

**LOVELAND CITY COUNCIL MEETING  
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS  
GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS  
TUESDAY, MAY 1, 2012  
CITY COUNCIL CHAMBERS  
500 EAST THIRD STREET  
LOVELAND, COLORADO**

**THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.**

**5:30 P.M.                      DINNER - City Manager's Conference Room  
6:30 P.M.                      REGULAR MEETING - City Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION DECLARING MAY 7 - MAY 11, 2012 AS "EPSILON SIGMA ALPHA WEEK"**

**PROCLAMATION DECLARING APRIL 29 - MAY 5, 2012 AS "MUNICIPAL CLERKS WEEK"**

**PROCLAMATION DECLARING MAY, 2012 AS "MENTAL HEALTH MONTH"**

**PROCLAMATION DECLARING MAY, 2012 AS "ARCHAEOLOGY & HISTORIC PRESERVATION MONTH (includes presentation of landmark plaques)**

*Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.*

*Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.*

*Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.*

**CONSENT AGENDA**

1. **CITY CLERK**  
**APPROVAL OF COUNCIL MINUTES**  
**Consideration of a motion approving Council minutes**  
 This is an administrative action to approve Council minutes from the April 10, 2012 study session and April 17, 2012 regular meeting.
  
2. **FINANCE**  
**SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2011 CITY BUDGET**  
**Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to reappropriate remaining funds for projects approved but not completed in 2011 and new projects**  
 This is an administrative action. The Ordinance reappropriates funding for capital projects and other one-time projects approved but not completed in the prior year and a small number of new projects that were not anticipated at the time of budget adoption. City Council unanimously approved the first reading ordinance on April 17, 2012.
  
3. **FINANCE**  
**SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2011 AIRPORT BUDGET**  
**Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 Ft. Collins-Loveland Municipal Airport budget to appropriate funds for projects approved but not completed in 2011 and for projects associated with an expanded state grant**  
 This is an administrative action to appropriate funds for projects approved but not completed in 2011 and for projects associated with an expanded state grant. City Council unanimously approved the first reading ordinance on April 17, 2012.

**ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)**

4. **FINANCE**  
**SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2011 LURA BUDGET**  
**Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the Loveland Urban Renewal Authority budget to reappropriate the Facade Grant Program approved in 2011 but not completed.**  
 This is an administrative action. Funding for projects approved in 2011 but not completed is reappropriated in the 2012 budget. City Council unanimously approved the first reading ordinance on April 17, 2012.

**ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)**

5. **FINANCE**  
**SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2011 GID #1 BUDGET**  
**Consideration on second reading of an ordinance adopting a supplemental budget and appropriation for the 2012 Loveland General Improvement District #1**

**to reappropriate funds for signal light upgrades approved in 2011 but not completed**

This is an administrative action. Funds approved in 2011 for signal pole upgrades are appropriated to complete the project. City Council unanimously approved the first reading ordinance on April 17, 2012.

**ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENE AS CITY COUNCIL**

**6. CITY CLERK**

**PUBLIC HEARING**

**MUNICIPAL CODE AMENDMENT – LIEN PROCESSES**

**Consideration on first reading of an ordinance amending Title 3 of the Loveland Municipal Code by the addition of a new Chapter 3.50 to consolidate and amend the lien and collection processes for the city’s current code provisions related to weed abatement, graffiti removal, refuse removal and snow removal**

This is a legislative action. Approval of the ordinance will amend the Municipal Code to collect the full costs associated with the City’s actions to mitigate certain real property Code violations when a property owner does not comply with the City Code. It creates a standard lien and collection process within the Code for certain types of real property Code violations.

**7. PUBLIC WORKS**

**BICYCLE AND PEDESTRIAN PLAN**

**Consideration of Resolution #R-31-2012 adopting the Bicycle and Pedestrian Plan of the City of Loveland and amending the 2005 Comprehensive Master Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, which is a functional (component) element of the 2005 Comprehensive Master Plan**

This is legislative action to adopt the Bicycle and Pedestrian Plan and to amend the 2005 Comprehensive Master Plan and 2030 Transportation Plan. Any proposed funding for implementation of the Bicycle and Pedestrian Plan will be determined with the 2035 Transportation Plan that is currently being developed.

**8. PUBLIC WORKS**

**TRAFFIC SIGNAL INSTALLATION CONTRACT AWARD**

**Consideration of a motion awarding a contract for traffic signal installation services in the amount of \$1,196,635 and authorizing the City Manager to execute the contract**

This is an administrative action to renew the City’s contract with W.L. Contractors, Inc. to provide traffic signal installation services throughout the City of Loveland and authorizing the City Manager to execute the contract. Sufficient funds have been appropriated and budgeted in 2012 for this contract renewal.

**9. DEVELOPMENT SERVICES**

**PUBLIC HEARING**

**UTILITY EASEMENT VACATION – LOVELAND BUSINESS PLAZA FIRST ADDITION**  
**Consideration on first reading of an ordinance vacating a utility easement on Lot 1, Block One, amended Plat of Lots 2-6, Block 3 Loveland Business Plaza First Addition**

A legislative action and public hearing to consider an ordinance on first reading vacating a 250 square foot utility easement on Lot 1, Block One in the Loveland Business Plaza First Addition, located at 1122 North Denver Avenue.

**10. FINANCE**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION – MATCHING GRANT FUNDING TO LOVELAND FIRE RESCUE AUTHORITY**

**Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to provide funding to the Loveland Fire Rescue Authority for matching funds required by a federal grant and for the programing and installation of the radios**

This is an administrative action. The ordinance increases the City's contribution to the Loveland Fire Rescue Authority to provide 100% of local matching funds for a Federal Emergency Management (FEMA) Assistance to Firefighters Grant to replace radios, and provide funding to install and program the radios after the purchase.

**11. WATER & POWER**

**MORNING DRIVE WATERLINE CONSTRUCTION BID AWARD**

**Consideration of a motion awarding a contract for the Morning Drive 36-inch Waterline Project to Connell Resources, Inc in the amount of \$1,528,942.75 and authorizing the City Manager to execute the contract**

This is an administrative action. The Department of Water and Power received sealed bids for the Morning Drive 36-Inch Waterline Project, number W1007D, on March 29, 2012. Review of the bid results shows that Connell Resources, Inc., is the low bidder for the base bid plus "Bid Package A" for a total price of \$1,528,942.75.

**12. WATER & POWER**

**IGA WITH COLORADO STATE UNIVERSITY FOR RESEARCH & LAB SERVICES**

**Consideration of Resolution #R-32-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Board of Governors of the Colorado State University System, acting by and through Colorado State University, for research and lab services**

This is an administrative action to adopt a resolution approving an IGA between the City and CSU for lab and research services. The City intends to partner with CSU on current and future water quality lab services and research projects.

**13. WATER & POWER**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION – VALLEY SUBSTATION EQUIPMENT**

**Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase for switchgear at the Valley Substation**

This is an administrative action. The department is requesting the movement of funds which allows the purchase of the new system protection equipment at the Valley Substation.

**END OF CONSENT AGENDA**

**CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**



**CITY COUNCIL**

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

**PROCEDURAL INFORMATION**

*Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.*

**REGULAR AGENDA****CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**14. DEVELOPMENT SERVICES  
PUBLIC HEARING**

**AMEND GENERAL DEVELOPMENT PLAN FOR MILLENNIUM ADDITION**

**Consideration on first reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located within the Millennium Addition PUD - 8th Amendment (#P-59), approving the 9th Major Amendment to the General Development Plan for the Millennium Addition PUD**

This item is a public hearing to consider a quasi-judicial action to adopt an ordinance on first reading amending the land use, development standards and public hearing process established in the Millennium General Development Plan (the "GDP"). The Millennium PUD consists of 2,916 acres located generally on the east side of Loveland. The applicant is McWhinney Real Estate Services, Inc.

**15. ECONOMIC DEVELOPMENT  
LOVELAND BRAND CONCEPTS**

This is an information only item. No action is required. This is a discussion with City Council regarding the Destination Loveland brand concepts which the Community Marketing Commission is considering for Loveland's tourism marketing effort.

**16. FINANCE  
MARCH 2012 FINANCIAL REPORT**

This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending March 31, 2012.

**17. CITY MANAGER  
INVESTMENT REPORT FOR MARCH 2012**

This is an information only item. No action is required. The budget estimate for investment earnings for 2012 is \$2,729,560. For March 2012, the amount posted to the investment account is \$925,544 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$243,735. Based on the March monthly statement, the estimated annualized yield on the U.S. agencies and corporates slipped down to 1.46%, under the annual target rate of 1.7% for 2012. Reinvestment rates have trended downward and remain lower than the budget projection.

**18. CITY MANAGER  
EXECUTIVE SESSION CONCERNING THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S (HUD'S) MIRASOL DECISION**

**ADJOURN**



## CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537  
 (970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

## PROCLAMATION

**WHEREAS** Epsilon Sigma Alpha International - a service organization devoted to philanthropic, educational, and leadership endeavors that promote the public good - is commemorating 83 years of tireless work in communities, states, and nations around the world; and

**WHEREAS** founded in 1929, Epsilon Sigma Alpha is an international leadership and service organization; and

**WHEREAS** Epsilon Sigma Alpha members provide over 650,000 direct service hours each year, including more than 30,000 in the state of Colorado; and

**WHEREAS** Epsilon Sigma Alpha is a network of thousands of members in more than 1,100 chapters in the United States and abroad, with a membership in Colorado of more than 500 members and comprising of 56 chapters; and

**WHEREAS** Epsilon Sigma Alpha raises over \$9 million each year for charitable causes through both international and local projects and recipients, some of which are Larimer County Food Bank, McKee Baby Foundation, Pathway Hospice, Alternatives to Violence, House of Neighborly Service, and supply and fund raising efforts for Veterans; and

**WHEREAS** the State of Colorado honors Epsilon Sigma Alpha for 83 years of dedication to the citizens of this state.

**NOW, THEREFORE**, we, the City Council of Loveland, do hereby proclaim May 7 through May 11, 2012 as

### EPSILON SIGMA ALPHA WEEK

Signed this 1st day of May, 2012

Cecil A. Gutierrez  
 Mayor





## CITY COUNCIL

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## PROCLAMATION

- WHEREAS** The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and
- WHEREAS** The Office of the Municipal Clerk is the oldest among public servants, and
- WHEREAS** The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and
- WHEREAS** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.
- WHEREAS** The Municipal Clerk serves as the information center on functions of local government and community.
- WHEREAS** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.
- WHEREAS** It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW, THEREFORE**, we the City Council of Loveland, do hereby recognize the week of April 29 through May 5, 2012 as

## MUNICIPAL CLERKS WEEK

and further extend appreciation to our Municipal Clerk Team and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed this 1st day of May, 2012

Cecil A. Gutierrez  
 Mayor





## PROCLAMATION

- WHEREAS,** mental health is essential to everyone's overall physical health and emotional well-being; and
- WHEREAS,** one in every four families is affected by a mental illness in a given year regardless of age, gender, race, ethnicity, religion or economic status; and
- WHEREAS,** Colorado is ranked as the 18<sup>th</sup> most depressed state and has the 9<sup>th</sup> highest suicide rate in the United States; and
- WHEREAS,** the vast majority of children, youth, and adults in Colorado who have mental health disorders are not receiving the help they need; and
- WHEREAS,** access to medically necessary medication and treatment helps prevent individuals from ending up in emergency rooms and corrections facilities and from becoming homeless and, most importantly, prevents suicide; and
- WHEREAS,** it costs 6.5 times more to incarcerate an individual experiencing mental health issues than to treat them in the community; and
- WHEREAS,** improvements are being made in the quality of and quantity of mental health care that is being delivered, and research in this field is being accelerated; and
- WHEREAS,** indirect costs of mental illness in Larimer County total over \$22 million per year; and
- WHEREAS,** comprehensive, community-based services that respond to individuals with mental health needs and their families are cost-effective and beneficial to consumers and to our community.
- WHEREAS,** with appropriate care, people who have a mental illness can recover and lead full productive lives; and
- WHEREAS,** Larimer Center for Mental Health observes nationally recognized Mental Health Month every May to raise awareness and understanding of mental health and illness.

**NOW, THEREFORE,** we, the City Council of the City of Loveland do hereby proclaim May 2012 as

### MENTAL HEALTH MONTH

in the City of Loveland and call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health, and the need for appropriate and accessible services for all citizens.

Signed the 1st day of May, 2012  
 Cecil Gutierrez, Mayor







### PROCLAMATION

- WHEREAS,** historic preservation helps provide a deeper understanding of the diversity of our uniquely local and American heritage; and
- WHEREAS,** historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability of communities across America; and
- WHEREAS,** Colorado Archaeology & Historic Preservation Month 2012 provides an opportunity for citizens of all ages and from all walks of life to make the connection between historic preservation and the aesthetic, environmental and economic well-being of their communities; and
- WHEREAS,** it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
- WHEREAS,** "Discover America's Hidden Gems" is the theme for Archaeology & Historic Preservation Month 2012; and
- WHEREAS,** fifteen heritage-related events, ranging from presentations, a historic homes tour, a bicycle tour, farm and food activities, a local play, and many others will be held by the Loveland community in May 2012 and are listed on the City's website; and

**NOW, THEREFORE,** we, the City Council of the City of Loveland, do hereby proclaim May 2012, as

### ARCHAEOLOGY & HISTORIC PRESERVATION MONTH

and call upon the people of Loveland to recognize and participate in this special observance. In recognition of Archaeology & Historic Preservation Month, we would like to honor all the buildings and sites in Loveland that are on the National Register of Historic Places, Colorado State Register of Historic Places, and Loveland Register of Historic Places.

Signed this 1st day of May, 2012

Cecil A. Gutierrez, Mayor



City Council Study Session  
 April 10, 2012  
 Page 1 of 1

Mayor Gutierrez called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, Farley, Fogle, Taylor, McKean, Trenary, Klassen and Shaffer. Mayor Pro Tem McEwen was absent. City Manager, Bill Cahill was also present. Councilor Taylor recused himself from the discussion on Item 1.

1. ECONOMIC DEVELOPMENT

Business Assistance Request – Yancey's (Project 2012-02)

Economic Development Director, Betsey Hale presented this item to Council for discussion and consideration of a business assistance request from Yancey's Food Service, a Loveland based food service and distribution company located at 5820 Piper Drive. Greg Yancey spoke regarding the history of the business and the partnership that has been built with the City of Loveland. The project includes: expansion of their existing building and construction of a new truck repair, service center and wash facility. The company is requesting Council consider waivers of construction materials use taxes, building permit fees, capital expansion fees and raw water development fees. The recommended incentive is \$102,000.00. Discussion ensued. Council directed staff to move forward with the item for consideration at a regular meeting.

2. FIRE & RESCUE

Emergency Operations Plan

Division Chief, Merlin Green and Lt. Pat Mialy presented this item to Council for an annual review of the new revisions to the Local Emergency Operations Plan. Federal guidelines require the annual review and adoption every three years; however, this review was overdue because of changes made at the Federal level. Lt. Mialy reviewed the changes that were done to reflect the City's organizational and the community's needs. Fire Chief, Randy Mirowski was available to address Council and answer questions. Discussion ensued. Council directed staff to move forward with the item for consideration at a regular meeting.

The study session was adjourned at 7:54 p.m.

Respectfully Submitted,

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Jeannie M. Weaver, Deputy City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: Gutierrez, McEwen, Farley, Klassen, Shaffer, Trenary, McKean, Fogle and Taylor.

**PRESENTATION** Dave Clark, chair of the Chamber Board of Directors, introduced Mindy Moree, the new CEO of the Loveland Chamber of Commerce. Ms. Moree official starts in June.

**PROCLAMATION** Mayor Pro-Tem McEwen read a proclamation declaring, Saturday, April 21, 2012 as "10<sup>th</sup> Annual Spring Waterway Clean-up Event". The proclamation was received by Joe Chaplin from the Public Works Department.

**PROCLAMATION**

WHEREAS, the 10<sup>th</sup> Annual Spring Waterway Clean-up event is one of the programs listed in the City of Loveland's General Municipal Separate Storm Sewer (MS4) Permit; and

WHEREAS, each of the Adopt-A-Waterway Groups consisting of Bill Reed Middle School, the Loveland High River Watch Club, the Kiwanis Club of Loveland, the Namaqua Unitarian Universalist Congregation, the Loveland Open Lands Advisory Commission, Sylvan Dale Guest Ranch, Reflections for Youth, and Cub Scout Pack 184 will be cleaning their adopted sections of the Big Thompson River, the Morey Wildlife Reserve, and the Reflections for Youth (RFJY) and Meadow Brook Natural Areas; and

WHEREAS, the Greeley-Loveland Irrigation and Seven Lakes Reservoir Companies; the High Plains Environmental Center; the Big Thompson Watershed Forum; American Rivers; the City of Greeley; the City of Loveland; Larimer County, along with local businesses such as World Beverage; Walgreens; Wash Time, Wash Me, Speedy Sparkle, and Fairlane Car Wash Facilities; Big Thompson 4 - Wheelers; Bloedorn Lumber-Loveland; Chick-fil-A; Orchards Ace Hardware; Mini Cooper; Wells Fargo; Residence Inn-Loveland; Agrium Advanced Technologies; Wendy's; King GMC; Sportsman's Warehouse; Harley Davidson, and others will be involved to collaborate and provide materials for a successful event; and

WHEREAS, the event is planned to coincide with Earth Day and should attract over 300 volunteers; and

WHEREAS, the event will help improve the aesthetics of the community; and

WHEREAS, the purpose of the event is to provide the citizens of Loveland an opportunity to remove trash and other assorted debris from within and along the City's waterways; and

WHEREAS, these efforts will reduce the pollutants within our community and help improve upon the water quality of the City's waterways, the riparian corridors and our environment.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim Saturday, April 21, 2012 as the

**10TH ANNUAL SPRING WATERWAY CLEAN-UP EVENT**

at various locations in the City of Loveland.  
Signed this 17th day of April, 2012



Cecil Gutierrez, Mayor

**PROCLAMATION**

Councilor Shaffer read a proclamation declaring the month of April 2012 as "Fair Housing Month". It was received by Alison Hade in the Community Partnership Office and Scott Bader from the Affordable Housing Commission.

**PROCLAMATION**

WHEREAS, Title VIII of the Civil Rights Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968; and

WHEREAS, the Month of April is nationally recognized as Fair Housing Month and a time to reflect on and reaffirm our national commitment to the ideal that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status, and disability; and

WHEREAS, this year's theme, Creating Equal Opportunity in Every Community, indicates collaborative effort of the United States Department of Housing and Urban Development and its partners in realizing increased housing opportunities for every individual; and

WHEREAS, the State of Colorado, which enacted prohibitions against housing discrimination in 1959, the first state in the nation to pass anti-discrimination laws pertaining to private property, recognizing and affirming that all persons in the State of Colorado are free to purchase, rent, finance, and insure their homes without regard to their race, color, religion, creed, sex, national origin, ancestry, familial status, marital status, or sexual orientation; and

WHEREAS, the City of Loveland, Colorado welcomes this opportunity to reaffirm our commitment to the principal of fair housing for all and are committed to all efforts that address discrimination in our communities, support all programs that will educate the public concerning their rights to equal housing opportunity and to assure every person their right to live free of the fear of housing discrimination;

Now, Therefore, we, the City Council of Loveland do hereby declare April 2012 as  
**FAIR HOUSING MONTH**

in the City of Loveland, Colorado.  
 Signed this 17th day of April, 2012  
 Cecil A. Gutierrez, Mayor

**PROCEDURAL  
 INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

## CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Farley pulled Item 2. Councilor McEwen moved to approve the Consent Agenda with the exception of Item 2. The motion was seconded by Councilor Klassen and a roll call vote was taken with all councilors present voting in favor thereof.

### 1. CITY CLERK

#### Approval of Council Minutes

##### Motion

Administrative Action: Minutes from the March 13, 2012 study session were approved.

### 2. CULTURAL SERVICES

#### Supplemental Appropriation for Cultural Services Department Programs

##### Ordinance #5674

Removed from the Consent Agenda.

### 3. POLICE

#### 2012 JAG Grant

##### Motion

Administrative Action: A motion approving the City's application for a Federal Justice Assistance Grant (JAG Grant) was approved.

### 4. PUBLIC WORKS

#### Award Construction Contract

##### Motion

Administrative Action: A motion awarding a construction contract, the Washington Avenue Outfall Phase 4 (Garfield Avenue Improvements), Project No. SW-0710, to Edge Contracting, Inc. for the amount of \$1,335,295 and authorizing the City Manager to execute the contract was approved.

### 5. FINANCE

#### Supplemental Appropriation - Appropriate Unused Funds from 2011 City budget

##### 1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO REAPPROPRIATE REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2011 AND NEW PROJECTS" was approved and ordered published on first reading.

### 6. FINANCE

#### Supplemental Appropriation - Appropriate Unused Funds from 2011 Airport budget

##### 1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2011 AND FOR PROJECTS ASSOCIATED WITH AN EXPANDED STATE GRANT" was approved and ordered published on first reading.

At 6:45 p.m., adjourned as City Council and convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

### 7. FINANCE

#### Supplemental Appropriation – Appropriate Unused Funds from 2011 LURA budget

**1<sup>st</sup> Rdg Ord & P.H.** Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET TO REAPPROPRIATE FUNDING FOR THE FAÇADE GRANT PROGRAM APPROVED IN 2011 BUT NOT COMPLETED" was approved and ordered published on first reading.

At 6:45 p.m., adjourned as the Board of Commissioners for the Loveland Urban Renewal Authority and convened as the Board of Directors for the Loveland General Improvement District #1 (GID)

**8. FINANCE**

**Supplemental Appropriation – Appropriate Unused Funds from 2011 GID #1 budget**

**1<sup>st</sup> Rdg Ord & P.H.** Administrative Action: A public hearing was held and "AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE 2012 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 TO REAPPROPRIATE FUNDS FOR SIGNAL POLE UPGRADES APPROVED IN 2011 BUT NOT COMPLETED" was approved and ordered published on first reading.

