liability to the City. Practice has since been to assist the citizen by stopping the flow of sewage or water into the home and ensuring the City lines are returned to normal. The citizen is then provided a list of local cleaning companies that the citizen may call at their own discretion, to clean and disinfect their home.

Over the years, it became apparent that there are other circumstances where damage may be caused to citizens' or third parties' property through the actions of City employees where there is no legal liability to the City. Given the City's strong customer service ethic, practice has expanded this policy to include other situations where the actions of employees cause damage to an innocent citizen or third party's property.

The "Good Neighbor Policy" has never been applied to personal injury claims. Personal injury claims are much more difficult to evaluate and are heavily influenced by many factors. One of these factors is the procedures initiated by Medicare a few years ago to ensure Medicare is the secondary payer to all other entities that may have responsibility to pay for an individual's medical treatment. Once payment is made, Medicare will not acknowledge governmental immunity laws or limits established by policies such as the City's "Good Neighbor Policy." Therefore, when it is believed that the City has governmental immunity and/or no negligence in a claim for bodily injury, the claim is denied on those grounds and no payment is offered.

Staff Report – Review of City's Good Neighbor Policy August 24, 2015 Page 2

The City's "Good Neighbor Policy" helps achieve City Council's Strategic Plan Goal of "Financially Sustainable Government Providing Excellence in City Services" by working to mitigate the cost of claims to the City while maintaining good rapport with citizens.

Respectfully submitted,

Stephen P. Smithers Acting City Manager