

**SPECIAL STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
City Council Chambers 7500 W. 29<sup>th</sup> Avenue  
**January 8, 2018**

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 10:54 p.m.

Council members present: George Pond, Janeece Hoppe, Monica Duran, Tim Fitzgerald, Zachary Urban, Leah Dozeman, and Larry Mathews

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; other staff, guests and interested citizens.

**CITIZEN COMMENT ON AGENDA ITEMS**

none

**APPROVAL OF AGENDA**

1. Clear Creek Crossing I-70 Hook Ramp Construction

Mr. Goff reported that related to the I-70 hook ramps the City has two proposed IGA's – one with CDOT and one with the Long's Peak Metropolitan District. He introduced

- Steve Nguyen, our Engineering Manager,
- Kim Seter of Seter & Vanderwall, LLC, who represents the Metropolitan District, and
- Tyler Carlson of Evergreen Devco if Council would like to ask them questions.

Steve Nguyen summarized.

- The IGA with CDOT sets the terms for modifying/reconstructing the ramps in full compliance with CDOT standards and defines long-term maintenance responsibilities.
- The IGA with Long's Peak sets who is responsible for the construction of the ramps and for compliance with CDOT standards (quality assurance, testing standards, etc.) in dealing with Evergreen.

Mr. Goff informed Council

- The hook ramps will be paid for with 2E funds up to \$10M.
- Construction will be by Mortenson Construction, who is Evergreen's contractor.

Mr. Dahl suggested Council think of the IGA with the Metropolitan District as the City being the owner, and Longs Peak being the general contractor. The City is contracting with Long's Peak to produce this improvement. The City's obligation is to pay -- \$10M, less money that has already been spent such as money to the Denver Water Board for the changes to the bore tunnel. Costs beyond \$10M will be the responsibility of Long's Peak. This arrangement protects the City from the risk of cost over-runs.

Mr. Seter stressed that he, Mr. Goff and Mr. Dahl have been talking about this agreement for a while, but wanted Council to be aware that Long's Peak has not yet

seen this agreement or made commitments to pay for the entire project. Mr. Goff agreed some negotiation is yet to happen, but he wanted to get an update to Council.

Council questions

Mr. Urban suggested there seems to be a traffic jam of players with the City contracting with AECOM and coordinating with the Metro District, who is then contracting with Evergreen, who is contracting with Mortenson. He asked why the City wasn't doing the contracting. Mr. Goff said it is more efficient and cost effective to have Long's Peak build the ramps; the service plan the City approved with them gives them the authority to build these infrastructure improvements. Staff capacity is an issue; the City has several projects going on right now. AECOM is just a staff extension that will help manage the project with billing, invoicing and making sure the CDOT standards are met. Projects with multi-party agreements are common for CDOT.

Councilmember Fitzgerald asked for consensus to suspend the rules and go past 11:00pm. The consensus was approved 6-1.

Councilmember Mathews had two questions:

Was the project put out for public bids and awarded to the lowest responsible bidder? Should the project be completed for less than \$10M, who keeps the left over money?

- o Tyler Carlson noted that Evergreen is not a direct party to this contract. It's an IGA between the District and the City. Evergreen is the controlling member of the District with three seats on the Board; Coors has two seats. He stated that Mortenson is only being hired as a construction manager to facilitate the bidding process. Mortenson may bid on the project, but the Metro District will compare the bids and make a recommendation to the City. The City will select their choice for the most qualified bidder.
- o Mr. Carlson said it's also important to note is that the District is not being compensated for this work. Third party costs *will* be reimbursed, but there is no fee for this. He agreed with Councilmember Urban and would rather not have the District building the improvements, but it is a staffing issue for the City. There are also other district improvements later in the year that will roll into this – so it does end up being more efficient. The Districts goal is to be good stewards for the City – to be eyes and ears for bidding, contracting, and facilitating – to make sure it's done properly. The District has the staff to do it. It's also not a stipulated sum contract.

Mr. Goff indicated this will come to another study session so there can be more discussion.

**ADJOURNMENT** The Special Study Session adjourned at 11:08p.m.

APPROVED BY CITY COUNCIL ON February 12, 2018

  
Janelle Shaver, City Clerk

  
Tim Fitzgerald, Mayor pro tem