At 6:45 p.m. adjourned as the Board of Directors for the Loveland General Improvement District #1 (GID) and reconvened as City Council

**END OF CONSENT AGENDA**

**CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

**CITY COUNCIL**

a) Citizens' Reports None

b) Business from Council

Taylor Councilor Taylor mentioned Saturday, April 21 is the Spring Waterway Clean-up event. On Friday, April 20 is the Arbor Day planting at the Thompson Park at 12:30 p.m. and on Saturday at 9:00 a.m. at the Fairgrounds Park.

Trenary Councilor Trenary spoke about a couple of events: Saturday, April 21<sup>st</sup> "1080 Mile Walk" at the Promenade Shops in support of military families; Saturday, May 26 "Remembering Our Fallen" tribute to fallen Coloradoan soldiers at the Loveland Annex Building; a business seminar on Tuesday, April 24<sup>th</sup> at the Chilson Center. Councilor Trenary also mentioned Spring recruitment for Loveland Boards and Commissions is happening now.

McKean Councilor McKean mentioned the Leonardo Di Vinci invention exhibit at the Denver Pavilion running through December 2012.

Klassen Councilor Klassen mentioned the outstanding grand opening events last week for the Rialto Theater.

Farley Councilor Farley expanded on the grand opening events for the Rialto Theater. Over 700 people toured the Rialto during the public event. He congratulated the entire staff of the Rialto Theater. He also attended a Colorado Municipal League class that was very beneficial.

- Shaffer                                      Councilor Shaffer thanked the staff of the Rialto for all of the grand opening events. She also attended the North Front Range Metropolitan Planning Organization meeting and announced that additional funds will be going to the Orchard Transit Center and the fiber optic project. The documentary movie "Rivers and Tides" will be shown at the Rialto in conjunction with Earth Day. The Colorado Municipal League is taking on the issue of quiet zones at railroad crossings.
  
- Gutierrez                                    Mayor Gutierrez spoke about the grand opening events for the Rialto and acknowledged the great support of many local businesses that may this celebration possible: Community Foundation of Northern Colorado, Catering to You by James, Embassy Suites Loveland, Fort Collins Symphony, Grimm Brothers Brewery, KRFC 88.9 FM Radio, RM Parent Magazine, Rowe's Flowers & Gifts and Crop Production Services.
  
- c) City Manager Report                City Manager Cahill shared two calendar items with Council: the joint meeting on April 26<sup>th</sup> with elected officials from Ft Collins, Berthoud, Larimer County will be held in the Loveland Library's Gertrude Scott room; on May 9<sup>th</sup> the City of Loveland has a talbe at the Community Foundation event. He also noted the agenda for the April 24<sup>th</sup> study session would include an item from Water & Power on water for gas and oil exploration.
  
- d) City Attorney Report                None

**PROCEDURAL INFORMATION**

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

**REGULAR AGENDA**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**2. CULTURAL SERVICES**

Councilor Farley recused himself from the consideration of this item, due to a conflict of interest. Councilor Farley is an employee of the Community Foundation.

**Supplemental Appropriation for Cultural Services Department Programs**

**Ordinance #5674**

Administrative Action: This is an administrative action to appropriate \$46,200 in funds donated for programs through the Cultural Services Department. Donation requests are submitted on a regular basis to support additional programming in the Cultural Services Department. Councilor Klassen read the following donations and their donors to the Cultural Services Department: Elevations Credit Union, \$5,000; Poudre Valley Health System, \$5,000; Kroh Charitable Trust, \$4,000; Erion Foundation, \$4,000; Walbye Family, \$2,000; Loveland Community Foundation of Northern Colorado: Public Art Chandelier, \$16,200, Grand Opening Reception \$10,000; Crop Production Services, \$7,000. Councilor McEwen moved to approve "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR DONATIONS TO FUND THE FOOTE LAGOON CONCERT SERIES, THE PHYLLIS WALBYE FILM SERIES, THE GRAND OPENING RECEPTION FOR THE RIALTO THEATER CENTER AND A CHANDELIER COMMISSIONED AS A PUBLIC ART PIECE FOR

THE RIALTO THEATER CENTER" and ordered published on second reading. The motion was seconded by Councilor Shaffer and a roll call vote was taken with all Councilors present voting in favor thereof.

## 9. CITY CLERK

### Approval of Council Minutes

#### a) Motion

Administrative Action: Councilor McEwen made a motion to approve the minutes from the March 27, 2012 study session. Councilor Shaffer seconded the motion. A roll call vote was taken with all Councilors present voting in favor with Councilor Farley abstaining. The motion passed.

#### b) Motion

Administrative Action: Councilor Shaffer made a motion to approve the minutes from the April 3, 2012 regular meeting. Councilor Klassen seconded the motion. A roll call vote was taken with all Councilors present voting in favor and Councilors McEwen and Fogle abstaining. The motion passed.

## 10. FIRE & RESCUE

### Mill Levy Election in Loveland Rural Fire Protection District

#### Information Only

This is an information only item. Fire Chief Randy Mirowski introduced this item to Council. Also present were members of the Loveland Fire Rescue Authority Board and the Loveland Rural Fire Protection District: Jeff Swanty, Dave Legits, Greg White and Barry Gustafson. This was a brief presentation to City Council members providing an update on the May 8, 2012 mill levy election in the Loveland Rural Fire Protection District. By passing Ballot Measure 1A, the Rural District will have adequate revenue for their share of the revenue allocation formula for the Fire Authority. The passage of this measure will have a long-term, positive overall budget impact for Loveland Fire Rescue Authority, allowing the Rural District the ability to meet their obligation for 18% of the overall budget for the Fire Authority.

## 11. PUBLIC WORKS

### RecycleBank Options for Solid Waste Program

#### Information Only

This is an information only item. This item was introduced by Solid Waste Management Superintendent Tyler Bandemer. Tamara Beers of RecycleBank was also present. Public works staff is considering RecycleBank for additional marketing and recycling opportunities that support continued waste diversion increases, economic development efforts, and education. Solid Waste Manager, Mick Mercer was also present to answer questions. City Manager Cahill summarized the discussion and directed staff to bring back to Council: 1) reliable data projections and metrics detailing the expectations of Loveland's program if we proceed with RecycleBank 2) reliable calculation of benefits (dollars & cents; number of users etc.) 3) if there is an arrangement with RecycleBank it be negotiated in a way that is satisfactory 4) negotiations or a contract will need to specify accountability and time limits 5) comparison to alternatives such as other vendors or city programs.

## **ADJOURNMENT**

Having no further business to come before Council, the April 17, 2012 Regular Meeting was adjourned at 10:11 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor


**CITY OF LOVELAND**

BUDGET OFFICE

 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

**AGENDA ITEM:** 2  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

Consideration of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to reappropriate remaining funds for projects approved but not completed in 2011 and new projects.

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. The ordinance reappropriates funding for capital projects and other one-time projects approved but not completed in the prior year and a small number of new projects that were not anticipated at the time of budget adoption. City Council unanimously approved the first reading ordinance on April 17, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Most of the projects or programs in the ordinance were funded in 2011. Funding for these is available since the appropriations that did not occur became fund balance at the end of 2011. The appropriation of these projects, designated as reappropriation in the staff report, do not have an impact on the 2012 budget since the assumption in developing the 2012 budget was that these funds would be spent by the end of 2011.

For the projects labeled as Supplements in the staff report, the funding is available but will reduce previous projections for the 2012 ending balance for the funds affected, reducing available funding for future projects.

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**SUMMARY:**

This action is the reappropriation of funds for projects approved in the 2011 budget that have not been completed or closed out at the end of 2011. By City Charter and state law, all appropriations for any one fiscal year expire on December 31. Reappropriation is necessary to allow the expenditures of ongoing projects to continue into 2012.

Council approved nearly all of the projects included in the ordinance as a part of the 2011 Budget. Also included are appropriations for some new projects. The funding for these projects is from grants, donations, or savings in the department budgets. The ordinance is organized by fund, with new revenues and line item appropriations within each fund shown.

A detailed explanation of each project or program is included in the attached Staff Report. The descriptions are organized by project with the funding source(s) for each project or program identified. The projects or programs are listed in order of dollar amount. Many capital projects are funded by resources in multiple funds. These resources are transferred to the Capital Projects fund where the total expense for each project is budgeted. This allows the project to be budgeted in one place so the total impact is shown, rather than having to add several components across various funds to the total impact of the project.

In the Staff Report, projects approved in 2011 and being “rolled over” into the 2012 budget are referred to as “reappropriations”, since we are appropriating the remaining balance of the appropriation approved in 2011. New projects or projects that required an increased appropriation recommended by staff are described as “Supplements”, with the reason for the supplement described. In all cases, the supplemental appropriations are funded by savings that occurred in the 2011 budget or by grants and donations received in 2011. The supplemental requests for new projects include the following projects:

- Additional Construction Costs for Fire Station 6 - \$162,650
- Addition of an Administrative Director Position in the Fire Authority - \$127,000
- Library donation for books and materials - \$37,280
- Fire Suppression overtime costs - \$106,200
- Police Overtime additions - \$35,000
- A contribution to Alternatives to Violence by the Police Department – \$22,000
- Consulting services for renegotiation of the Cable Franchise Fee contract - \$20,000, and
- Travel and training funds for the City Attorney’s Office - \$8,110.

Please refer to the Staff Report for details on these recommended additions.

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REVIEWED BY CITY MANAGER: *William D. Cabill*

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**LIST OF ATTACHMENTS:**

1. Staff Report on Projects in the Reappropriation Ordinance;
2. An ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to reappropriate remaining funds for projects approved but not completed in 2011 and new projects.

**CITY OF LOVELAND****BUDGET DIVISION**

Civic Center • 500 East Third • Loveland, Colorado 80537  
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**TO:** City Council

**THROUGH:** Bill Cahill, City Manager  
Bonnie Steele, Acting Finance Director

**FROM:** John Hartman, Budget Officer

**DATE:** April 17, 2012

**RE:** Staff Report on Projects in the Reappropriation Ordinance

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This is an annual appropriation ordinance staff brings to Council. The total projected cost of a project is appropriated in the first year a project is funded. This allows Council and the public to see what the total project will cost and that resources are available to fund the entire project.

State law and the City Charter state that all appropriations cease on December 31, the final day of the fiscal year. Capital projects, by their nature, take more than one fiscal year to complete for a variety of reasons. This requires the reappropriation of the funding that was not spent on the projects in the prior year in order to make funding available to complete the projects.

Gross appropriations, the sum of the total appropriations for each fund, total \$25.55 million. With the exclusion of the transfers between the various funds; the net appropriation in the ordinance is \$21.94 million. This appropriation is funded by \$1.62 million of grant revenue, contributions of \$0.48 million and \$19.84 million in fund balance.

39.1% of the total net appropriation is in five projects or programs:

- The Transportation Program;
- Substation Ties for Load Handling;
- Construction of the South Horseshoe Lift Station;
- The remodeling and upgrade of the Police Dispatch Center; and
- The Library Expansion.

The following is an explanation on a project basis with the funding sources identified. The projects are listed in descending order by the amount of the project.

### ***Projects Reappropriated***

#### **Public Works Department - Transportation Program - \$3,353,290**

Reappropriation of funds approved in 2011 for the transportation program. Projects include

- Completion of the I-25 and Crossroads Interchange – \$484,050;
- I-25 Area Variable Message Signs - \$450,000;
- Taft Avenue -14<sup>th</sup> Street SW Intersection - \$362,020;
- US 287/Garfield Ave Signal Improvements - \$333,420;
- 37th St – Monroe Ave to Madison Ave - \$280,910
- Regional Transit Center construction - \$270,620;
- Centerra Area Intelligent Traffic System - \$220,150;
- Southbound Garfield Ave at US 34 Right Turn Lane - \$128,340; and
- Small miscellaneous projects - \$220,950.

The funding sources for the projects are Street Impact Fee revenues of \$1,390,950, TABOR revenues from the General Fund of \$456,080, a contribution from the Centerra Metropolitan District of \$484,050, and Federal and State grants of \$1,022,210.

#### **Water and Power Department – Substation Ties - \$1,723,000**

Reappropriation of funds approved in 2011 for right-of-way acquisition and placing conduit underground. Projects include

- Horseshoe Sub Tie along Taft To Circuit On W. 29<sup>th</sup> – \$880,000;
- Valley Sub Tie W. 402, N Wilson, W Arkins To West Sub - \$338,000;
- Tie Between Valley Substation And East Substation - \$325,000; and
- West Sub Tie E along Arkins Branch, N along Wilson to 29<sup>th</sup> - \$180,000.

The funding source is Power Enterprise Fund balance.

#### **Water and Power Department – South Horseshoe Lift Station - \$1,216,210**

Reappropriation of Wastewater Enterprise funds approved in 2011 for the construction of the South Horseshoe Lift Station.

The funding source is Wastewater Enterprise Fund balance and Wastewater System Impact Fees.

#### **Public Works Department – Storm Water Enterprise – Storm Water Infrastructure Improvements - \$986,540**

Reappropriation of funds approved in 2011 for the construction of the improvements. Projects include

- Washington Avenue Outfall Phase IV - \$791,080; and
- Six small miscellaneous projects \$195,460.

The funding source is Storm Water Enterprise Fund balance.

**Police Department – Police Communications Console Replacement - \$916,000**

Reappropriation of funds approved in 2011 for replacing communications consoles.

The funding sources are General Fund balance (\$616,000) and Police Capital Expansion Fees (\$300,000).

**Loveland Public Library – Library Building Expansion - \$857,520**

Reappropriation of funding approved in 2011 for construction of the expansion project.

The funding sources for the remaining portion of the project are Library Impact Fees, General Government Impact Fees, donations, and grants.

**Water and Power Department – Waste Activated Sludge Thickening - \$798,920**

Reappropriation of Wastewater Enterprise funds approved in 2011 for the construction of the Waste Activated Sludge Thickening facilities.

The funding source is Wastewater Enterprise Fund balance and Wastewater System Impact Fees.

**Public Works Department – Storm Water Enterprise – Storm Water Infrastructure Improvements - \$3,478,970**

Reappropriation of funds approved in 2011 for the construction of the improvements.

Projects include the following:

- Washington Avenue Outfall Phase IV - \$3,313,990; and
- Seven small miscellaneous projects \$124,980.

The funding source is Storm Water Enterprise Fund balance.

**Water and Power Department – Fairgrounds/Namaqua Interceptor - \$733,600**

Reappropriation of funds approved in 2011 for the rehabilitation of the Fairgrounds/Namaqua Interceptor.

The funding source is Wastewater Enterprise Fund balance and Wastewater System Impact Fees.

**Water and Power Department – East Substation Transformer Projects - \$706,000**

Reappropriation of Power Enterprise funds approved in 2011 for transformer improvements.

The funding source is Power Enterprise Fund balance.

**Water and Power Department – Water Enterprise Projects - \$697,970**

Reappropriation of funds approved in 2011 for the following projects:

- Morning Drive Alternate Construction - \$590,650;
- 29th St Tank & Mod-Valve Rehabilitation - \$40,000;
- Logan Ave N Waterline (W 33rd St To W 36th St) - \$36,000; and
- 29th St Water Line Colorado to Greeley-Loveland Outlet Ditch -\$31,320.

The funding source is Water Enterprise Fund balance and Water System Impact Fees.

**Parks and Recreation Department – Mehaffey Park Design - \$617,560**

Reappropriation of funds approved in 2011 for the design of Mehaffey Park.

The funding source is Parks Capital Expansion Fees.

**Public Works Department – Solid Waste Enterprise – Replacement Trash Trucks and Plows - \$610,630**

Reappropriation of funding approved in 2011 for the purchase of replacement equipment including

- Refuse Collection Trucks and Plow Attachments - \$560,010; and
- Grapple/Delivery Truck -\$50,620.

The funding source is Solid Waste Enterprise Fund balance.

**Water and Power Department – Windy Gap FIRMING Project - \$596,490**

Reappropriation of funds approved in 2011 for the Windy Gap FIRMING Project.

The funding source is Raw Water Fund balance.

**Water and Power Department – Carlisle Phase IV - \$575,590**

Reappropriation of funds approved in 2011 for line replacement on Carlisle Dr between Taft and Railroad.

The funding source is Wastewater Enterprise Fund balance.

**Non-Departmental – Council Business Incentive Program - \$570,470**

Reappropriation of funds approved in 2011 for economic development incentives.

The funding source is General Fund balance.

**Economic Development Department – Third St Property Demolition and Remediation - \$500,000**

Reappropriation of funds approved in 2011 for demolition and environmental remediation of the former Leslie the Cleaner site.

The funding sources are a Federal grant and Council Capital Reserve funds.

**Public Works Department – Service Center Expansion - \$382,460**

Reappropriation of funding approved in 2011 for design work on the Service Center expansion, which will allow relocation of Public Works operations currently located in the Maintenance Operations Center.

The funding source is General Government Capital Expansion Fees.

**Economic Development Department – ArtSpace Project - \$237,500**

Reappropriation of funds approved in 2011 for the development project.

The funding source is General Fund balance from the Council Capital Reserve.

**Development Services Department - Community Partnership Division – Community Development Block Grant (CDBG) Grants -\$214,910**

Reappropriation of the CDBG block grant funds approved in 2011 but not yet spent.

The funding source is Federal CDBG grant funds.

**Water and Power Department – Power Enterprise – Energy Efficiency Programs (OPower) - \$198,000**

Reappropriation of funding approved in 2011 for the OPower program to perform home energy audits.

The funding source is Power Enterprise Fund balance.

**Development Services Department - Community Partnership Division – Human Services Grants -\$156,690**

Reappropriation of funding for Human Resource Commission grants approved in 2011. The terms of the contracts for Human Services grant funds ends June 30, 2012.

The funding source is General Fund balance.

**Water and Power Department – Power Enterprise – Centerra Pkwy @ Cordova Pass: 3 Ph UG Primary - \$148,200**

Reappropriation of funding approved in 2011 for the project, which started in 2011 but was not completed.

The funding source is Power Enterprise Fund balance.

**Fire and Rescue Department – Fire and Rescue Equipment - \$119,900**

Reappropriation of funding approved in 2011 for rescue and training equipment

The funding source is General Fund balance.

**Public Works Department – Asset Management System - \$112,670**

Reappropriation of funding approved in 2011 for the development and implementation of the system.

The funding source is General Government Capital Expansion Fees.

**Public Works Department – Fleet Services – Tool Truck - \$89,730**

Reappropriation of funding approved in 2011 for the purchase of a tool truck for the Streets Division.

The funding source is Fleet Internal Service Fund balance.

**Parks and Recreation Department – Barnes Softball Complex Improvements - \$83,710**

Reappropriation of funds approved in 2011 for improvements to the Barnes Softball Complex.

The funding source is Park Improvement Fund balance.

**Police Department – National Incident Based Reporting System (NIBRS) Software - \$74,340**

Reappropriation of funds approved in 2011 for software maintenance for the Northrup-Grumman NIBRS software.

The funding source is General Fund balance.

**Water and Power Department – Power Enterprise – Hydroelectric Plant Maintenance - \$61,500**

Reappropriation of funding approved in 2011 for the replacement of trestle #2 on pipe at the hydroelectric plant.

The funding source is Power Enterprise Fund balance.

**Information Technology Department – Electronic Drawing Review – \$50,180**

Reappropriation of funding approved in 2011 for the purchase of hardware, software, web site interfaces, and training for the continuing implementation of an electronic development review process. This will allow the City to receive, review and return development review documents in an electronic format

The funding source is General Fund balance.

**Loveland Public Library - Materials and Supplies - \$37,280**

Reappropriation of gifts and donations received in 2011 for books and materials and other supplies.

The funding source is donations to the Library.

**Public Works Department – Plow and Spreader - \$37,110**

Reappropriation of funding approved in 2011 for a replacement plow and spreader.

The funding source is General Fund balance.

**Information Technology Department – Innoprise Development – \$36,460**

Reappropriation of funding approved in 2011 for specialized development including interface creation for the Development Services Innoprise implementation.

The funding source is General Fund balance.

**Public Works Department – Transit Division – COLT Surveillance Equipment - \$33,630**

Reappropriation of funding approved in 2011 for the purchase of surveillance equipment for COLT busses.

The funding source is General Fund balance.

**Public Works Department – Rialto Theater Roof and HVAC - \$33,360**

Reappropriation of funding approved in 2011 for upgrades to the Rialto Theater roof and HVAC system.

The funding source is General Fund balance.

**Public Works Department – Parking Lot Light Retrofit - \$27,440**

Reappropriation of funding approved in 2011 for retrofitting parking lot lights to make them more energy efficient.

The funding source is Federal Energy Efficiency and Conservation Block Grant (EECBG) funds.

**Finance Department – External Audits - \$25,000**

Reappropriation of funding approved in 2011 for external audits.

The funding source is General Fund balance.

**Development Services Department – Refurbishing the Majestic Theater - \$24,000**

Reappropriation of funding approved in 2011 for refurbishing the Odd Fellows Hall/Majestic Theater.

The funding source is a State Historical Preservation grant.



**Public Works Department – Building Lighting Retrofit - \$22,080**

Reappropriation of funding approved in 2011 for retrofitting building lighting to replace obsolete fixtures.

The funding source is General Fund balance.

**Development Services Department – Community Design Element Update - \$20,000**

Reappropriation of funding approved in 2011 for updating the community design elements section of the City’s Comprehensive Master Plan.

The funding source is General Fund balance.

**Economic Development Department – ESRI Software - \$16,800**

Reappropriation of funding approved in 2011 for purchasing software for use in Business Development.

The funding source is General Fund balance.

**Economic Development Department – NCEDC Payments - \$16,100**

Reappropriation of funding approved in 2011 for payments to the Northern Colorado Economic Development Corporation (NCEDC).

The funding source is General Fund balance.

**Cultural Services Department – Museum Programs - \$12,550**

Reappropriation of funds approved in 2011 for exhibits and projects conducted by the Department. The projects include:

- Hobos to Homeless Exhibit - \$8,500;
- Saving History Program - \$1,550;
- Poet Laureate Program - \$1,500; and
- Railroad Exhibit - \$1,000.

The funding source is General Fund balance.

**Non-Departmental – IHN Fee Waivers - \$11,910**

Reappropriation of funding approved in 2011 to reimburse City Enterprises for fee waivers approved for the Interfaith Hospitality Network (IHN).

The funding source is General Fund balance from the Council Capital Reserve.

**Police Department – Police SWAT Equipment - \$74,340**

Reappropriation of funds approved in 2011 for gas masks and sniper rifles.

The funding source is General Fund balance.

**Loveland Public Library – Broadcast Equipment - \$8,000**

Reappropriation of funding approved in 2011 for equipment used to broadcast Council meetings.

The funding source is PEG (Public, Educational, and Governmental) Fee Fund balance.

**Public Works Department – Public Works Day - \$4,810**

Reappropriation of funding approved in 2011 for Public Works Day events.

The funding source is donations from event sponsors.

**Police Department – Building Security Cameras - \$4,500**

Reappropriation of funds approved in 2011 for security cameras inside the Police and Courts Building.

The funding source is General Fund balance.

**Police Department – Rifles - \$2,900**

Reappropriation of funds approved in 2011 for rifles.

The funding source is General Fund balance.

**Development Services Department – Historic Preservation Outreach - \$2,770**

Reappropriation of funding approved in 2011 for a donation supporting community outreach by the Historic Preservation Commission.

The funding source is a donation to the Historic Preservation Commission.

**Police Department – Overtime - \$2,310**

Reappropriation of funds approved in 2011 for overtime expenses.

The funding source is Police Seizures and Forfeitures Fund balance.

**Development Services Department – HOA Outreach - \$1,840**

Reappropriation of funding approved in 2011 for a grant supporting outreach and programming for City Homeowners Associations.

The funding source is a contribution from CanDo/Livewell.

**Development Services Department – Elks Lodge Historical Assessment - \$1,620**

Reappropriation of funding approved in 2011 for an historical assessment of the Elks Lodge.

The funding source is a State Historical Grant.

**Development Services Department – Loveland Honors Event - \$800**

Reappropriation of funding approved in 2011 for the Loveland Honors Event.

The funding source is General Fund balance.

***Supplemental Requests*****Fire and Rescue Department – Increase in Construction Costs for Station 6 - \$162,650**

**Supplemental Request** - Appropriation of additional funding for the Station 6 addition due to an increase in square footage (from 2300 to 2900) and an increase in expected construction costs (from \$161 per sq. ft. to \$191 per sq. ft.).

The funding source is Fire Capital Expansion Fee Fund balance.

**Fire and Rescue Department – Public Safety Administrative Director - \$127,000**

**Supplemental Request** - Appropriation of funding for the Public Safety Administrative Director position for 2012 with salary, benefits, and contributions to FICA and retirement.

The funding source is General Fund balance.

**Fire and Rescue Department – Fire Suppression Overtime Costs - \$106,200**

**Supplemental Request** - Appropriation of funding for the overtime in the Fire Suppression Division of the Loveland Fire & Rescue Authority.

The funding source is General Fund balance.

**Police Department – Overtime Costs - \$35,000**

**Supplemental Request** – Appropriation of funding for additional anticipated overtime costs due to the alignment of Department nonexempt employee work schedules with other Departments.

The funding source is General Fund balance from savings in the Department budget in 2011.

**Police Department – Alternatives to Violence - \$22,000**

**Supplemental Request** – Appropriation of funding to supplement the Department's 2012 professional services budget for a contribution to Alternatives to Violence.

The funding source is General Fund balance from savings in the Department budget in 2011.

**Non-Departmental – Franchise Fee Negotiation - \$20,000**

**Supplemental Request** – Appropriation of funding to supplement the 2012 non-departmental professional services budget for consulting services for the negotiation of cable franchise fees.

The funding source is General Fund balance.

**Legal Department – CML Conference Attendance -\$8,110**

**Supplemental Request** – Appropriation of funding to allow office attorneys to attend CML (Colorado Municipal League) conferences,, pursuant to direction from the City Council.

The funding source is General Fund balance.

**FIRST READING** April 17, 2012

**SECOND READING** May 1, 2012

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO REAPPROPRIATE REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2011 AND NEW PROJECTS**

**WHEREAS**, the City’s 2011 budget included appropriations for projects not completed or closed out by the end of 2011, when the 2011 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring reappropriation in 2012 to permit expenditure of such funds to continue with respect to ongoing projects; and

**WHEREAS**, the City has also received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That reserved funds not appropriated at the time of adoption of the budget for 2012 have resulted from expenditures that were budgeted in the 2011 budget but not made. Reappropriation is necessary to permit expenditure of the funds in 2012 for purposes previously approved by Council. In addition, grant funds have been received and reserve funds are available that were not anticipated or appropriated at the time of adoption of the 2012 budget. The spending agencies and funds that shall be spending the monies supplementally budgeted and hereby appropriated are as follows:

## General Fund 100

**Revenues**

Fund Balance		3,228,630
100-21-202-2102-32000	Federal JAG Grant	15,820
100-23-250-1801-32000-STIM08	State Grant - EECBG Grant for Parking Light Retrofit	27,440
100-19-193-0000-32107-SP0704	State Historical Grant - Elk's Lodge Historical Assessment	1,620
100-19-193-0000-32107-SP0703	State Historical Grant - Odd Fellows/Majestic Theater Rehab	24,000
100-19-193-0000-35324-SP1101	CanDo Contribution for an HOA Outreach Project	1,840

**Total Revenue****3,299,350****Appropriations:****Executive & Legal**

100-16-163-0000-43450	CML Conference Attendance	8,110
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**Cultural Services**

100-52-720-0000-43089	Poet Laureate Program	1,500
100-52-720-8003-42328	Railroad Exhibit	1,000
100-52-720-8001-42078	Hobos to Homeless Exhibit	8,500
100-52-720-8003-42329	Saving History Program	1,550

**Development Services**

100-19-195-0000-43840	Human Services Grants	156,690
100-19-190-0000-43895	Loveland Honors Event	800
100-19-193-0000-41012-SP1101	HOA Outreach Project	1,710
100-19-193-0000-41544-SP1101	HOA Outreach Project	130
100-19-193-0000-43450	Community Design Element Update	20,000
100-19-193-0000-43450-SP0704	Elk's Lodge Historical Assessment	1,620
100-19-193-0000-43450-SP0703	Odd Fellows/Majestic Theater Rehab	24,000
100-19-193-0000-43848-SP1103	Historic Preservation Commission Community Outreach Donation	2,770

**Economic Development**

100-18-180-1500-43450-CMARTS	ArtSpace	237,500
100-18-180-1500-43155	Economic Incentives	570,470
100-18-180-1500-43176	Incentives/Sales Tax Rebates	116,070
100-18-180-1500-43450	PRPA Contribution to Economic Development	1,780
100-18-180-1501-42015	ESRI Software	16,800
100-18-180-1503-73714	Payments to NCEDC	16,100

**Finance**

100-15-125-0010-43450	External Audits	25,000
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**Fire & Rescue**

100-22-222-0000-42024	Fitness Equipment	3,000
100-22-222-0000-42033	Rescue Equipment	9,000
100-22-222-0000-43450	Battalion Chief Simulator	3,400
100-22-222-0000-49399	Rescue and Training Equipment and Air Compressor	86,500
100-22-223-0000-43270	Training for Telestaff System	4,500
100-22-223-0000-48248	Upgrades to Telestaff System	13,500

**Information Technology**

100-16-161-0000-42015-ITEDR	Electronic Drawing Review Project - Computer Supplies	14,370
100-16-163-0000-42015-ITEDR	Electronic Drawing Review Project - Computer Supplies	15,570
100-16-163-0000-42899-ITEDR	Electronic Drawing Review Project - Other Supplies	5,240
100-16-163-0000-43899-ITEDR	Electronic Drawing Review Project - Other Services	15,000
100-16-163-0000-43450	Innoprise Implementation - Development Services	36,460

**Library**

100-53-750-0000-42014-LBDONA	Books & Periodicals	31,180
100-53-750-0000-42899-LBDONA	Other Supplies	3,500
100-53-750-0000-43021-LBDONA	Printing	600
100-53-750-0000-43833-LBDONA	Subscriptions	2,000

**Police**

100-21-202-2102-42033	Rifles	2,900
100-21-203-2106-43569	Northrop Grumman - NIBRS Software Maintenance	74,340
100-21-203-2115-42078	Building Security Cameras	4,500
100-21-202-2102-42078	Gas Masks & 2 SWAT Sniper Rifles	11,200
100-21-203-2107-41021	Overtime	35,000
100-21-201-2101-43450	Alternatives to Violence Contribution	22,000

**General Fund 100****Appropriations (cont'd):****Public Works**

100-23-231-1707-43899	Public Works Day Events	4,810
100-23-234-0000-48240	COLT Surveillance Equipment	33,630
100-23-250-1801-43450-STIM08	Parking Light Retrofit	27,440

**Non-Departmental**

100-91-902-0000-43714	Payment to Fire Authority	244,070
100-91-999-0000-47120-GF1102	Transfer to Capital Projects Fund - Completion of Rialto Roof Work	33,360
100-91-999-0000-47120-GF0911	Transfer to Capital Projects Fund for Completion of Lighting Retrofit	22,080
100-91-999-0000-47120-EN0105	Transfer to Capital Projects Fund Taft/Eisenhower Intrscn	2,760
100-91-999-0000-47120-EN0109	Transfer to Capital Projects Fund US 34 @ Madison Prelim Dsn	21,120
100-91-999-0000-47120-EN0112	Transfer to Capital Projects Fund Bike Route Sign/Stripe	18,460
100-91-999-0000-47120-EN0212	Transfer to Capital Projects Fund Bike Lane Construction/ Ped Walk	21,410
100-91-999-0000-47120-EN0219	Transfer to Capital Projects Fund 37th Monroe To Madison	56,180
100-91-999-0000-47120-EN0330	Transfer to Capital Projects Fund Boise & 37th Intersection Improvements	14,190
100-91-999-0000-47120-EN0412	Transfer to Capital Projects Fund Arkins Branch Row	200
100-91-999-0000-47120-EN0503	Transfer to Capital Projects Fund 14th Street SW Slope Stability	79,870
100-91-999-0000-47120-EN0606	Transfer to Capital Projects Fund Boyd Route Study	12,740
100-91-999-0000-47120-EN0609	Transfer to Capital Projects Fund Taft/14th SW Intersection	36,200
100-91-999-0000-47120-EN0903	Transfer to Capital Projects Fund Boyd Lk Av-Kauffman Prpty	5,130
100-91-999-0000-47120-EN8212	Transfer to Capital Projects Fund Tran Master Plan Thru2050	12,530
100-91-999-0000-47120-EN9922	Transfer to Capital Projects Fund Loveland ITS Update-Traff	9,340
100-91-999-0000-47120-TR1101	Transfer to Capital Projects Fund Regional Transit Center	54,120
100-91-999-0000-47120-TS0101	Transfer to Capital Projects Fund Signal System Interconnct	470
100-91-999-0000-47120-TS0714	Transfer to Capital Projects Fund Garfield Av @ US 34 Southbound RTL	11,550
100-91-999-0000-47120-TS1002	Transfer to Capital Projects Fund Centerra Area ITS	19,810
100-91-999-0000-47120-TS1103	Transfer to Capital Projects Fund I-25 Area VMS	80,000
100-91-999-0000-47120-EDLESLIE	Transfer to Capital Projects Fund for Leslie the Cleaner Remediation from Council Reserve	187,000
100-91-999-0000-47120	Transfer to Capital Projects Fund for a Replacement Plow and Spreader	37,110
100-91-999-0000-47120-PDDDISP	Transfer for Police Communications Center Radio Project	616,000
100-91-999-0000-47300	Transfer to Water Enterprise - Fee waivers for IHN from Council Reserve	4,900
100-91-999-0000-47302	Transfer to Raw Water Enterprise -Fee waivers for IHN from Council Reserve	1,000
100-91-999-0000-47315	Transfer to Wastewater Enterprise -Fee waivers for IHN from Council Reserve	2,590
100-91-999-0000-47330	Transfer to Power Enterprise - Fee waivers for IHN from Council Reserve	3,030
100-91-999-0000-47345	Transfer to Storm Water Enterprise - Fee waivers for IHN from Council Reserve	390
100-91-902-0000-43450	Consulting Services for Negotiations on Cable Franchise Fee	20,000

**Total Expense****3,299,350****Capital Projects Fund 120****Revenues**

120-00-000-0000-32100-EDLESLIE	State Grant revenue for Leslie the Cleaner Project	313,000
120-00-000-0000-37100-EDLESLIE	Transfer from General Fund for Leslie the Cleaner Project	187,000
120-00-000-0000-37100	Transfer from General Fund for a Replacement Plow and Spreader	37,110
120-00-000-0000-37100-PDDDISP	Transfer from General Fund for Police Communications Center Radio Project	616,000
120-00-000-0000-37265-PDDDISP	Transfer from Police CEF for Police Communications Center Radio Project	300,000
120-00-000-0000-37100-GF1102	Transfer from General Fund for Completion of Rialto Roof Work	33,360
120-00-000-0000-37100-GF0911	Transfer from General Fund for Completion of Lighting Retrofit	22,080
120-00-000-0000-37266-GF0701	Transfer from Library CEF for Completion of Library Remodel	250,000
120-00-000-0000-37268-GF0701	Transfer from General Government CEF for Completion of Library Remodel	607,520
120-00-000-0000-37100-EN0105	Transfer from General Fund - Taft/Eisenhower Intrscn	2,760
120-00-000-0000-37100-EN0109	Transfer from General Fund - US 34 @ Madison Prelim Dsn	21,120
120-00-000-0000-37100-EN0112	Transfer from General Fund - Bike Route Sign/Stripe	18,460
120-00-000-0000-37100-EN0212	Transfer from General Fund - Bike Lane Construction/ Ped Walk	21,410
120-00-000-0000-37100-EN0219	Transfer from General Fund - 37th Monroe To Madison	56,180
120-00-000-0000-37100-EN0330	Transfer from General Fund - Boise & 37th Intersection Improvements	14,190
120-00-000-0000-37100-EN0412	Transfer from General Fund - Arkins Branch Row	200
120-00-000-0000-37100-EN0503	Transfer from General Fund - 14th Street SW Slope Stability	79,870

**Capital Projects Fund 120**

**Revenues (cont'd)**

120-00-000-0000-37100-EN0606	Transfer from General Fund - Boyd Route Study	12,740
120-00-000-0000-37100-EN0609	Transfer from General Fund - Taft/14th SW Intersection	36,200
120-00-000-0000-37100-EN0903	Transfer from General Fund - Boyd Lk Av-Kauffman Prpty	5,130
120-00-000-0000-37100-EN8212	Transfer from General Fund - Tran Master Plan Thru2050	12,530
120-00-000-0000-37100-EN9922	Transfer from General Fund - Loveland ITS Update-Traff	9,340
120-00-000-0000-37100-TR1101	Transfer from General Fund - Regional Transit Center	54,120
120-00-000-0000-37100-TS0101	Transfer from General Fund - Signal System Interconct	470
120-00-000-0000-37100-TS0714	Transfer from General Fund - Garfield Av @ US 34 Southbound RTL	11,550
120-00-000-0000-37100-TS1002	Transfer from General Fund - Centerra Area ITS	19,810
120-00-000-0000-37100-TS1103	Transfer from General Fund - I-25 Area VMS	80,000
120-00-000-0000-37269-EN0105	Transfer from Street CEF - Taft/Eisenhower Intrsectn	11,020
120-00-000-0000-37269-EN0109	Transfer from Street CEF - US 34 @ Madison Prelim Dsn	31,680
120-00-000-0000-37269-EN0112	Transfer from Street CEF - Bike Route Sign/Stripe	18,460
120-00-000-0000-37269-EN0212	Transfer from Street CEF - Bike Lane Construction/ Ped Walk	21,410
120-00-000-0000-37269-EN0215	Transfer from Street CEF - Row Acquisition	30,000
120-00-000-0000-37269-EN0219	Transfer from Street CEF - 37th Monroe To Madison	224,730
120-00-000-0000-37269-EN0223	Transfer from Street CEF - Small Capital Projects - Citywide (Yearly)	220,950
120-00-000-0000-37269-EN0330	Transfer from Street CEF - Boise & 37th Intersection Improvements	56,760
120-00-000-0000-37269-EN0606	Transfer from Street CEF - Boyd Route Study	38,230
120-00-000-0000-37269-EN0609	Transfer from Street CEF - Taft/14th SW Intersection	325,820
120-00-000-0000-37269-EN0903	Transfer from Street CEF - Boyd Lk Av-Kauffman Prpty	15,380
120-00-000-0000-37269-EN8212	Transfer from Street CEF - Tran Master Plan Thru 2050	50,130
120-00-000-0000-37269-EN9922	Transfer from Street CEF - Loveland ITS Update-Traff	37,370
120-00-000-0000-37269-TR1101	Transfer from Street CEF - Regional Transit Center	216,500
120-00-000-0000-37269-TS0101	Transfer from Street CEF - Signal System Interconct	1,900
120-00-000-0000-37269-TS0714	Transfer from Street CEF - Garfield Av @ US 34 Southbound RTL	33,370
120-00-000-0000-37269-TS1002	Transfer from Street CEF - Centerra Area ITS	57,240
120-23-232-1701-32000-EN1103	Federal Grant -Safe Routes Truscott Sdwk	85,880
120-23-232-1701-32000-TS0714	Federal Grant - Garfield Av @ US 34 Southbound RTL	83,420
120-23-232-1701-32000-TS1002	Federal Grant - Centerra Area ITS	143,100
120-23-232-1701-32000-TS1101	Federal Grant - US 287/Garfield Av Signal	300,080
120-23-232-1701-32100-TS1101	State Grant - US 287/Garfield Av Signal	33,340
120-23-232-1701-32000-TS1103	Federal Grant - I-25 Area VMS	370,000
120-23-232-1701-32100-TSSRTS	Federal Grant - Safe Routes To School	6,390
120-23-237-0000-32300-ENCROS	Contibution - I-25 Crossrds Interchange	484,050
120-00-000-0000-37268-ITCWI	Transfer from General Gov't CEF Fund - Cityworks Implementation Project	112,670

**Total Revenue** **5,832,030**

**Appropriations**

**Economic Development**

120-18-180-0000-43407-EDLESLIE	Environment Services for Leslie the Cleaner Project	313,000
120-18-180-0000-49360-EDLESLIE	Construction for Leslie the Cleaner Project	187,000

**Information Technology**

120-16-163-0000-42899-ITCWI	Cityworks Implementation Project - Equipment	14,130
120-16-163-0000-43450-ITCWI	Cityworks Implementation Project - Consulting	87,970
120-16-163-0000-43270-ITCWI	Cityworks Implementation Project - Training	10,570

**Library**

120-53-750-0000-49360-GF0701	Construction - Completion of Library Remodel	857,520
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**Police**

120-21-203-2107-48247-PDDISP	Police Communications Center Radio Project	9,790
120-21-203-2107-48248-PDDISP	Police Communications Center Radio Project	906,210



**Capital Projects Fund 120**

**Appropriations (cont'd)**

**Public Works**

120-23-232-0000-48240	Equipment - Replacement plow and spreader	37,110
120-23-250-1801-49360-GF1102	Construction - Completion of Rialto Roof Work	33,360
120-23-250-1801-49360-GF0911	Construction - Completion of Lighting Retrofit	22,080
120-23-232-1701-49360-EN0105	Construction - Taft/Eisenhower Intrscn	13,780
120-23-232-1701-49360-EN0109	Construction - US 34 @ Madison Prelim Dsn	52,800
120-23-232-1701-49360-EN0112	Construction - Bike Route Sign/Stripe	36,920
120-23-232-1701-49360-EN0212	Construction - Bike Lane Construction/ Ped Walk	42,820
120-23-232-1701-49360-EN0215	Construction - Row Acquisition	30,000
120-23-232-1701-49360-EN0219	Construction - 37th Monroe To Madison	280,910
120-23-232-1701-49360-EN0223	Construction - Small Capital Projects - Citywide (Yearly)	220,950
120-23-232-1701-49360-EN0330	Construction - Boise & 37th Intersection Improvements	70,950
120-23-232-1701-49360-EN0412	Construction - Arkins Branch Row	200
120-23-232-1701-49360-EN0503	Construction - 14th Street SW Slope Stability	79,870
120-23-232-1701-49360-EN0606	Construction - Boyd Route Study	50,970
120-23-232-1701-49360-EN0609	Construction - Taft/14th SW Intersection	362,020
120-23-232-1701-49360-EN0903	Construction - Boyd Lk Av-Kauffman Prpty	20,510
120-23-232-1701-49360-EN1103	Construction - Safe Routes Truscott Sdwk	85,880
120-23-232-1701-49360-EN8212	Construction - Tran Master Plan Thru 2050	62,660
120-23-232-1701-49360-EN9922	Construction - Loveland ITS Update-Traff	46,710
120-23-232-1701-49360-ENCROS	Construction - I-25 Crossrds Interchange	484,050
120-23-232-1701-49360-TR1101	Construction - Regional Transit Center	270,620
120-23-232-1701-49360-TS0101	Construction - Signal System Interconnect	2,370
120-23-232-1701-49360-TS0714	Construction - Garfield Av @ US 34 Southbound RTL	128,340
120-23-232-1701-49360-TS1002	Construction - Centerra Area ITS	220,150
120-23-232-1701-49360-TS1101	Construction - US 287/Garfield Av Signal	333,420
120-23-232-1701-49360-TS1103	Construction - I-25 Area VMS	450,000
120-23-232-1701-49360-TSSRST	Construction - Safe Routes To School	6,390

**Total Appropriations** **5,832,030**

**Park Improvement Fund 200**

**Revenues**

Fund Balance 83,710

**Total Revenue** **83,710**

**Appropriations**

**Parks & Recreation**

200-51-562-0000-49399 Construction - Barnes Softball Complex Improvements 83,710

**Total Appropriations** **83,710**

**Conservation Trust Fund 201**

<b>Revenues</b>		
Fund Balance		104,000
<b>Total Revenue</b>		<b>104,000</b>
<b>Appropriations</b>		
<b>Parks &amp; Recreation</b>		
201-51-567-0000-49352	Design - Madison Ave UP Design	19,000
201-51-567-0000-49360	Construction - Rec Trail Projects	85,000
<b>Total Appropriations</b>		<b>104,000</b>

**Community Development Block Grant Fund 204**

<b>Revenues</b>		
204-00-000-0000-32000	Federal Grant	214,910
<b>Total Revenue</b>		<b>214,910</b>
<b>Appropriations</b>		
204-19-195-0000-43840	2011 CDBG Grant	214,910
<b>Total Appropriations</b>		<b>214,910</b>

**Police Seizures & Forfeitures Fund 207**

<b>Revenues</b>		
Fund Balance		2,310
<b>Total Revenue</b>		<b>2,310</b>
<b>Appropriations</b>		
207-21-204-2112-41021	Overtime	2,310
<b>Total Appropriations</b>		<b>2,310</b>

**PEG Fee Fund 210**

<b>Revenues</b>		
Fund Balance		8,000
<b>Total Revenue</b>		<b>8,000</b>
<b>Appropriations</b>		
210-53-751-0000-49399	Repairs for broadcast equipment	8,000
<b>Total Appropriations</b>		<b>8,000</b>

**Park Capital Expansion Fee Fund 260**

<b>Revenues</b>		
Fund Balance		617,560
<b>Total Revenue</b>		<b>617,560</b>
<b>Appropriations</b>		
<b>Parks &amp; Recreation</b>		
260-51-560-0000-49355	Mehaffey Park Design	617,560
<b>Total Appropriations</b>		<b>617,560</b>

**Fire Capital Expansion Fee Fund 264**

<b>Revenues</b>		
Fund Balance		162,650
<b>Total Revenue</b>		<b>162,650</b>
<b>Appropriations</b>		
<b>Fire &amp; Rescue</b>		
264-22-222-0000-49360-GF1106	Increase in expected construction costs for Station 6	162,650
<b>Total Appropriations</b>		<b>162,650</b>

**Supplemental Budget  
2011 On-Going Projects and Capital Rollover  
Police Capital Expansion Fee Fund 265**

<b>Revenues</b>		
Fund Balance		300,000
<b>Total Revenue</b>		<b>300,000</b>
<b>Appropriations</b>		
<b>Police</b>		
	Transfer to Capital Projects Fund - Police Communications	
265-21-202-2102-47120-PDDISP	Center Radio Project	300,000
<b>Total Appropriations</b>		<b>300,000</b>

**Library Capital Expansion Fee Fund 266**

<b>Revenues</b>		
Fund Balance		250,000
<b>Total Revenue</b>		<b>250,000</b>
<b>Appropriations</b>		
266-53-750-0000-47120-GF0701	Trnsfer to Capital Projects Fund - Completion of Library Remodel	250,000
<b>Total Appropriations</b>		<b>250,000</b>

**General Government Capital Expansion Fee Fund 268**

<b>Revenues</b>		
Fund Balance		1,102,652
<b>Total Revenue</b>		<b>1,102,652</b>
<b>Appropriations</b>		
268-23-250-1799-49355-GF1107	Design Costs for Service Center Expansion	382,460
268-91-902-0000-47120-GF0701	Transfer to Capital Projects Fund- Completion of Library Remodel	607,522
268-91-902-0000-47120-ITCWI	Transfer to Capital Projects Fund Cityworks Implementation Project	112,670
<b>Total Appropriations</b>		<b>1,102,652</b>

**Streets Capital Expansion Fee Fund 269**

<b>Revenues</b>		
Fund Balance		1,390,950
<b>Total Revenue</b>		<b>1,390,950</b>
<b>Appropriations</b>		
<b>Public Works</b>		
269-23-232-1701-47120-EN0105	Transfer to Capital Projects Fund - Taft/Eisenhower Intrscn	11,020
269-23-232-1701-47120-EN0109	Transfer to Capital Projects Fund - US 34 @ Madison Prelim Dsn	31,680
269-23-232-1701-47120-EN0112	Transfer to Capital Projects Fund - Bike Route Sign/Stripe	18,460
269-23-232-1701-47120-EN0212	Transfer to Capital Projects Fund - Bike Lane Construction/ Ped Walk	21,410
269-23-232-1701-47120-EN0215	Transfer to Capital Projects Fund - Row Acquisition	30,000
269-23-232-1701-47120-EN0219	Transfer to Capital Projects Fund - 37th Monroe To Madison	224,730
269-23-232-1701-47120-EN0223	Transfer to Capital Projects Fund - Small Capital Projects - Citywide (Yearly)	220,950
269-23-232-1701-47120-EN0330	Transfer to Capital Projects Fund - Boise & 37th Intersection Impr.	56,760
269-23-232-1701-47120-EN0606	Transfer to Capital Projects Fund - Boyd Route Study	38,230
269-23-232-1701-47120-EN0609	Transfer to Capital Projects Fund - Taft/14th SW Intersection	325,820
269-23-232-1701-47120-EN0903	Transfer to Capital Projects Fund - Boyd Lk Av-Kauffman Prpty	15,380
269-23-232-1701-47120-EN8212	Transfer to Capital Projects Fund - Tran Master Plan Thru 2050	50,130
269-23-232-1701-47120-EN9922	Transfer to Capital Projects Fund - Loveland ITS Update-Traff	37,370
269-23-232-1701-47120-TR1101	Transfer to Capital Projects Fund - Regional Transit Center	216,500
269-23-232-1701-47120-TS0101	Transfer to Capital Projects Fund - Signal System Interconnct	1,900
269-23-232-1701-47120-TS0714	Transfer to Capital Projects Fund - Garfield Av @ US 34 Southbound RTL	33,370
269-23-232-1701-47120-TS1002	Transfer to Capital Projects Fund - Centerra Area ITS	57,240
<b>Total Appropriations</b>		<b>1,390,950</b>

**Water Enterprise Fund 300**

<b>Revenues</b>		
Fund Balance		198,470
300-00-000-0000-37100	Transfer from General Fund - Fee waivers for IHN from Council Reserve	4,900
<b>Total Revenue</b>		<b>203,370</b>
<b>Appropriations</b>		
<b>Water &amp; Power</b>		
300-46-310-2903-49360-W1007D	Constuction - Morning Dr Alternate	96,050
300-46-310-2903-49352-W1105C	Constuction - 29th St Water Line Colorado To Greeley-Lvld Outlet Ditch	31,320
300-46-310-2903-49352-W1109C	Constuction - 29th St Tank & Mod-Valve Rehabilitation	40,000
300-46-310-2903-49360-W1112C	Constuction - Logan Ave N Waterline (W 33rd St To W 36th St)	36,000
<b>Total Appropriations</b>		<b>203,370</b>

**Water System Impact Fee Fund 301**

<b>Revenues</b>		
Fund Balance		494,600
<b>Total Revenue</b>		<b>494,600</b>
<b>Appropriations</b>		
<b>Water &amp; Power</b>		
301-46-310-2903-49360-W1007D	Constuction - Morning Dr Alternate	494,600
<b>Total Appropriations</b>		<b>494,600</b>

**Raw Water Enterprise Fund 302**

<b>Revenues</b>		
Fund Balance		595,490
302-00-000-0000-37100	Transfer from General Fund - Fee waivers for IHN from Council Reserve	1,000
<b>Total Revenue</b>		<b>596,490</b>
<b>Appropriations</b>		
<b>Water &amp; Power</b>		
302-46-316-0000-49352-W038AA	Windy Gap Firming Project	596,490
<b>Total Appropriations</b>		<b>596,490</b>

**Wastewater Enterprise Fund 315**

<b>Revenues</b>		
Fund Balance		2,214,970
315-00-000-0000-37100	Transfer from General Fund - Fee waivers for IHN from Council Reserve	2,590
<b>Total Revenue</b>		<b>2,217,560</b>
<b>Appropriations</b>		
<b>Water &amp; Power</b>		
315-46-310-2904-49399-W1003H	Constuction - Carlisle Phase IV Design/Sdc/Construction/Easements	442,700
315-46-318-2902-49360-W1010H	Constuction - Waste Activated Sludge Thickening Design/Construction	566,110
315-46-310-2904-49352-W1110H	Constuction - S Horseshoe Lift Station Submersible w/ 3 Pumps	475,150
315-46-310-2904-49360-W1111G	Constuction - Fairgrounds/Namaqua Intcp and Local Collector Sewermain	733,600
<b>Total Appropriations</b>		<b>2,217,560</b>

**Wastewater System Impact Fee Fund 316**

**Revenues**

Fund Balance 1,106,760

**Total Revenue 1,106,760**

**Appropriations**

**Water & Power**

316-46-310-2904-49399-W1003H Constuction - Carlisle Phase IV Design/Sdc/Construction/Easements 132,890  
 316-46-318-2902-49360-W1010H Constuction - Waste Activated Sludge Thickening Design/Construction 232,810  
 316-46-310-2904-49352-W1110H Constuction - S Horseshoe Lift Station Submersible w/ 3 Pumps 741,060

**Total Appropriations 1,106,760**

**Power Enterprise Fund 330**

**Revenues**

Fund Balance 2,833,670  
 330-00-000-0000-37100 Transfer from General Fund - Fee waivers for IHN from Council Reserve 3,030

**Total Revenue 2,836,700**

**Appropriations**

**Water & Power**

330-45-305-2912-43450-PW410 Professional Services - Energy Efficiency Programs: Home Energy Reports (Opower) 198,000  
 330-47-332-2903-49399-PW913 Constuction - Tie Between Valley Substation And East Substation 325,000  
 330-47-332-2903-49399-PW913A Constuction - Centerra Pkwy @ Cordova Pass: 3 Ph Ug Primary 148,200  
 330-46-319-2905-49399-PW910 Constuction - Replace Trestle #2 On Pipe At The Hydro Plant 61,500  
 330-47-332-2903-49399-PW913A Constuction - Horseshoe Sub Tie Along Taft To Ckt On W. 29th 880,000  
 330-47-332-2903-49399-PW913A Constuction - W. Sub Tie E Along Arkins Branch, N Along Wilson To 29th 180,000  
 330-47-332-2903-49399-PW913A Constuction - Valley Sub Tie W. 402, N Wilson, W Arkins To West Sub 338,000  
 331-47-333-2903-49399-PW920 Constuction - East Substation: Install 3rd Transformer 101,000  
 331-47-333-2903-49399-PW920 Constuction - New Substation Transformer At East 605,000

**Total Appropriations 2,836,700**

**Storm Water Enterprise Fund 345**

**Revenues**

Fund Balance		986,540
345-23-280-0000-37100	Transfer from General Fund - Fee waivers for IHN from Council Reserve	390

**Total Revenue** **986,930**

**Appropriations**

**Public Works**

345-23-283-0000-43450-SW0702	Professional Services - 2007 Floodplain Tech Asst	10,130
345-23-283-0000-49360-SW0710	Construction - Washington Ave Outfall Phase 4	791,080
345-23-283-0000-43450-SW0804	Construction - Lake Loveland Zone A Floodplain	17,090
345-23-283-0000-49362-SW0711	Construction - Boyd Lake Outlet Ditch Grading Improvements	9,870
345-23-283-0000-49362-SW0902	Construction - South Loveland Outfall Phase 3	29,460
345-23-283-0000-49362-SW1004	Construction - MeHaffey Park Regional Detention Pond	79,910
345-23-283-0000-49362-SW1005	Construction - Guiliano Regional Detention Pond	49,000

**Total Appropriations** **986,540**

**Solid Waste Enterprise Fund 360**

**Revenues**

Fund Balance		610,630
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**Total Revenue** **610,630**

**Appropriations**

**Public Works**

360-23-270-0000-48240	Motor Vehicles - Replacement refuse trucks & plows	560,010
360-23-270-0000-48244	Equipment - Grapple/Delivery truck	25,310
360-23-271-0000-48244	Equipment - Grapple/Delivery truck	25,310

**Total Appropriations** **610,630**

**Fleet Internal Service Fund 500**

**Revenues**

Fund Balance		89,730
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**Total Revenue** **89,730**

**Appropriations**

**Fleet Services**

500-23-260-0000-48244	Motor Vehicle - Tool Truck	89,730
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**Total Appropriations** **89,730**



**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 3.** This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

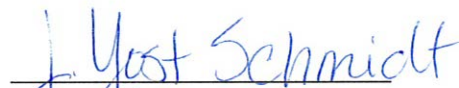
ADOPTED this 1<sup>st</sup> day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 3  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

An ordinance on second reading enacting a supplemental budget and appropriation to the 2012 Ft. Collins-Loveland Municipal Airport budget to appropriate funds for projects approved but not completed in 2011 and for projects associated with an expanded state grant

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action to appropriate funds for projects approved but not completed in 2011 and for projects associated with an expanded state grant. City Council unanimously approved the first reading ordinance on April 17, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Most of the appropriation is funded by State or Federal Grants that have been approved by Council in prior years, but not completed. Fund balance that is available in the fund is used to match the grants. The grant funding allows for projects the Airport would otherwise not be able to fund.

**SUMMARY:**

The funding will be used for the completion of the runway rehabilitation, the Modular Terminal Expansion, the jetCenter remodel and Small Community Air Service projects. These projects were approved and included in the 2011 Airport budget, projects were completed under budget. Reappropriation is necessary to make funds available to complete the projects.

These projects are FAA related and funds that were not spent in a calendar year are rolled into the next fiscal year for use at the airport, as required by federal regulation.

Also included in the appropriation are projects and equipment funded with an expanded State grant, Federal grants and the local match. The grant agreement with the State was approved by Council on April 3, 2012. The projects include:

1. Purchase of truck for snow plowing and a service vehicle,
2. Utility upgrade for electric service to the Airport;
3. General Aviation Ramp improvements.

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**REVIEWED BY CITY MANAGER:**



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**LIST OF ATTACHMENTS:**

1. An ordinance enacting a supplemental budget and appropriation to the 2012 Ft. Collins-Loveland Municipal Airport budget to appropriate funds for projects approved but not completed in 2011 and for projects associated with an expanded state grant.

**FIRST READING** April 17, 2012

**SECOND READING** May 1, 2012

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2011 AND FOR PROJECTS ASSOCIATED WITH AN EXPANDED STATE GRANT**

**WHEREAS**, the 2011 budget for the Fort Collins-Loveland Municipal Airport included appropriations for projects not completed or closed out by the end of 2011, when the 2011 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring reappropriation in 2012 to permit expenditure of such funds to continue such ongoing projects; and

**WHEREAS**, the City also has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Airport budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues and/or reserves in the amount of \$2,017,100 from fund balance and Federal and State Grants in Airport Fund 018 are available for appropriation. Revenues in the total amount of \$2,017,100 are hereby appropriated for projects approved in 2011 but not completed or closed out and for projects and equipment funded by an expanded State Grant as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
2011 On-Going Projects and Capital Rollover  
Airport Fund 600**

**Revenues**

Fund Balance		342,050
600-00-000-0000-38616	Airport Runway Rehabilitation - Federal Grant	1,198,180
600-00-000-0000-38617	Airport Runway Rehabilitation - State Grant	255,370
600-00-000-0000-38616-AP1110	Small Community Air Service Development	221,500

**Total Revenue** **2,017,100**

**Appropriations**

600-23-290-0000-43450	Professional Services - External Audits	9,000
600-23-290-0000-48244	Motor Vehicle	201,840
600-23-290-0000-43664	Electric - Utility Upgrade	100,000
600-23-290-0000-49352-AP1102	Airport Runway Rehabilitation	567,760
600-23-290-0000-43450-AP1110	Professional Services Small Community Air Service Development	241,100
600-23-290-0000-43569-AP1109	Repair & Maintenance - JetCenter Remodel	145,000
600-23-290-0000-49360-AP1102	Constuction - Airport Runway Rehabilitation	717,790
600-23-290-0000-49399-AP1107	Construction -Modular/Terminal Expansion	34,610

**Total Appropriations** **2,017,100**

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 3.** This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

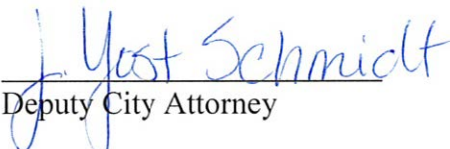
ADOPTED this 1<sup>st</sup> day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 4  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Acting Finance Director, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the Loveland Urban Renewal Authority budget to reappropriate the Facade Grant Program approved in 2011 but not completed.

**RECOMMENDED CITY COUNCIL ACTION:**

Convene as the Loveland Urban Renewal Authority Board of Commissioners and approve the ordinance on second reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. Funding for projects approved in 2011 but not completed is reappropriated in the 2012 budget. City Council unanimously approved the first reading ordinance on April 17, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Fund balance available for appropriation was used to fund the projects. Since all appropriations ceased at the end of 2011 the unspent funds return to fund balance, so funding is available without any impact to the 2012 budget.

**SUMMARY:**

The Façade Grant Program was approved by Council in 2011. The ordinance reappropriates funds allocated to the program, but not spent by the end of the year. The program was begun with seed money from the Council Capital Reserve and \$23,820 remains from this source. Tax increment funds (TIF) available in the Downtown Project area in 2011 fund the remaining \$48,100 of the appropriation.

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**REVIEWED BY CITY MANAGER:****LIST OF ATTACHMENTS:**

1. An ordinance on enacting a supplemental budget and appropriation to the Loveland Urban Renewal Authority budget to reappropriate the Façade Grant Program approved in 2011 but not completed.



**FIRST READING** April 17, 2012

**SECOND READING** May 1, 2012

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET TO REAPPROPRIATE FUNDING FOR THE FAÇADE GRANT PROGRAM APPROVED IN 2011 BUT NOT COMPLETED**

**WHEREAS**, the Loveland Urban Renewal Authority has received or has reserved funds not anticipated or appropriated at the time of the adoption of the Authority’s budget for 2012; and

**WHEREAS**, the City Council, acting as the Board of Directors of the Loveland Urban Renewal Authority, desires to authorize the expenditure of these funds for the Façade Grant Program by enacting a supplemental budget and appropriation to the Authority budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO ACTING AS THE BOARD OF COMMISSIONERS OF THE LOVELAND URBAN RENEWAL AUTHORITY:**

**Section 1.** That revenues and/or reserves in the amount of \$71,920 from fund balance in the Loveland Urban Renewal Authority Fund 037 are available for appropriation. Revenues in the total amount of \$71,920 are hereby reappropriated for the Façade Grant Program as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
2011 On-Going Projects and Capital Rollover  
Loveland Urban Renewal Authority Fund 603**

<b>Revenues</b>		
Fund Balance		71,920
<b>Total Revenue</b>		<b>71,920</b>
<b>Appropriations</b>		
603-80-870-0000-43840	LURA Façade Grants	48,100
603-80-873-0000-43840	LURA Façade Grants	23,820
<b>Total Appropriations</b>		<b>71,920</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).


ADOPTED this 1<sup>st</sup> day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 5  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Acting Finance Director, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

Consideration of an ordinance on second reading adopting a supplemental budget and appropriation for the 2012 Loveland General Improvement District #1 to reappropriate funds for signal light upgrades approved in 2011 but not completed.

**RECOMMENDED CITY COUNCIL ACTION:**

Convene as the Board of Directors for the General Improvement District and approve the ordinance on second reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. Funds approved in 2011 for signal pole upgrades are appropriated to complete the project. City Council unanimously approved the first reading ordinance on April 17, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The funding was appropriated in 2011. Since the expense did not occur the amount appropriated became fund at the end of 2011. This balance is available for appropriation without impacting the 2012 budget projections.

**SUMMARY:**

Council approved using the funds for signal pole upgrades on Lincoln and Cleveland Avenues at the intersection of 4<sup>th</sup> Street in November 2011. The project is near completion but not all invoices have been paid. This ordinance reappropriates the funds in order to complete the project.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

1. An ordinance adopting a supplemental budget and appropriation for the 2012 Loveland General Improvement District #1 to reappropriate funds for signal light upgrades approved in 2011 but not completed.

**FIRST READING** April 17, 2012

**SECOND READING** May 1, 2012

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE 2012 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 TO REAPPROPRIATE FUNDS FOR SIGNAL POLE UPGRADES APPROVED IN 2011 BUT NOT COMPLETED**

**WHEREAS**, the Loveland General Improvement District #1 has reserved funds on hand not appropriated at the time of the adoption of the District budget for 2012; and

**WHEREAS**, the City Council, acting as the ex-officio Board of Directors of the Loveland General Improvement District #1, desires to authorize the expenditure of these funds by enacting a supplementary budget and appropriation to the District budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ACTING AS THE EX OFFICIO BOARD OF DIRECTORS OF THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1:**

**Section 1.** That revenues from cash-on-hand are available in the General Improvement District #1 Fund 25. That \$11,000 of these revenues is hereby appropriated for payment of the costs of signal pole upgrades approved in 2011 but not completed. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
2011 On-Going Projects and Capital Rollover  
GID #1 Fund 602**

<b>Revenues</b>		
Fund Balance		11,000
<b>Total Revenue</b>		<b>11,000</b>
<b>Appropriations</b>		
602-90-901-0000-49360-EN1105	Construction - Signal Pole for Garfield Ave Reconstruction	11,000
<b>Total Appropriations</b>		<b>11,000</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 3.** That as provided in City Charter Section 11-5(d), this Ordinance shall be effective upon final adoption

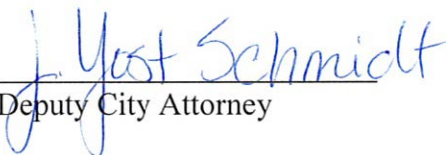
ADOPTED this 1<sup>st</sup> day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
CITY CLERKS OFFICE

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**AGENDA ITEM:** 6  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Terry Andrews, City Clerk  
**PRESENTER:** Terry Andrews

**TITLE:**

A public hearing to consider:

An ordinance amending Title 3 of the Loveland Municipal Code by the addition of a new Chapter 3.50 to consolidate and amend the lien and collection processes for the City's current code provisions related to weed abatement, graffiti removal, refuse removal and snow removal

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and approve the ordinance on first reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is a Legislative action. Approval of the ordinance will amend the Municipal Code to collect the full costs associated with the City's actions to mitigate certain real property Code violations when a property owner does not comply with the City Code, and create a standard lien and collection process within the Code for certain types of real property Code violations.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Reimbursement would be realized when the lien is paid which could occur in two ways: the outstanding debt is certified to the tax roll and assessed to the property owner via the annual tax bill, or at the time the property changes ownership.

**SUMMARY:**

Currently in certain instances the City acts to correct City code violations such as weed mowing, snow removal, or tree, refuse and graffiti removal when, after notifying the property owner of code violations that exist on their property, the owner fails to bring the property into compliance with the City Code. After mitigating the Code violation the City will invoice the property owner. If after a follow up notice to the property owner the invoice is not paid, the City will place a lien on the property.

Currently the Code allows the City to assess an administrative charge between 0% and 10%, depending on the service, incidental to provision of the service and a penalty charge of 10% to cover collection costs; however that does not cover the actual cost to lien a property. For example: A customer would receive a final notice to reimburse the City \$70 (actual cost) for weed mowing plus a 10% or \$7 administrative fee. If the customer does not pay the final invoice the City spends \$22.00 to process the lien. The proposed language would allow the City to receive the administrative fee as well as the \$22.00 actual lien costs. Staff is recommending Title 3 be amended to allow the City to seek reimbursement for "actual costs" to lien and remove a lien for a property, in addition to the administrative and penalty fees.

The individual lien and collection processes currently are located throughout the Code. A single location that outlines those processes in the Code will ensure consistency. All the types of services that use this process will be referred to this section of the Code. City services that do not fall within this new Code section will continue to use lien and collection processes outlined elsewhere in the Code or as provided by state law.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

Ordinance



**FIRST READING:** May 1, 2012

**SECOND READING:** \_\_\_\_\_

**ORDINANCE No.** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3 OF THE LOVELAND MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 3.50 TO CONSOLIDATE AND AMEND THE LIEN AND COLLECTION PROCESSES FOR THE CITY’S CURRENT CODE PROVISIONS RELATED TO WEED ABATEMENT, GRAFFITI REMOVAL, REFUSE REMOVAL AND SNOW REMOVAL**

**WHEREAS**, the Loveland Municipal Code (“City Code”) currently authorizes the City to place liens against properties in certain circumstances such as snow removal, refuse/rubbish removal, weed abatement, tree and shrub maintenance, and graffiti removal when City resources are expended to bring a property into compliance with the City Code due to a property owners failure to address a property code violation and then failure to pay for the City’s abatement of the violation; and

**WHEREAS**, the City Code provides for collection by the City from the property owners of incidental administrative charges and actual costs for the services provided to bring properties into compliance and, if a lien is filed, further provides for a 10% penalty on the amount due; and

**WHEREAS**, the penalty amount which is applied to the administrative cost associated with the lien process does not cover the actual filing cost for placement or removal of a lien (currently twenty-two dollars per event) in the majority of cases because the City’s abatement cost is low; and

**WHEREAS**, the City Council desires to require property owners to cover the actual placement and removal costs of liens and the related administrative collection costs, in addition to the administrative charges for providing the services to bring the property into compliance with the City Code; and

**WHEREAS**, the City Council further desires to consolidate the liens and collections processes set forth throughout the City Code into a new Chapter 3.50 in order to provide consistency and minimize duplication and to amend City Code provisions related to snow removal, refuse/rubbish removal, weed abatement, tree and shrub maintenance, and graffiti removal to refer to the new Chapter 3.50.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:**

**Section 1.** Title 3 of the City Code is hereby amended by the addition of a new Chapter 3.50 to read in full as follows:

**Chapter 3.50**

## LIENS & COLLECTIONS

### 3.50.010 Liens.

- A. When a provisions within this code provides for the city's recovery of costs, assessments, penalties, or other charges associated with the city's provision of services to bring any property, lot, block, or parcel of land into compliance with this code and the amount due to the city is not paid within the time provided, the amount due shall become a lien against such property, lot, block or parcel of land associated with and benefitting from said services and shall have priority over all liens, except general taxes and prior special assessments.
- B. Each amount due under paragraph A., together with ten percent added thereto to defray the administrative cost of collection, plus actual cost to file and remove a lien, may be certified by the city clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as real property taxes are collected.
- C. The recovery of amounts due through the use of the lien provisions herein shall be supplementary and in addition to any other collection procedures or remedies as provided by law, in equity or elsewhere in this code.

### 3.50.020 Collections.

The city shall have the right to proceed for the amounts due on behalf of the city in any manner provided by law or in equity for collection of debts and claims including, but not limited to, lien and foreclosure procedures.

### 3.50.030 Criminal Proceedings.

The city remedies set forth in this chapter shall not be exclusive, and nothing shall restrict the city from concurrently pursuing the enforcement and prosecution of any violation of this code through the Loveland Municipal Court.

**Section 2.** That Section 7.18.042 of the City Code is hereby amended to read in full as follows:

#### 7.18.042 City removal and assessment.

- A. If a notice and order to abate is served pursuant to Section 7.18.040, and if the weeds are not cut within the stated time and maintained in compliance for the remainder of the calendar year, the City may cause a notice of abatement to be served upon the owner or agent in charge of such property, either by personal service or by posting and certified mail, which notice shall allow the City to cut the weeds and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the City pursuant to this Chapter associated with cutting of weeds shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. ~~The City shall have the right to proceed for the collection of any unpaid charges for weed abatement in the manner provided by~~

~~law for collection of debts and claims on behalf of the City, including without limitation collection and lien procedures provided in this section.~~

~~B. In addition to any other means provided by law for collection, if any such assessment is not paid within thirty days after it is made and notice thereof is mailed, the same may be certified by the City Clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with ten percent penalty there to defray the cost of collection, as provided by the laws of the state.~~

~~CB.~~ If the customer fails to pay the charges associated with weed abatement within the described 30-day period, a notice of the assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

~~CD.~~ Failure to pay the amount assessed for weed abatement services including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. ~~Failure to pay the amount assessed for weed abatement services as described in this section shall cause such assessment to become a lien against such lot, block or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be effected at any time after such failure to so pay by recordation with County land records of a certification by the City Director of Finance setting forth the costs to be charged against the property, the date(s) of service and description(s) of services giving rise to such charge(s). This lien and collection procedure is supplementary and additional to any collection procedures describe elsewhere within this section or this Code.~~

**Section 3.** That Section 7.26.070 of the City Code is hereby amended to read in full as follows:

**7.26.070 City removal and assessment.**

A. If any person fails to comply with the provisions of this chapter, ~~in addition to the penalty provided therefore,~~ a written notice and order to abate may be served upon the owner or agent in charge of such property, such notice and order to be served personally or by certified mail and posting, requiring the removal from the property of all refuse and rubbish found on the premises or in the adjoining streets and alleys. Such notice and order shall require removal of all refuse and rubbish within seventy-two (72) hours after mailing or delivery of such notice, except that if such accumulation of refuse and rubbish may create a fire, health or safety hazard, or may provide harborage for rodents, it shall be deemed a nuisance and shall require removal within twenty-four (24) hours. If such refuse and rubbish is not removed within the stated time and maintained within compliance for the remainder of the calendar year, the city may remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess the whole cost thereof, including ten (10) percent of the costs for inspection and other incidental costs in connection therewith, upon the land. The costs and any

charges assessed by the city pursuant to this chapter associated with removal of refuse and rubbish shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the city to the said owner or agent. ~~The city shall have the right to proceed for the collection of any unpaid charges for rubbish/refuse removal in the manner provided by law for collection of debts and claims on behalf of the city, including without limitation collection and lien procedures provided in this section.~~

~~In addition to any other means provided by law for collection, if any such assessment is not paid within thirty (30) days after it is made and notice thereof is mailed, the same may be certified by the city clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with ten (10) percent penalty there to defray the cost of collection, as provided by the laws of the state.~~

- B. If the customer fails to pay the charges associated with refuse/rubbish removal within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.
- C. Failure to pay the amount assessed for refuse/rubbish removal including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.~~Failure to pay the amount assessed for refuse/rubbish removal as described in this section shall cause such assessment to become a lien against such lot, block, or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be effected at any time after such failure to so pay by recordation with county land records of a certification by the city director of finance setting forth the costs to be charged against the property, the date(s) of service and description(s) of services giving rise to such charge(s). This lien and collection procedure is supplementary and additional to any collection procedures describe elsewhere within this section or this code.~~

**Section 4.** That paragraph D. of Section 7.30.050 of the City Code is hereby amended to read in full as follows:

- D. Failure to pay the amount assessed for graffiti abatement including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.~~If any assessment for graffiti abatement is not paid within the ten-day period specified in the Notice of Assessment, the same may be certified by the City Clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with ten percent penalty added thereto to defray the cost of collection, as provided by the laws of the state. Failure to pay the amount assessed for graffiti abatement shall cause such assessment to become a perpetual lien against such lot, block or parcel of land associated with and benefiting from said services. This lien and collection procedure is supplementary~~

~~and additional to any collection or foreclosure procedures provided by law, or described elsewhere within this section or this code.~~

**Section 5.** That Section 12.24.035 of the City Code is hereby amended to read in full as follows:

**12.24.035 Removal of snow and ice by city-Assessment.**

If any person fails to comply with Section 12.24.030, ~~in addition to the penalty provided therefore,~~ a written notice of assessment may be served upon the owner, tenant or agent in charge of such property requiring the removal of such snow or ice, or both. If the snow or ice, or both, is not removed within twenty-four hours after the service of such notice, the city may remove the snow or ice, or both, and assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lot, block or parcel of real property from which the snow or ice, or both, is removed. Such notice shall be served by delivering a copy thereof to such owner, occupant or agent in charge of said property, or by leaving such copy with some person, above the age of fifteen years, who is a member of such owner's, occupant's, or agent's family and residing with such owner, occupant or agent, if such owner, occupant or agent resides within the limits of the city, or, in the event that no one is on the property from which the snow or ice, or both, is to be removed or at the residence of such owner, occupant or agent in charge, if within the city, then by posting such copy in some conspicuous place on the property from which the snow or ice, or both, is to be removed. ~~The assessment shall be a lien against such lot, block or parcel of real property until paid and shall have priority over all other liens except general taxes and prior special assessments. If such assessment is not paid within thirty days after it is made, the assessment shall be certified by the city clerk to the treasurer of the county, who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. Failure to pay the amount assessed for snow or ice removal including inspection and incidental costs within thirty days (30) of the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.~~ The laws of the state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment.

**Section 6.** That Chapter 12.24 is hereby amended by the addition of a new Section 12.24.037 to read in full as follows:

**12.24.037 Administrative review of assessment.**

Any owner who disputes the amount of assessment made against such owner's property under Section 12.24.035 may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code.

**Section 7.** That Section 12.32.170 of the City Code is hereby amended to read in full as follows:

**12.32.170 Notice of compliance.**

It is unlawful for any person to fail to comply with the requirements of any notice given pursuant to Sections 12.32.130 through 12.32.160 within the time specified in such notice. In all cases the city shall notify the owner or his agent to maintain and care for all trees and shrubs within thirty days or other period of time thereof deemed reasonable by the city from the date of service of such notice. The owner shall have the right to care for and maintain their trees and shrubs in conformity with the rules, regulations and standards of the city. The notice shall be in writing and served in person upon the owner if found within the city, and if not, it may be served by registered or certified United States Mail or by publication in a daily newspaper published in the city. If, at the end of the thirty days, or other time established, the property owner has failed to care for and maintain the tree or shrub as required by the city, the city may have the work done by day labor or contract and when work is done issue to the person doing the work a certificate therefore stating the just amount due him, which certificate shall draw interest at a rate of six percent per year until paid. The city shall mail a copy of such certificate to the property owner at his last known address and amount of the certificate plus all accrued interest shall become and remain a lien upon the property until it is paid. ~~In case the property owner fails to pay the assessment within thirty days after mailing a copy of this certificate to his last known address, the same may be certified by the city clerk to the county officer having the custody of the tax list for the current year to be collected with ten percent penalty thereon to defray the cost of collection and the laws of the state for the assessment and collection of general taxes including the laws for the sale of property for taxes and their redemption of the same apply and have as full effect for the collection of the assessment for tree care as for general taxes. Failure to pay the amount assessed for tree or shrub maintenance, care or removal including inspection and incidental costs within thirty days (30) of the mailing of the certificate shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.~~

**Section 8.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

An Ordinance Amending Title 3 of the Loveland Municipal Code by the Addition of a New Chapter 3.50 to Consolidate and Amend the Lien and Collection Processes for the City's Current Code Provisions Related to Weed Abatement, Graffiti Removal, Refuse Removal and Snow Removal

**FIRST READING:** May 1, 2012

**SECOND READING:** \_\_\_\_\_

**ORDINANCE No.** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3 OF THE LOVELAND MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 3.50 TO CONSOLIDATE AND AMEND THE LIEN AND COLLECTION PROCESSES FOR THE CITY’S CURRENT CODE PROVISIONS RELATED TO WEED ABATEMENT, GRAFFITI REMOVAL, REFUSE REMOVAL AND SNOW REMOVAL**

**WHEREAS**, the Loveland Municipal Code (“City Code”) currently authorizes the City to place liens against properties in certain circumstances such as snow removal, refuse/rubbish removal, weed abatement, tree and shrub maintenance, and graffiti removal when City resources are expended to bring a property into compliance with the City Code due to a property owners failure to address a property code violation and then failure to pay for the City’s abatement of the violation; and

**WHEREAS**, the City Code provides for collection by the City from the property owners of incidental administrative charges and actual costs for the services provided to bring properties into compliance and, if a lien is filed, further provides for a 10% penalty on the amount due; and

**WHEREAS**, the penalty amount which is applied to the administrative cost associated with the lien process does not cover the actual filing cost for placement or removal of a lien (currently twenty-two dollars per event) in the majority of cases because the City’s abatement cost is low; and

**WHEREAS**, the City Council desires to require property owners to cover the actual placement and removal costs of liens and the related administrative collection costs, in addition to the administrative charges for providing the services to bring the property into compliance with the City Code; and

**WHEREAS**, the City Council further desires to consolidate the liens and collections processes set forth throughout the City Code into a new Chapter 3.50 in order to provide consistency and minimize duplication and to amend City Code provisions related to snow removal, refuse/rubbish removal, weed abatement, tree and shrub maintenance, and graffiti removal to refer to the new Chapter 3.50.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:**

**Section 1.** Title 3 of the City Code is hereby amended by the addition of a new Chapter 3.50 to read in full as follows:

**Chapter 3.50**



## LIENS & COLLECTIONS

### 3.50.010 Liens.

- A. When a provisions within this code provides for the city's recovery of costs, assessments, penalties, or other charges associated with the city's provision of services to bring any property, lot, block, or parcel of land into compliance with this code and the amount due to the city is not paid within the time provided, the amount due shall become a lien against such property, lot, block or parcel of land associated with and benefitting from said services and shall have priority over all liens, except general taxes and prior special assessments.
- B. Each amount due under paragraph A., together with ten percent added thereto to defray the administrative cost of collection, plus actual cost to file and remove a lien, may be certified by the city clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as real property taxes are collected.
- C. The recovery of amounts due through the use of the lien provisions herein shall be supplementary and in addition to any other collection procedures or remedies as provided by law, in equity or elsewhere in this code.

### 3.50.020 Collections.

The city shall have the right to proceed for the amounts due on behalf of the city in any manner provided by law or in equity for collection of debts and claims including, but not limited to, lien and foreclosure procedures.

### 3.50.030 Criminal Proceedings.

The city remedies set forth in this chapter shall not be exclusive, and nothing shall restrict the city from concurrently pursuing the enforcement and prosecution of any violation of this code through the Loveland Municipal Court.

**Section 2.** That Section 7.18.042 of the City Code is hereby amended to read in full as follows:

#### **7.18.042 City removal and assessment.**

- A. If a notice and order to abate is served pursuant to Section 7.18.040, and if the weeds are not cut within the stated time and maintained in compliance for the remainder of the calendar year, the City may cause a notice of abatement to be served upon the owner or agent in charge of such property, either by personal service or by posting and certified mail, which notice shall allow the City to cut the weeds and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the City pursuant to this Chapter associated with cutting of weeds shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent.

- B. If the customer fails to pay the charges associated with weed abatement within the described 30-day period, a notice of the assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.
- C. Failure to pay the amount assessed for weed abatement services including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the **owner of the property** to be subject to the lien and collection provisions of Chapter 3.50 of this code.

**Section 3.** That Section 7.26.070 of the City Code is hereby amended to read in full as follows:

**7.26.070 City removal and assessment.**

- A. If any person fails to comply with the provisions of this chapter, a written notice and order to abate may be served upon the owner or agent in charge of such property, such notice and order to be served personally or by certified mail and posting, requiring the removal from the property of all refuse and rubbish found on the premises or in the adjoining streets and alleys. Such notice and order shall require removal of all refuse and rubbish within seventy-two (72) hours after mailing or delivery of such notice, except that if such accumulation of refuse and rubbish may create a fire, health or safety hazard, or may provide harborage for rodents, it shall be deemed a nuisance and shall require removal within twenty-four (24) hours. If such refuse and rubbish is not removed within the stated time and maintained within compliance for the remainder of the calendar year, the city may remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess the whole cost thereof, including ten (10) percent of the costs for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the city pursuant to this chapter associated with removal of refuse and rubbish shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the city to the said owner or agent.
- B. If the customer fails to pay the charges associated with refuse/rubbish removal within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.
- C. Failure to pay the amount assessed for refuse/rubbish removal including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.

**Section 4.** That paragraph D. of Section 7.30.050 of the City Code is hereby amended to read in full as follows:

- D. Failure to pay the amount assessed for graffiti abatement including inspection and incidental costs within the ten-day period specified in the notice of assessment

shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.

**Section 5.** That Section 12.24.035 of the City Code is hereby amended to read in full as follows:

**12.24.035 Removal of snow and ice by city-Assessment.**

If any person fails to comply with Section 12.24.030, a written notice of assessment may be served upon the owner, tenant or agent in charge of such property requiring the removal of such snow or ice, or both. If the snow or ice, or both, is not removed within twenty-four hours after the service of such notice, the city may remove the snow or ice, or both, and assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lot, block or parcel of real property from which the snow or ice, or both, is removed. Such notice shall be served by delivering a copy thereof to such owner, occupant or agent in charge of said property, or by leaving such copy with some person, above the age of fifteen years, who is a member of such owner's, occupant's, or agent's family and residing with such owner, occupant or agent, if such owner, occupant or agent resides within the limits of the city, or, in the event that no one is on the property from which the snow or ice, or both, is to be removed or at the residence of such owner, occupant or agent in charge, if within the city, then by posting such copy in some conspicuous place on the property from which the snow or ice, or both, is to be removed. Failure to pay the amount assessed for snow or ice removal including inspection and incidental costs within thirty days (30) of the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. The laws of the state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment.

**Section 6.** That Chapter 12.24 is hereby amended by the addition of a new Section 12.24.037 to read in full as follows:

**12.24.037 Administrative review of assessment.**

Any owner who disputes the amount of assessment made against such owner's property under Section 12.24.035 may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code.

**Section 7.** That Section 12.32.170 of the City Code is hereby amended to read in full as follows:

**12.32.170 Notice of compliance.**

It is unlawful for any person to fail to comply with the requirements of any notice given pursuant to Sections 12.32.130 through 12.32.160 within the time specified in such notice. In all cases the city shall notify the owner or his agent to maintain and care for all trees and shrubs within thirty days or other period of time thereof deemed reasonable by the city from the date of service of such notice. The owner shall have the right to care for and maintain their trees and shrubs in conformity with the rules, regulations and standards of the city. The notice shall be in writing and served in person upon the owner if found within the city, and if not, it may be served by registered or certified United States Mail or by publication in a daily newspaper published in the city. If, at the end of the thirty days, or other time established, the property owner has failed to care for and maintain the tree or shrub as required by the city, the city may have the work done by day labor or contract and when work is done issue to the person doing the work a certificate therefore stating the just amount due him, which certificate shall draw interest at a rate of six percent per year until paid. The city shall mail a copy of such certificate to the property owner at his last known address and amount of the certificate plus all accrued interest shall become and remain a lien upon the property until it is paid. Failure to pay the amount assessed for tree or shrub maintenance, care or removal including inspection and incidental costs within thirty days (30) of the mailing of the certificate shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.

**Section 8.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
Assistant City Attorney

An Ordinance Amending Title 3 of the Loveland Municipal Code by the Addition of a New Chapter 3.50 to Consolidate and Amend the Lien and Collection Processes for the City's Current Code Provisions Related to Weed Abatement, Graffiti Removal, Refuse Removal and Snow Removal



**CITY OF LOVELAND**  
PUBLIC WORKS DEPARTMENT

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
(970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 7  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Keith Reester, Public Works Department  
**PRESENTERS:** Dave Klockeman, City Engineer  
 Ray Moe, LSA Associates, Inc.

**TITLE:**

A Resolution adopting the Bicycle and Pedestrian Plan of the City of Loveland and amending the 2005 Comprehensive Master Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, which is a functional (component) element of the 2005 Comprehensive Master Plan

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the Resolution

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is legislative action to adopt the Bicycle and Pedestrian Plan and to amend the 2005 Comprehensive Master Plan and 2030 Transportation Plan.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Any proposed funding for implementation of the Bicycle and Pedestrian Plan will be determined with the 2035 Transportation Plan that is currently being developed.

**SUMMARY:**

A well-balanced, well-maintained transportation system is critical for sustaining Loveland's high quality of life. A well-balanced transportation system includes choice of travel, including walking and bicycling, in addition to automobile and transit. The City of Loveland's Bicycle and

Pedestrian Plan is a response to the city's desire for a well-balanced transportation system. The purpose of the Bicycle and Pedestrian Plan is to identify strategies and activities that increase the use, safety, and convenience of bicycling and walking within and around the City of Loveland and to promote bicycling and walking as integral components of the region's multi-modal transportation system.

The Plan was created with the assistance of a steering and technical committee. Early drafts of the plan have been presented for review and comment to the Transportation Advisory Board, and to the public at several open houses and workshops during development of the Plan. A draft of the plan was presented to the City Council at their February 28, 2012 Study Session. The direction from City Council was very positive and suggested only a few changes be made to the Plan. The suggested changes from City Council have been incorporated into the final draft of the Bicycle and Pedestrian Plan that is being presented to City Council for adoption.

The final draft of the Bicycle and Pedestrian Plan was presented to the Transportation Advisory Board and Planning Commission for review and recommendation because it is part of the 2030 Transportation Plan, which is a functional component of the 2005 Comprehensive Plan. The City of Loveland Comprehensive Plan recognizes the importance of a balanced transportation system that includes bicycles and pedestrians. The Transportation Advisory Board unanimously endorses the Plan and submitted a Letter of Recommendation which is attached. The Planning Commission also unanimously adopted a Resolution recommending approval of the Plan which is also attached.

The complete final draft of the Bicycle and Pedestrian Plan can be reviewed at <http://www.ci.loveland.co.us/modules/showdocument.aspx?documentid=10725>

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**REVIEWED BY CITY MANAGER:** 

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**LIST OF ATTACHMENTS:**

1. Resolution
2. Transportation Advisory Board Letter of Recommendation
3. Planning Commission Resolution

**RESOLUTION #R-31-2012**

**A RESOLUTION ADOPTING THE BICYCLE AND PEDESTRIAN PLAN OF THE CITY OF LOVELAND AND AMENDING THE 2005 COMPREHENSIVE MASTER PLAN BY ADDITION OF THE BICYCLE AND PEDESTRIAN PLAN TO THE 2030 TRANSPORTATION PLAN, WHICH IS A FUNCTIONAL (COMPONENT) ELEMENT OF THE 2005 COMPREHENSIVE MASTER PLAN**

**WHEREAS**, on March 6, 2007, by Resolution #R-21-2007, the City Council adopted the “2005 Comprehensive Master Plan” (“2005 Comprehensive Plan”); and

**WHEREAS**, pursuant to Section 6 of the 2005 Comprehensive Plan, the City Council may amend the 2005 Comprehensive Plan by amendment of a functional (component) element previously adopted as part of the 2005 Comprehensive Plan after a duly-noticed public hearing is held, and recommendations are made to the City Council, by the Planning Commission; and

**WHEREAS**, on April 3, 2007, by Resolution #R-37-2007, the City Council adopted the “2030 Transportation Plan,” which is a functional (component) element of the 2005 Comprehensive Plan; and

**WHEREAS**, the 2005 Comprehensive Plan - 2011 Implementation Plan contains Objective 10.B.4.1.P.1., assigned as an objective for the Transportation Advisory Board, which calls for completion and adoption of a bicycle and pedestrian component to the 2030 Transportation Plan; and

**WHEREAS**, Public Works Department staff has prepared a Bicycle and Pedestrian Plan to be incorporated into the 2030 Transportation Plan; and

**WHEREAS**, on April 2, 2012, the Transportation Advisory Board adopted a motion recommending that the City Council adopt the Bicycle and Pedestrian Plan; and

**WHEREAS**, on April 9, 2012, the Planning Commission adopted Resolution # 3-2012 recommending that the City Council amend the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, which is a functional (component) element of the 2005 Comprehensive Plan, and making certain findings in support of that recommendation as required by Section 6.0 of the 2005 Comprehensive Plan; and

**WHEREAS**, the City Council desires to adopt the Bicycle and Pedestrian Plan and amend the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, the adoption of which Plan is in the best interest of the citizens of the City of Loveland.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**



**Section 1.** That the Bicycle and Pedestrian Plan, a copy of which is on file with the Loveland City Clerk, is hereby adopted.

**Section 2.** That the City Council hereby adopts and incorporates by reference the findings set forth in Resolution # 3-2012 adopted by the Planning Commission on April 9, 2012.

**Section 3.** That the 2005 Comprehensive Plan is hereby amended by the addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, which is a functional (component) element of 2005 Comprehensive Plan.

**Section 4.** That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 1<sup>st</sup> day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

**CITY OF LOVELAND**  
**TRANSPORTATION ADVISORY BOARD**

April 11, 2012

Mayor Gutierrez and Members of Council,

Subject to the comments noted below, the Transportation Advisory Board endorses the City of Loveland Bicycle Plan as presented to the TAB at its regular meeting on April 2, 2012.

The Public Works Staff has done a very nice job of assembling a knowledgeable and representative collection of board members and interested citizens to form an advisory committee on developing this plan. The Transportation Advisory Board was well represented by two of our members on the committee and the TAB has had several briefings as the process has unfolded.

The proposed plan inventories the existing condition of bicycle and pedestrian facilities through-out the city and then prioritizes future projects by analyzing the most likely bicycle travel demand patterns along with the existing gaps and other infrastructure deficiencies.

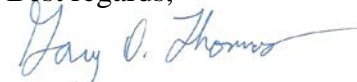
The planning of future projects also take into consideration safety factors such as the history of bicycle and pedestrian crashes at various locations and the desirability of avoiding pedestrian and bicycle conflicts with each other as well as roadway traffic. The proposed plan also calls for incorporating national design standards for future construction.

It is noted that the regional Metropolitan Planning Organization (MPO) is also developing a regional bicycle plan and the Loveland plan will be incorporated into that study once completed.

The one area of the Bicycle Plan not fully developed at the time of the TAB review is the financial projections for the development costs. While the planners could articulate the expected total cost of the recommended improvements on an annual basis, there needs to be more work on understanding what expenditures might be eligible for external funding (Such as Federal Congestion Mitigation and Air Quality funding) vs. those costs that would be borne by the City of Loveland General Funds. Hopefully by the time this plan is presented to City Council more detail in that regard will be provided.

I would be glad to discuss this recommendation further at your convenience.

Best regards,



Gary D. Thomas

Chair

Transportation Advisory Board

**RESOLUTION NO. 3, 2012****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOVELAND RECOMMENDING THAT THE 2005 COMPREHENSIVE MASTER PLAN BE AMENDED BY ADDITION OF THE BIKE AND PEDESTRIAN PLAN TO THE 2030 TRANSPORTATION PLAN, WHICH IS A FUNCTIONAL (COMPONENT) ELEMENT OF THE 2005 COMPREHENSIVE PLAN**

**WHEREAS**, on March 6, 2007 by Resolution #R-21-2007, the City Council adopted the "2005 Comprehensive Master Plan" ("2005 Comprehensive Plan"); and

**WHEREAS**, pursuant to Section 6 of the 2005 Comprehensive Plan, the City Council may amend the 2005 Comprehensive Plan by amendment of a functional (component) element previously adopted as part of the 2005 Comprehensive Plan after a duly-noticed public hearing is held, and recommendations are made to the City Council, by the Planning Commission; and

**WHEREAS**, on April 3, 2007 by Resolution #R-37-2007, the City Council adopted the "2030 Transportation Plan," which is a functional (component) element of the 2005 Comprehensive Plan; and

**WHEREAS**, the 2005 Comprehensive Plan - 2011 Implementation Plan contains Objective 10.B.4.1.P.1., assigned to the Transportation Advisory Board, which calls for completion and adoption of a bicycle and pedestrian component to the 2030 Transportation Plan; and

**WHEREAS**, Public Works Department staff has prepared a Bicycle and Pedestrian Plan to be incorporated into the 2030 Transportation Plan; and

**WHEREAS**, the Planning Commission has reviewed the scope of the Bicycle and Pedestrian Plan to determine whether it is appropriate to amend the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan, which is a functional (component) element of the 2005 Comprehensive Plan; and

**WHEREAS**, the Planning Commission finds that amendment of the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan implements, furthers, or is otherwise consistent with one or more of the philosophies, goals, policies, and strategies of the 2005 Comprehensive Plan, namely Goal 10.B.4 and Objectives 10.B.4.1, 10.B.4.2, 10.B.4.3, and 10.B.4.4; and

**WHEREAS**, the Planning Commission further finds that amendment of the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan does not interfere with existing, emerging, proposed or future land use patterns, densities, or intensities within the City of Loveland as depicted on the Land Use Plan Map contained within the 2005 Comprehensive Plan; and

**WHEREAS**, the Planning Commission further finds that amendment of the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan does not interfere with or prevent, and will implement, the provision of the City of Loveland's existing, planned, or previously-committed services or proposals for community facilities, or other specific public or private actions contemplated within the 2005 Comprehensive Plan; and

**WHEREAS**, the Planning Commission further finds that amendment of the 2005 Comprehensive Plan by addition of the Bicycle and Pedestrian Plan to the 2030 Transportation Plan does not interfere with or prevent, and will implement, the provision of any of the City of Loveland's existing or planned transportation system services as contemplated by 2030 Transportation Plan; and

**WHEREAS**, on April 9, a duly-noticed public hearing was held by the Planning Commission on the proposed amendment to the 2005 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO:**


**Section 1.** That the Loveland Planning Commission hereby makes the findings set forth herein.

**Section 2.** That the Loveland Planning Commission hereby recommends that the Loveland City Council amend the 2005 Comprehensive Master Plan by addition of the Bicycle and Pedestrian Plan, a copy of which is on file with the Loveland City Clerk, to the 2030 Transportation Plan, which is a functional (component) element of the 2005 Comprehensive Plan.

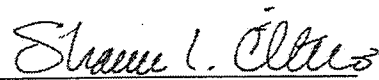
**Section 3.** That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 9<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Planning Commission Chair

ATTEST:  
  
\_\_\_\_\_  
Planning Commission Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney



**CITY OF LOVELAND**  
PUBLIC WORKS DEPARTMENT

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
(970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 8  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bill Hange, City of Loveland Public Works Department  
**PRESENTER:** Dave Klockeman, City of Loveland Public Works Department

**TITLE:**

Traffic Signal Installation Contract Award

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt a motion approving the renewal contract with W.L. Contractors, Inc. for traffic signal installation services in the amount of \$1,196,635 and authorizing the City Manager to execute the contract.

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action to renew the City's contract with W.L. Contractors, Inc. to provide traffic signal installation services throughout the City of Loveland and authorizing the City Manager to execute the contract.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Sufficient funds have been appropriated and budgeted in 2012 for this contract renewal.

**SUMMARY:**

In 2011, City Council awarded the traffic signal installation contract to W.L. Contractors, Inc. The work performed under this contract includes parts, labor, equipment, and traffic control required for the installation of traffic signals and related devices through the City of Loveland.

The contract may be renewed annually in one year increments, for up to three additional years, by written agreement of the parties. For 2012, staff recommends renewing the contract in the amount of \$1,196,635. There are no additional changes to the contract.

Sufficient funds have been appropriated and budgeted for this contract renewal.

---

**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

---

**LIST OF ATTACHMENTS:**

None



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 9  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Greg George, Development Services Director  
**PRESENTER:** Sherry Albertson-Clark, Current Planning

**TITLE:**

An ordinance vacating a utility easement on Lot 1, Block One, Amended Plat of Lots 2-6, Block 3 Loveland Business Plaza First Addition

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and adopt on first reading the ordinance vacating a utility easement

**DESCRIPTION:**

A public hearing to consider an ordinance on first reading vacating a 250 square foot utility easement on Lot 1, Block One in the Loveland Business Plaza First Addition, located at 1122 North Denver Avenue.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**SUMMARY:**

The existing business on the property, ARC Science, is proposing to construct a second commercial/industrial building on the lot. The new building would be located over the easement. The easement occupies an area 10' by 25' on the east side of the lot. The easement to be vacated contains no existing utilities. An existing sewer main will remain within its own 10' easement and is not affected by this proposed vacation.

**REVIEWED BY CITY MANAGER:**

*William D. Cabell*

**LIST OF ATTACHMENTS:**

1. Ordinance
2. Staff memorandum

**FIRST READING:** May 1, 2012  
**SECOND READING:** \_\_\_\_\_

**ORDINANCE NO.**

**AN ORDINANCE VACATING A UTILITY EASEMENT ON LOT 1, BLOCK ONE, AMENDED PLAT OF LOTS 2-6, BLOCK 3 LOVELAND BUSINESS PLAZA FIRST ADDITION**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a utility easement described below, and depicted on **Exhibit A** attached hereto and incorporated herein by this reference, located in Lot 1, Block One, Amended Plat of Lots 2-6, Block 3 Loveland Business Plaza First Addition to the City of Loveland, County of Larimer, State of Colorado;

**WHEREAS**, the City Council finds and determines that no land adjoining any easement to be vacated is left without an established public or private easement connecting said land with another established public or private easement; and

**WHEREAS**, the City Council finds and determines that the utility easement to be vacated is no longer necessary for the public use and convenience; and

**WHEREAS**, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the City Council hereby adopts and makes the findings set forth above.

**Section 2.** That based on the City Council’s findings described above, the following utility easement be and the same is hereby vacated:

A portion of **Lot 1, Block One, Amended Plat of Lots 2-6, Block 3 Loveland Business Plaza First Addition** to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

The Easement and Right-of-Way as described in that certain Grant of Easement recorded December 30, 1994 in the real property records of the Office of the Clerk and recorder of Larimer County, Colorado at Reception No. 94102185 being more particularly described as follows:



The South Ten (10) Feet of the East Twenty-Five (25') of Lot 3, Block 3, of the LOVELAND BUSINESS PLAZA FIRST ADDITION to the City of Loveland, Colorado, being further described as:

That portion of Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION, situate in the Northeast Quarter of Section 18, Township 5 North, Range 68 West of the 6<sup>th</sup> P.M., City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION as bearing South 00°29'10" West and with all bearings contained herein relative thereto:

Beginning at the Northeast corner of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION; thence along the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION South 00°29'10" West 22.11 feet, more or less, to the Northeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185; said Northeast corner being the TRUE POINT OF BEGINNING; thence continuing along said East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION and along the East line of said Easement and Right-of-Way as described in said Reception No. 94102185 South 00°29'10" West 10.00 feet, more or less, to the Southeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION and said East line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the South line of said Easement and Right-of-Way as described in said Reception No. 94102185 North 89°28'05" West 25.00 feet, more or less, to the Southwest corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said South line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the West line of said Easement and Right-of-Way as described in said Reception No. 94102185 North 00°29'10" East 10.00 feet, more or less, to the Northwest corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said West line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the North line of said Easement and Right-of-Way as described in said Reception No. 94102185 South 89°28'05" East 25.00 feet, more or less, to a point on the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION; said point being the Northeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185 and the TRUE POINT OF BEGINNING.

Containing 250.0 Square Feet, more or less

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance

has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 3.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2012.

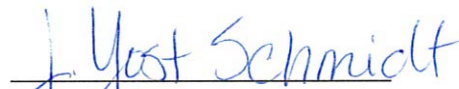
ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

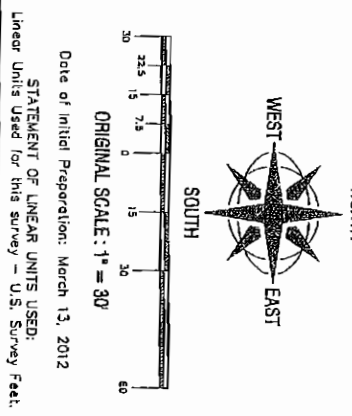
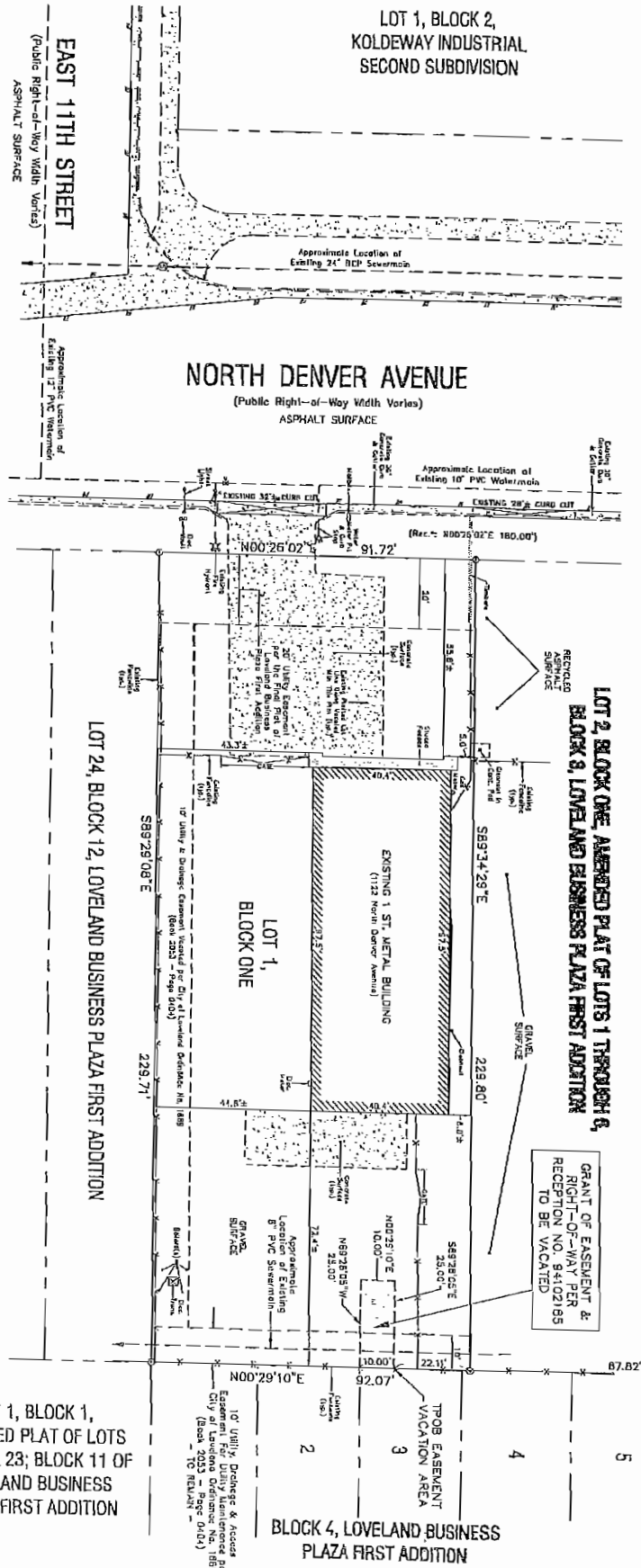
\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

# EXHIBIT A

**EXISTING CONDITIONS MAP FOR A PROPOSED EASEMENT VACATION  
BEING A PORTION OF LOT 1, BLOCK ONE, AMENDED PLAT OF LOTS 1 THROUGH 6,  
LOVELAND BUSINESS PLAZA FIRST ADDITION**



**NOTE:** CERTAIN UTILITY LOCATIONS (SANITARY SEWER LINES, WATER LINES, STORM SEWER LINES) ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. THE LOCATIONS FOR THESE UTILITY LINES SHOWN PER THE CITY OF LOVELAND DEPARTMENT OF WATER AND POWER UTILITY MAP BOOK. TRUE FIELD LOCATIONS FOR THESE UTILITY LINES SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION WITHIN THE GENERAL AREA OF THESE UTILITY LINES.

PREPARED FOR:  
 FRALEY HOLDING COMPANY, LLC  
 7841 Vantage View Place  
 Fort Collins, Colorado 80525  
 P: (970) 667-7144

PREPARED BY AND ON BEHALF OF:  
 INTERMILL LAND SURVEYING, INC.  
 1301 North Cleveland Avenue  
 Loveland, Colorado 80537  
 P: (970) 669-0516  
 F: (970) 636-9775  
 E: Intermill@westoffice.net

PROJECT NO.: P-10-6915  
 According to Colorado law, you must commence any legal action based upon any event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification herein.





## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620  
www.cityofloveland.org

### MEMORANDUM

**TO:** City Council

**FROM:** Sherry Albertson-Clark, Current Planning Division

**DATE:** May 1, 2012

**SUBJECT:** Vacation of a utility easement on Lot 1, Block One of the Amended Plat of Lots 1-6, Block 3, Loveland Business Plaza First Addition

#### I. ATTACHMENTS

1. Site Plan
2. Vacation Exhibit
3. Applicant's Request for Vacation

#### II. KEY ISSUES

Staff believes that there are no outstanding issues regarding this requested easement vacation.

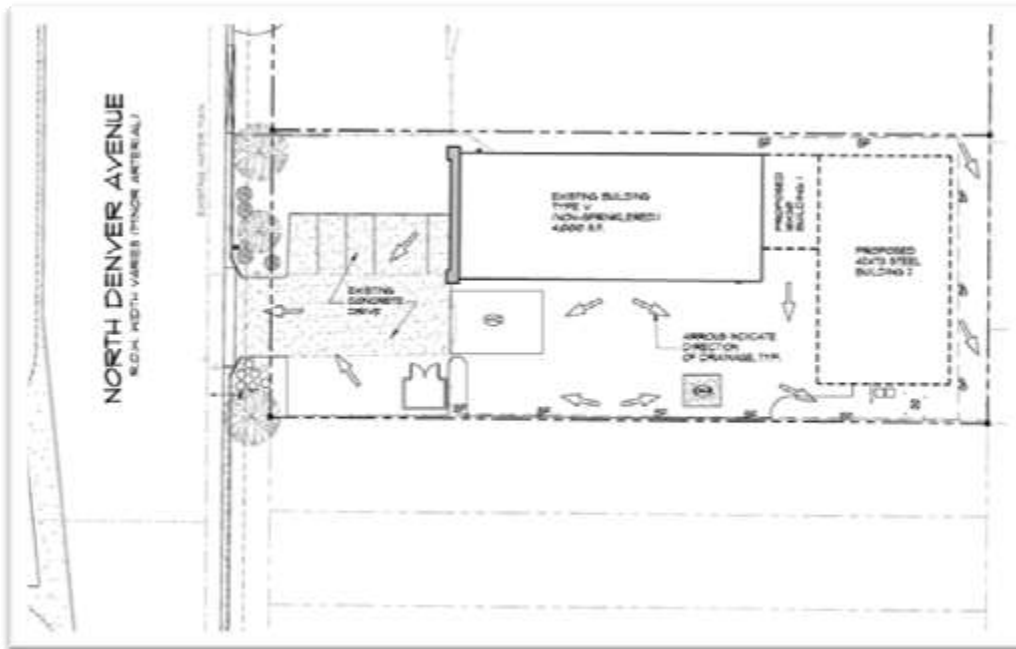
#### III. PROJECT DESCRIPTION

This application proposes to vacate a 250 square foot utility easement located at 1122 North Denver Avenue (as shown on **Attachment 2**). The utility easement included access granted to the City for maintenance of the easement area. The existing building on this site is occupied by ARC Science. The vacation is being requested to allow for the construction of a second commercial/industrial building on the eastern portion (rear) of the site. ARC Science will use the new building to expand their operations. There are no known utility lines within the portion of the easement proposed for vacation. The existing north/south sanitary sewer main is in a 10' wide easement (utility, drainage and access easement for utility maintenance) that is parallel to the east lot line and will not be affected by the proposed vacation. City development review staff support the vacation request.

**IV. VICINITY MAP/ INFORMATIONAL SITE PLAN**



Vicinity Map-1122 N Denver Ave



Informational Site Plan-1122 N Denver Ave

ITEM #

## **V. FINDINGS and ANALYSIS**

The following two findings must be met in order for the City Council to vacate the utility easement. These findings are included in section 16.36.010.B of the Loveland City Code.

1. *That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.*

**Current Planning:** Staff believes this finding can be met because the utility easement vacation is internal to the property and does not affect any access to/from the property or adjacent properties.

**Transportation:** The Transportation Division understands from the information submitted that this is a proposed vacation of an existing utility easement on the property, with no proposed vacation of any existing public street or alley rights-of-way.

Since the proposed vacation of the utility easement does not involve the vacation of any existing public street or alley rights-of-way, no land will be left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement. (The utility easement will not leave adjoining land without access to the existing public street/alley system).

2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

**Transportation:** Since this vacation is for a utility easement only, and does not include any existing alley or street rights of way, the vacation of the utility easement has no bearing on the existing public use and convenience in regards to access.

In light of the above, the Transportation Division has no objection to the vacation of the utility easement on the property (no public street or alley right-of-way is involved in this easement vacation).

**Fire:** Staff believes the proposed easement is not needed for fire protection and can support the vacation.

**Power:** No concerns.

**Water/Wastewater:** The subject area to be vacated is within the City's current service area for both water and wastewater. Staff finds that the existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development. The existing easement to be vacated is no longer necessary for public use and convenience.

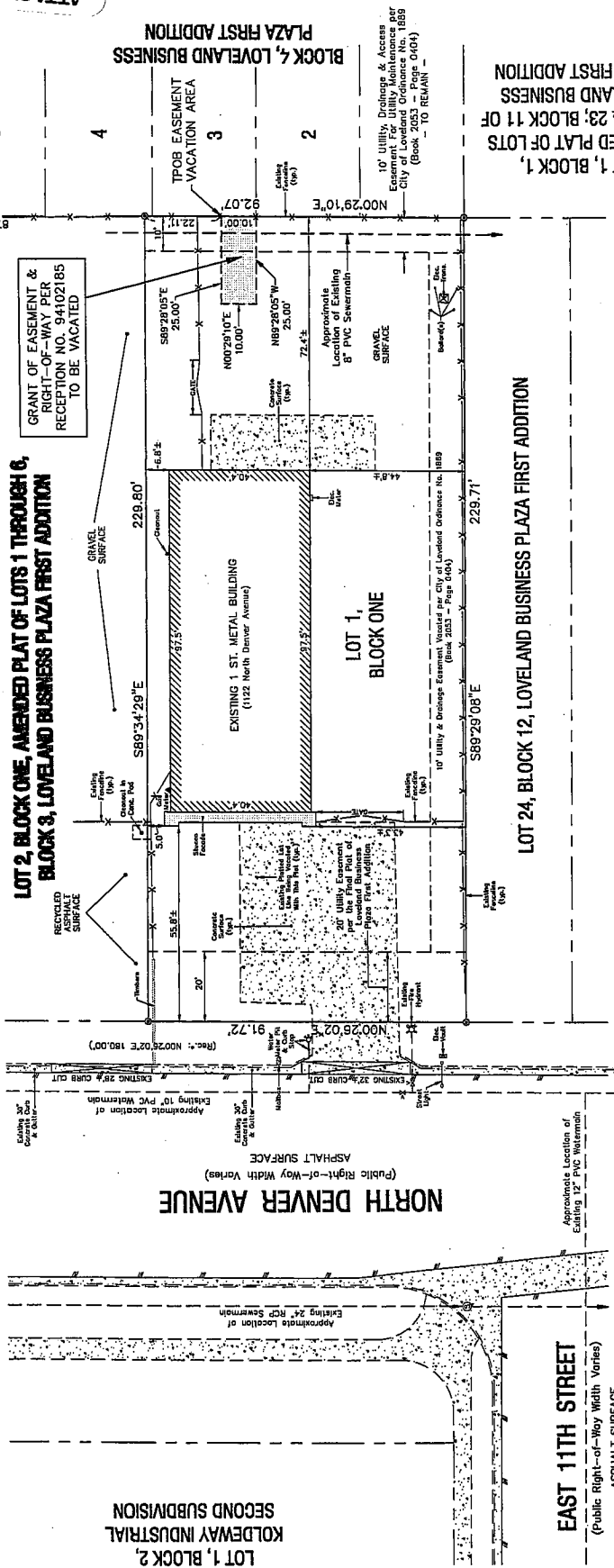
**Stormwater:** Staff believes that this finding can be met because the existing 10' wide by 25' long utility easement to be vacated is not used to convey stormwater and thus is not necessary for the public use and conveyance of stormwater.

**VI. RECOMMENDATION**

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on first reading.

**EXISTING CONDITIONS MAP FOR A PROPOSED EASEMENT VACATION  
BEING A PORTION OF LOT 1, BLOCK ONE, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3,  
LOVELAND BUSINESS PLAZA FIRST ADDITION**

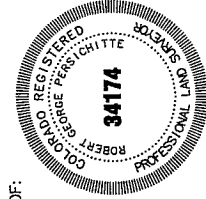
ATTACHMENT 1



LOT 1, BLOCK 1,  
LOVELAND BUSINESS  
PLAZA FIRST ADDITION

PREPARED BY AND ON BEHALF OF:  
INTERMILL LAND SURVEYING, INC.  
1301 North Cleveland Avenue  
Loveland, Colorado 80537  
P: (970) 669-0516  
F: (970) 635-9775  
E: intermill@questoffice.net

PREPARED FOR:  
FRALEY HOLDING COMPANY, LLC  
7841 Vantage View Place  
Fort Collins, Colorado 80525  
P: (970) 667-7144



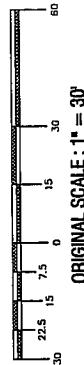
NOTE: CERTAIN UTILITY LOCATIONS (SANITARY SEWER LINES, WATER LINES, STORM SEWER LINES) ARE SHOWN IN THEIR APPROXIMATE LOCATION(S). THE LOCATIONS FOR THESE UTILITY LINES SHOWN PER THE CITY OF LOVELAND DEPARTMENT OF WATER AND POWER UTILITY MAP BOOK, TRUE FIELD LOCATIONS FOR THESE UTILITY LINES SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION WITHIN THE GENERAL AREA OF THESE UTILITY LINES.

Project No.: P-10-6915

Robert George Perschitte  
Colorado P.L.S. 34174

According to Colorado law you must commence any legal action based upon any defect in this survey no later than ten years from the date of the certification shown hereon.

UTILITY NOTIFICATION CENTER OF COLORADO: 1-800-922-1987



Date of Initial Preparation: March 13, 2012

STATEMENT OF LINEAR UNITS USED:

Linear Units Used for this survey - U.S. Survey Feet.



**INTERMILL LAND SURVEYING, INC.**  
 1301 North Cleveland Avenue – Loveland, Colorado 80537  
 P: 970-669-0516 F: 970-635-9775  
 E: intermill@qwestoffice.net

**EXHIBIT 'A'**

**PROPERTY DESCRIPTION FOR EASEMENT VACATION BEING A PORTION OF  
 LOT 1, BLOCK ONE, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3,  
 LOVELAND BUSINESS PLAZA FIRST ADDITION**

The Easement and Right-of-Way as described in that certain Grant Of Easement recorded December 30, 1994 in the real property records of the Office of the Clerk and recorder of Larimer County, Colorado at Reception No. 94102185 being more particularly described as follows:

The South Ten (10) Feet of the East Twenty-Five (25') of Lot 3, Block 3, of the LOVELAND BUSINESS PLAZA FIRST ADDITION to the City of Loveland, Colorado, being further described as:

That portion of Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION, situate in the Northeast Quarter of Section 18, Township 5 North, Range 68 West of the 6<sup>th</sup> P.M., City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION as bearing South 00°29'10" West and with all bearings contained herein relative thereto:

Beginning at the Northeast corner of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION; thence along the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION South 00°29'10" West 22.11 feet, more or less, to the Northeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185; said Northeast corner being the TRUE POINT OF BEGINNING; thence continuing along said East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION and along the East line of said Easement and Right-of-Way as described in said Reception No. 94102185 South 00°29'10" West 10.00 feet, more or less, to the Southeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION and said East line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the South line of said Easement and Right-of-Way as described in said Reception No.

94102185 North 89°28'05 West 25.00 feet, more or less, to the Southwest corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said South line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the West line of said Easement and Right-of-Way as described in said Reception No. 94102185 North 00°29'10" East 10.00 feet, more or less, to the Northwest corner of said Easement and Right-of-Way as described in said Reception No. 94102185; thence departing said West line of said Easement and Right-of-Way as described in said Reception No. 94102185 and along the North line of said Easement and Right-of-Way as described in said Reception No. 94102185 South 89°28'05" East 25.00 feet, more or less, to a point on the East line of said Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION; said point being the Northeast corner of said Easement and Right-of-Way as described in said Reception No. 94102185 and the TRUE POINT OF BEGINNING.

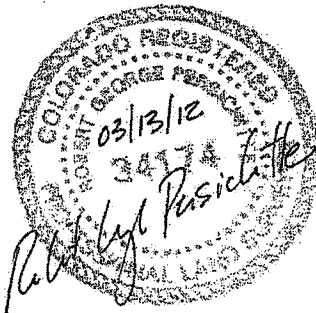
Containing 250.0 Square Feet, more or less, and being subject to all existing easements and/or rights-of-way of record.

PREPARED BY AND BEHALF OF:

INTERMILL LAND SURVEYING, INC.  
 1301 North Cleveland Avenue  
 Loveland, Colorado 80537  
 P: 970-669-0516  
 F: 970-635-9775  
 E: rob.ils@qwestoffice.net

Robert George Persichitte  
 Colorado PLS 34174

Date: 03/13/2012



**INTERMILL LAND SURVEYING, INC.**

1301 North Cleveland Avenue – Loveland, Colorado 80537

P: 970-669-0516 – F: 970-635-9775

E: intermill@qwestoffice.net

P-10-6915

March 21, 2012

City of Loveland, Colorado  
 Development Services – Current Planning  
 500 East 3<sup>rd</sup> Street  
 Loveland, Colorado 80537

RE: PROPOSED EASEMENT VACATION - PORTION OF LOT 1, BLOCK ONE,  
 AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS  
 PLAZA FIRST ADDITION

To Whom It May Concern:

This letter is being prepared on behalf of Fraley Holding Company, LLC, the applicant, and shall act as a letter of request and explanation for a proposed Utility Easement Vacation Request. Fraley Holding Company, LLC is the owner of that certain property legally known as Lot 1, Block One, AMENDED PLAT OF LOTS 1 THROUGH 6, BLOCK 3, LOVELAND BUSINESS PLAZA FIRST ADDITION to the City of Loveland, County of Larimer, State of Colorado. The property is commonly known as 1122 North Denver Avenue, Loveland, Colorado 80537.

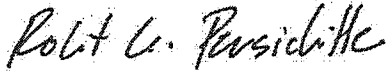
Fraley Holding Company, LLC is requesting the vacation of an existing Ten (10) Foot x Twenty-five (25) Foot Utility Easement dedicated to the City of Loveland in December of 1994, recorded December 30, 1994 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 94102185. The reason for this easement dedication in 1994 is unknown.

The site is currently and contains an existing commercial/industrial use building. The owner and applicant for this vacation request, Fraley Holding Company, LLC, now wishes to further develop the property with the construction of an additional commercial/industrial use building and appurtenances thereto on the site. As proposed, construction of the additional commercial/industrial use building encroaches onto the Utility Easement previously dedicated with Reception No. 94102185. To the best of our knowledge, there are no existing utilities installed within this area of the easement to be vacated with the exception of an existing North-South running sanitary sewer main. The aforesaid existing sanitary sewer main shall remain in place and be contained within an easement, being a Ten (10) Foot Utility, Drainage & Access Easement For Utility Maintenance Per City of Loveland Ordinance No. 1889 and recorded in Book 2053 at Page 404. For reference, Book 2053 at Page 404 vacated an alley within this portion of the Loveland Business Plaza First Addition and reserved the vacated alley as the aforesaid Ten (10) Foot Utility, Drainage & Access Easement For Utility Maintenance.

Please review this letter and the accompanying documents for this Utility Easement Vacation request during regularly scheduled staff review schedules. As always, if any City of Loveland staff members have any questions, concerns or desire additional information on this request, please feel free to call myself at (970) 669-0516.

Respectfully Submitted,

INTERMILL LAND SURVEYING, INC.  
1301 North Cleveland Avenue  
Loveland, Colorado 80537  
P: 970-669-0516  
F: 970-635-9775  
E: rob.ils@qwestoffice.net



Robert G. Persichitte  
For and On Behalf Of  
Fraley Holding Company, LLC


**CITY OF LOVELAND**

BUDGET OFFICE

 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

**AGENDA ITEM:** 10  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

Public hearing and consideration of an ordinance on first reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to provide funding to the Loveland Fire Rescue Authority for matching funds required by a federal grant and for the programming and installation of the radios

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and approve the ordinance on first reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. The ordinance increases the City's contribution to the Loveland Fire Rescue Authority to provide 100% of local matching funds for a Federal Emergency Management (FEMA) Assistance to Firefighters Grant to replace radios, and provide funding to install and program the radios after the purchase.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The local commitment of \$170,671 to match \$682,686 in grant revenue from Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) and \$49,300 for programming and installation costs not approved by FEMA will be appropriated upon approval from a reserve in the General Fund included in the Financial Plan for the replacement of Self Contained Breathing Apparatus (SCBA). The total appropriation is \$219,970.

The total amount reserved in the budget was \$434,690. The amount was based on the projected total cost to replace the SCBA gear for the Department in the event a grant that was submitted to FEMA for the replacement of the gear was not approved. The Department was successful in receiving the grant and only \$110,920 from the reserve was required to match the SCBA grant, bringing the balance down to \$323,770. The balance can be made available for this grant match request of \$170,670 and for the \$49,300 of additional costs, leaving a balance of \$103,800 remaining in the reserve.

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**SUMMARY:**

The Loveland Fire Rescue Authority was awarded by FEMA \$682,686, representing 80% of a radio replacement project that will cost \$853,357. An additional \$49,300 for programming and installation, was not approved. The total project cost is \$902,660. The required 20% match of the radio replacement project cost is \$170,671. The grant match, in addition to the programming and installation costs not approved, will be appropriated from the remaining amount in a reserve established in the 2012 Budget for the replacement of SCBA gear.

The following equipment will be programmed and installed upon appropriation of funds:

- 9 desktop radio units @ \$5,500 each for \$49,500,
- 7 base stations @ \$7,515 each for \$52,605,
- 99 portable radios @ \$4,736 each for \$468,864, and
- 39 mobile radios @ \$6,192 each for \$241,488.

The programming and installation costs approved were \$39,400 of the \$88,700 estimated cost. The grant writing reimbursement was approved for \$1,500 of \$5,500 requested.

**Background**

The Federal Communications Commission (FCC) has delivered some mandates over the last ten years to isolate emergency communications on particular frequencies. The 800MHz was the first mandated roughly ten years ago and the current mandate is to convert to narrow banding of the 700 MHz frequencies by 2017.

There are three components to the radio system: mobile radios (use on apparatus), portable radios (personnel carry with them), and base radios (at each station). The department has 173 – 800 MHz radios. Over 70% of those radios were purchased in 1997 and are no longer supported by Motorola. This means that there is a 50% chance that the radio can be repaired by our contracted radio technicians, but no parts are available from Motorola. Last year 3 radios were not repairable, and the concern is that the number of failed units will increase as these radios continue to age.

The department's inventory has:

- Portable radios (hand held) that became unsupported by Motorola in 2010,
- Base radios (station radios) that became unsupported by Motorola in late 2010,

- Mobile radios (vehicle radios) that became unsupported by Motorola in 2011, and
- Radios that will not meet the FCC mandate in 2017 for the 700 MHz frequency “re-banding”.

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**REVIEWED BY CITY MANAGER:** *William D. Cabell*

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**LIST OF ATTACHMENTS:**

Ordinance

**FIRST READING** May 1, 2012

**SECOND READING** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO PROVIDE FUNDING TO THE LOVELAND FIRE RESCUE AUTHORITY FOR MATCHING FUNDS REQUIRED BY A FEDERAL GRANT AND FOR THE PROGRAMING AND INSTALLATION OF THE RADIOS**

**WHEREAS**, the City has reserved funds not appropriated at the time of the adoption of the City budget for 2012; and

**WHEREAS**, the Loveland Fire Rescue Authority (“Authority”) has been awarded a federal grant for the purchase, programming and installation of radios to be owned and used by the Authority; and

**WHEREAS**, the Authority has requested that City reserve funds be appropriated to fund the full local match required under the grant, notwithstanding the provisions of the Intergovernmental Agreement creating the Authority, which provide for allocating the payment of costs and expenses of the Authority between the City and the Loveland Rural Fire Protection District; and

**WHEREAS**, the City Council desires to authorize the expenditure of these reserve funds by enacting a supplemental budget and appropriation to the City budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues and/or reserves in the amount of \$219,970 from reserves in the General Fund 100 are available for appropriation. Revenues in the total amount of \$219,970 are hereby appropriated for a contribution to the Loveland Fire Rescue Authority to match a Federal grant to the Authority for the purchase of radios and the programming and installation of the radios and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:



**Supplemental Budget  
General Fund 100**

<b>Revenues</b>	
Fund Balance	219,970
<b>Total Revenue</b>	<b>219,970</b>
<b>Appropriations</b>	
100-91-902-0000-43714 Payment to Outside Agencies - Loveland Fire Rescue Authority	219,970
<b>Total Appropriations</b>	<b>219,970</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 3.** That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

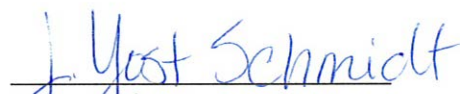
ADOPTED this \_\_\_ day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
**WATER & POWER DEPARTMENT**  
 200 North Wilson • Loveland, Colorado 80537  
 (970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

**AGENDA ITEM:** 11  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Water and Power Department  
**PRESENTER:** Chris Matkins and Tom Greene

**TITLE:** Morning Drive 36-inch Waterline Construction Bid Award

**RECOMMENDED CITY COUNCIL ACTION:** Approve the bid award for the Morning Drive 36-inch Waterline Project W1007D to Connell Resources, Inc., for the base bid and bid package “A” for a total of \$1,528,942.75 and authorize the City Manager to sign the construction contract.

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. The Department of Water and Power received sealed bids for the Morning Drive 36-Inch Waterline Project, number W1007D, on March 29, 2012. Review of the bid results shows that Connell Resources, Inc., is the low bidder for the base bid plus “Bid Package A” for a total price of \$1,528,942.75.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**SUMMARY:**

The bids for the Morning Drive 36-Inch Waterline Project were structured with a base bid and two alternatives. The bid documents allowed for a bid award which considered the total bid price of the base bid plus the base bid and “Bid Package A” and base bid and “Bid Package A and B.”

The City desires to award the base bid plus “Bid Package A” as this combination works best for the project and neighbors. This project required the purchase of numerous permanent and temporary construction easement acquisitions. The project will require the removal of numerous trees, crossing the Loudon Irrigation Ditch and construction that will occur in resident’s yards. Because of the disruption that will occur in the neighborhood, staff decided that it would be to their best interest to construct the entire waterline that will interfere with residential property.

The project currently has \$1,284,050 in the 2012 budget. If City Council has approved the “Supplement appropriation ordinance appropriating unused funds from the 2011 City budget” on the second reading, consent agenda for May 1<sup>st</sup>, 2012 the Morning Drive 36-Inch Waterline project will increase by \$590,650. The total funds available for the project will be \$1,874,700.

The Loveland Utility Commission (LUC) reviewed Water and Power’s staff recommendation to award the project to the lowest qualified bidder during their April 18<sup>th</sup>, 2012 meeting and unanimously requested that the City Council award the project to Connell Resources, Inc. for the Base Bid and Bid Package “A” in the amount of \$1,528,942.75 if funds are available.

CITY OF LOVELAND, CO - MORNING DRIVE 36-INCH WATERLINE PROJECT					
BID OPENING DATE MARCH 29, 2012					
Project Number: W1007D					
Description	Connell Resources, Inc.	Red Line Pipeline	Garney Companies, Inc.	Iron Woman Const. & Envrn. Svr.	Scott Contracting
Total Base Bid Price (Items 1 through 32)	\$992,465.65	\$898,157.38	\$975,597.00	\$1,021,246.00	\$977,574.00
Total Bid Package A Price (Items 1 through 23)	\$536,477.10	\$658,541.00	\$614,536.00	\$560,985.00	\$641,982.00
<b>Total Base Bid and Bid Package A</b>	<b>\$1,528,942.75</b>	<b>\$1,556,698.38</b>	<b>\$1,590,133.00</b>	<b>\$1,582,231.00</b>	<b>\$1,619,556.00</b>
Total Bid Package B Price (Items 1 through 17)	\$341,391.90	\$314,020.80	\$328,217.00	\$398,092.00	\$376,462.00
<b>Total of Base Bid, Bid Package A, &amp; Bid Package B</b>	<b>\$1,870,334.65</b>	<b>\$1,870,719.18</b>	<b>\$1,918,350.00</b>	<b>\$1,980,323.00</b>	<b>\$1,996,018.00</b>

REVIEWED BY CITY MANAGER: *William D. Cabell*

LIST OF ATTACHMENTS: None



**CITY OF LOVELAND**  
**WATER & POWER DEPARTMENT**  
 200 North Wilson • Loveland, Colorado 80537  
 (970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

**AGENDA ITEM:** 12  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** John McGee, Water and Power  
**PRESENTER:** John McGee, Water and Power

**TITLE:** A resolution approving an Intergovernmental Agreement (IGA) between the City of Loveland, Colorado ('City') and the Board of Governors of the Colorado State University System, acting by and through Colorado State University ('CSU'), for researching and lab services.

**RECOMMENDED CITY COUNCIL ACTION:** Adopt the resolution

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:** This is an administrative action to adopt a resolution approving an IGA between the City and CSU for lab and research services. The City intends to partner with CSU on current and future water quality lab services and research projects.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Funds for this project are available in the approved 2012 budget.

**SUMMARY:**

CSU owns and operates very high precision water quality analytical equipment that is used to analyze water quality and solids parameters that the City's water quality department does not have the capability or resources to run. The results of the testing will provide the City very valuable data for assessing raw water quality and sludge quality providing very useful information to better determine operational changes or adjustments to optimize water treatment and wastewater treatment.

CSU has research capabilities to assist the City with planning level projects at the water and wastewater treatment facilities for meeting expansion and regulatory needs. The research projects will provide the City valuable planning level information necessary to make informative decisions on treatment technology and budgetary life cycle costing.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

Resolution

**RESOLUTION #R-32-2012**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, ACTING BY AND THROUGH COLORADO STATE UNIVERSITY, FOR RESEARCH AND LAB SERVICES**

**WHEREAS**, Colorado State University (“CSU”) owns and operates a water quality and solids testing lab, which is capable of providing water quality and solids testing services that other water quality labs in the region are not; and

**WHEREAS**, the City would like to utilize CSU’s lab for water quality and solids testing services to test for certain properties in the City’s water and sludge at a rate established by CSU consistent with rates CSU charges other entities for similar services; and

**WHEREAS**, the City also would like to utilize CSU’s lab for research opportunities regarding planning and evaluating for water quality, water treatment, and wastewater treatment alternatives to assist in planning for future needs; and

**WHEREAS**, as governmental entities in Colorado, the City and CSU are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the “Intergovernmental Agreement for Colorado State University Research and Lab Services Provided to City of Loveland,” attached hereto as Exhibit A and incorporated herein by reference (“Intergovernmental Agreement”), is hereby approved.

**Section 2.** That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

**Section 3.** That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

**Section 4.** That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 1<sup>st</sup> day of May, 2012.

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Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

**INTERGOVERNMENTAL AGREEMENT  
FOR COLORADO STATE UNIVERSITY RESEARCH AND LAB SERVICES  
PROVIDED TO CITY OF LOVELAND**

This Intergovernmental Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **City of Loveland, Colorado**, a municipal corporation (“Loveland”) and the Board of Governors of the Colorado State University System, acting by and through **Colorado State University** (“CSU”), together referred to as the (“Parties”).

WHEREAS, CSU owns and operates a water quality / solids testing lab and such facilities are capable of providing water quality / solids testing services that other water quality labs in the region are not; and

WHEREAS, Loveland would like to utilize CSU for water quality / solids testing services to test for certain properties in its water and sludge at a rate established by CSU consistent with rates CSU charges other entities for similar services; and

WHEREAS, Loveland would like to utilize CSU for research opportunities as it pertains to planning and evaluating for water quality, water treatment and wastewater treatment alternatives to assist in planning for future needs. The data and results of the testing and research will be shared by both parties; and

WHEREAS, Loveland may need CSU to test for certain non-regulated substances on an impromptu basis; and

WHEREAS, Section 29-1-203, C.R.S., authorizes governmental entities to cooperate and contract with one another in order to provide any function, service, or facility lawfully permitted to each if such a contract is properly authorized by each party thereto; and

WHEREAS, accordingly, the Parties have negotiated the terms and conditions set forth in this Intergovernmental Agreement for CSU research and services provided to Loveland.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

**1. Services.** CSU owns and operates a water quality and solids testing lab and such lab are capable of conducting lab testing services that other testing labs in the region are not. Loveland is interested in occasionally utilizing certain testing services that the CSU testing lab is able to provide. CSU may sometimes be unable to provide the testing that Loveland is interested in receiving due to scheduling conflicts and then existing demand for its services. In addition, CSU shall conduct research related to water quality, water treatment and wastewater treatment for purposes of planning and graduate level research projects that will benefit both parties.



A. Loveland acknowledges that the CSU testing lab is not a commercial laboratory and that such lab is not certified to test for any substances or compounds that are required for compliance with the Colorado Public Drinking Water Regulations and Colorado Discharge Permit Regulations developed by the Colorado Department of Public Health and Environment (hereafter referred to as “CDPHE”).

B. The Parties acknowledge and agree that, as of the effective date of this Agreement, CSU will not provide testing services for Loveland related to any substances or compounds that are required for Loveland’s compliance with the Colorado Public Drinking Water Regulations and Colorado Discharge Permit Regulations developed by the CDPHE.

C. The Parties acknowledge and agree that, as of the effective date of this Agreement, CSU may assist the City with research opportunities as it relates to evaluating, modeling and planning for water treatment and wastewater treatment system improvements to meet future needs. The research will strictly be conducted on planning level assessment and will not be used by the City or CSU for design and implementation of improvements to meet expansion and / or regulatory needs. The primary purpose of the research is to assist graduate students in preparing ‘master degree’ level projects that will have a direct benefit for both parties.

D. The testing and research projects by CSU to be provided to Loveland are listed below as exhibits. The Parties acknowledge that there may be additional testing services and research projects not listed below that may be amended to this Agreement as long as it is in effect.

Exhibit A: Monitoring Geosmin Concentrations in the Source Waters of the Loveland Water Treatment Plant.

Exhibit B: BioWin™ Modeling / Simulations for Biological Nutrient Removal (BNR) Expansion Improvements to the Loveland WWTP

Exhibit C: Characterization, Testing and Quantification of Siloxanes in Waste Activated Sludge for the Loveland Wastewater Treatment Plant.

E. CSU reserves the right, in its reasonable discretion, to reject any samples for testing and to return them to Loveland.

2. **Price.** CSU will charge Loveland rates consistent with those rates that CSU charges other entities for similar testing services and graduate research projects. The maximum not to exceed dollar amount for this Agreement is \$50,000. An increase in dollar amount will require written approval by both parties. Each exhibit specified in Paragraph 1.D above or added to this Agreement will be executed under a single work order with an attached proposal not to exceed the dollar amount and basis of fees as specified in this Paragraph 2.

3. **Term.** This Agreement shall be effective from the **date set forth above through December 31, 2012**. This Agreement may be renewed for successive one-year terms beginning

January 1 and ending December 31 of the then-current calendar year by written amendment to this Agreement.

4. **Appropriation.** To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of Loveland, it shall be subject to annual appropriation pursuant to the Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. Loveland shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

5. **Termination.** Either party may terminate this Agreement without cause upon thirty (30) days prior written notice to the other. In the event a party has been declared in default hereof, such defaulting party shall be allowed a period of twenty (20) days within which to cure said default. In the event the default remains uncorrected, the non-defaulting party may elect to: (a) treat the Agreement as continuing and require specific performance; or (b) avail itself of any other remedy at law or equity.

6. **Notices.** Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three days after being sent by certified mail, return receipt requested:

To Loveland:  
 Water Utility Manager  
 Service Center  
  
 200 N. Wilson Avenue  
 Loveland, CO 80537

To CSU:  
 Colorado State University  
 Office of Sponsored Programs  
 601 Howes St., Room 408  
 Fort Collins, CO 80524-2002

7. **Self Insurance.** The Parties understand and agree that CSU, as an entity of the State of Colorado, and its employees are self-insured (\$150,000/\$600,000) through the State of Colorado.

8. **Governmental Immunity Act.** No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, limitations to liability, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.* and under any other law.

9. **Conflict of Interest.** The signatories aver that to their knowledge no State of Colorado employee has any personal or beneficial interest in the service or property described in the Agreement except for services provided hereunder. . The signatories aver that no bribery and corrupt influences or abuse of public office under the Colorado Criminal Code is present.

10. **Miscellaneous.** This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement. This Agreement

shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

**11. Counterpart Signatures.** This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.

Signed by the parties on the date written above.

**City of Loveland, Colorado**

By: \_\_\_\_\_  
William D. Cahill, City Manager

ATTEST:

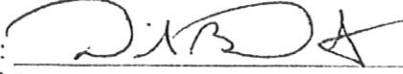
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

(Remainder of page intentionally left blank.)

The Board of Governors of The Colorado State University System, by and through Colorado State University

By:  12/8/11  
JES David B. Doty, Associate Director  
Sponsored Programs

APPROVED:

By:   
JES Douglas Leavell  
Director, Sponsored Programs

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

Director of Procurement & Contracting Services/  
Special Ass't. Atty. Gen.

EXHIBIT A

**PROPOSED RESEARCH  
AND  
EXPERIMENTAL PLAN  
FOR:  
  
MONITORING GEOSMIN  
CONCENTRATIONS IN THE SOURCE  
WATERS OF LOVELAND WATER  
TREATMENT PLANT**

**Submitted to: City of Loveland  
Submitted by: Pinar Omur-Ozbek  
Submitted on: June, 2010**

## **Introduction**

Incidents with taste and odor compounds, such as geosmin, have been occurring more frequently in source and drinking waters in northern Colorado over the last decade. Geosmin is an algal metabolite found in surface waters that causes an earthy taste and odor in finished water. Due to its low odor threshold concentration (at 5-10 ng/L levels), presence of geosmin can be detected at very low concentrations by the consumers and hence may result in complaints (Bruce *et al.* 2002). Conventional water treatment units cannot efficiently remove odorants such as geosmin. Hence other methods have been sought and applied by the water treatment utilities that deal with occasional taste-and-odor episodes. One of the most common and fast treatment methods is the use of activated carbon and the water utilities need to know when the geosmin concentrations are above detection limits so that they can start the additional treatment process. For this purpose, it is essential to monitor the occurrence and levels of geosmin in the source waters regularly to be able take faster action.

This proposed study will focus on monitoring the geosmin levels in the source waters of Loveland water treatment plant so that in case of an outbreak, proper treatment action may be taken before the consumers notice the off-flavors in the tap water. The study will begin June 2010 and be completed in December 2010. Through mutual agreement between CSU and the City of Loveland, the study may continue into 2011 and possibly future years. The experimental plan and procedures are outlined below.

## **Experimental Plan**

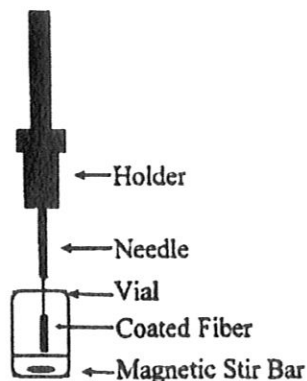
### **1. Sample Collection**

Samples will be collected and delivered by the Loveland water treatment plant personnel every month from June to December (in 2010) in 250 mL amber glass bottles, headspace free. Samples may require storage until analysis, so they will be kept sealed tightly with aluminum foil and parafilm in a 3-4 °C refrigerator to minimize

photosynthetic activity and volatilization of the sample (Watson *et al.* 2000). Samples will be analyzed within 48 hours of delivery.

## 2. Geosmin Analysis with Solid Phase Microextraction (SPME)

For this research, SPME is selected as the extraction method for geosmin as it integrates sampling, extraction, concentration, and sample introduction into a single solvent-free step. SPME fibers with Carboxen/Polydimethylsiloxane (CAR/PDMS) coating and 75  $\mu\text{m}$  thickness is purchased from Sigma-Aldrich. Samples stored in the 250 mL vials will be placed into two 40 mL amber glass vials with open top screw caps lined with PTFE rubber septum (that will contain 25 mL sample each) (Bruce *et al.* 2002; Watson 2000). This ratio of sample to the total volume allows for 37.5% headspace in the vials. Although it has been shown that headspace to volume ratio is ideal at 25% or less, too small of a headspace can result in the fiber being partially immersed in the solution, yielding incorrect data (Lloyd *et al.* 1998). SPME fiber will be exposed to the headspace of the solution (Figure 1) as it is better suited for volatile compounds, it has faster extraction times, and its selectivity is greater than when SPME is immersed in the sample (Vas and Vekey 2004).



**Figure 1:** Sample extraction with Headspace-SPME

To improve geosmin recovery by the SPME fiber and to increase the headspace concentration of geosmin, the samples in 40 mL amber vials will be stirred with a Teflon coated stir bar at a rate to form a vortex (Watson *et al.* 2000). Also 5 g of sodium chloride (NaCl) will be added to the samples and samples will be heated up to 60  $^{\circ}\text{C}$  ( $\pm 2$

°C) (Lloyd *et al.* 1998; Watson *et al.* 2000). After the samples are heated and stirred for 10 minutes, the SPME fiber will be inserted and exposed to the headspace of the vial for an extraction time of 20 minutes. Lloyd *et al.* (1998) demonstrated that 20 minutes is optimal absorption duration for good sensitivity. After extraction, geosmin absorbed by the SPME fiber will be desorbed at the inlet port of the GC. This procedure will be repeated for all the samples.

A calibration curve will be obtained to determine the concentration of the geosmin in the samples. 40 mL glass amber vials with 25 mL geosmin standard solutions at 1, 5, 10, 25 and 50 ng/L will be prepared. The same extraction and analysis procedure will be applied to the standard curve samples to quantify the GC/MS results. Control standards prepared with hexanal at 50 µg/L will also be run in conjunction with the samples to ensure the efficiency of the SPME fibers and the GC/MS. Vas and Vekey (2004) has shown that depending on the matrix, fibers are reusable up to 150 times. When headspace SPME is used, fiber life is extended considerably.

### **3. Gas Chromatography/Mass Spectrometry (GC/MS)**

Geosmin extracted by the SPME fiber will be analyzed by a GC/MS. For the experiments, Agilent 5890 Series II GC connected to an Agilent 5972 MS will be employed. The SPME fiber will be placed into the injection port of the GC set to 250 °C and the geosmin will be desorbed in splitless mode for 2 minutes. The GC column selected is a DB-5 MS, (30 m, 0.25 mm i.d., 0.25 µm) supplied by Agilent Technologies. The GC will be programmed to start at an initial temperature of 100°C, and then the temperature will be ramped up to 200 °C at a rate of 20 °C/min (Omur-Ozbek and Dietrich 2005). The carrier gas will be helium operated at a rate of 1.6 mL/min at a pressure of 145 kPa (Lloyd *et al.* 1998; Watson *et al.* 2000). The MS will be set for selected ion monitoring of geosmin at *m/z* values of 112, 125, and 182 to increase sensitivity of detection (Lloyd *et al.* 1998; Omur-Ozbek and Dietrich 2005).



#### 4. Data Analysis

Collected data will be analyzed and quantified based on the integration of peaks determined by the GC software. A standard curve will be obtained by correlating selected concentrations of geosmin to the corresponding peak areas. By this way an equation may be obtained to relate peak areas to concentration of geosmin present in the samples. Then the peak areas for the samples obtained by the GC/MS may easily be quantified. Duplicates (and triplicates when necessary) of samples will ensure the reliability of the results. Data will be reported to Loveland water treatment plant within 24 hours after each analysis is completed.

#### 5. Payment Schedule

Fee for geosmin analysis will be \$34 per sample on an as needed basis. CSU will invoice the City of Loveland for said services on a monthly basis.

#### Works Cited

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**BIOWIN  
MODELING/SIMULATION  
FOR BIOLOGICAL  
NUTRIENT REMOVAL  
EXPANSION  
IMPROVEMENTS TO THE  
LOVELAND WWTP**

**Submitted to:**

**City of Loveland**

**Submitted by:**

**Keerthivasan Venkatapathi, Dr. Pinar Omur-Ozbek**

**Colorado State University**

**October 2011**

## INTRODUCTION/STATEMENT OF THE PROBLEM

Loveland WWTP has a conventional step-feed activated sludge process to treat the wastewater. The 10.0 MGD WWTP currently operates effectively and meets all regulatory effluent requirements. The Colorado Department of Public Health and Environment (CDPHE) is in the process of updating the Regulation 31 and developing the Regulation 85 for the purpose of reducing WWTP effluent nutrient loadings to lakes and streams throughout Colorado. The final rule making for these regulations is expected to be finalized by March 2012. If the rule goes into effect, Loveland WWTP would be required to meet new effluent limitations for nutrients by next permit round or 2017.

The anticipated effluent nutrient tiers currently being evaluated as part of the regulatory rule development are shown on Table 1. Currently, it is anticipated that Tier 2 will be the basis of the regulation for existing publicly owned treatment works (POTWs) (with a capacity of >1.0 MGD) in Colorado because the limits can be achieved with conventional biological nutrient removal (BNR) technology. However, at the current time, EPA is challenging the CDPHE stating that these proposed tier limits need further evaluation which could impact / delay the final rule development.

**Table 1:** Effluent Nutrient Tiers (Quarterly Average)

Tier	Total Phosphorus	Total Inorganic Nitrogen
1	1.0 ppm	-
2	1.0 ppm	10 ppm
3*	0.7 ppm	5.7 ppm
4a (cold water)	0.11 ppm	0.4 ppm
4b (warm water)	0.16 ppm	2 ppm

\*Considered the Limit of Technology (LOT)

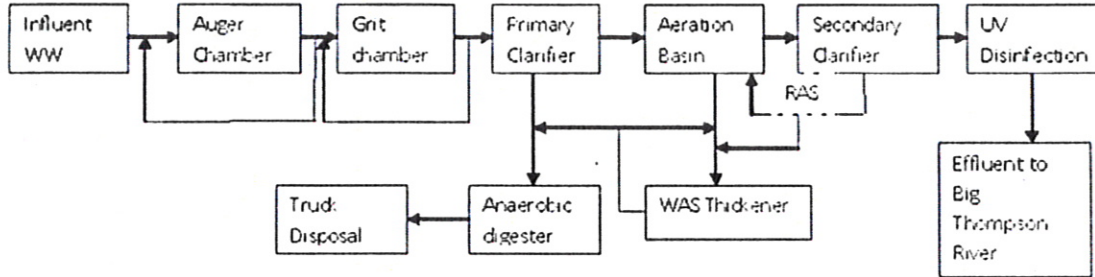
## PROJECT OBJECTIVES

- 1) Model the preliminary nutrient removal processes to achieve Tier 2 effluent nutrient standards for the Loveland WWTP using the BNR modeling software.
- 2) Assist Loveland WWTP in planning and preparation for potential WWTP improvements to meet proposed effluent nutrient standards.

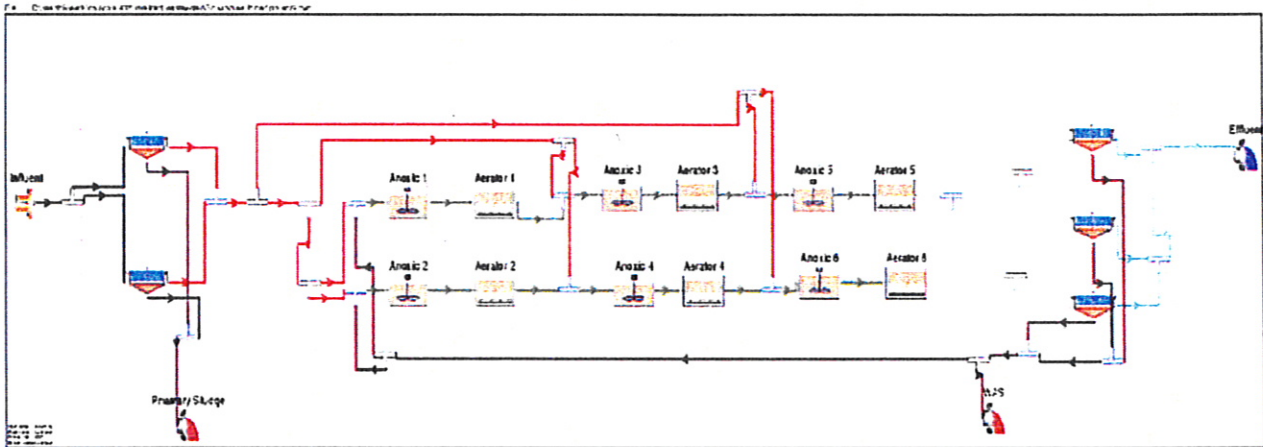
## METHODS/TASKS

BioWin 3, a software developed by the EnviroSim Associates, LTD, will be used for modeling and simulation of the Loveland Wastewater Treatment Plant units for this project. During the preliminary study stage the existing treatment process units were modeled (Figures 1 and 2) and calibrated using the actual influent, effluent and process data provided by the City of Loveland. The data obtained for the 2-year averages of the influent and effluent levels of selected parameters are given in Tables 2 and 3. The model shown in Figure 2 replicates the treatment train that currently exists for the Loveland WWTP. Initial simulations were run

with the data provided by the City of Loveland and was calibrated to closely match the actual average effluent data collected for the years 2009 and 2010. The purpose of the initial simulations were to establish a baseline for which further simulations can be built on to meet treatment objectives established in this proposal.



**Figure 1:** Flow chart of City of Loveland WWTP units



**Figure 2:** Model of the City of Loveland WWTP units with BioWin

**Table 2:** Influent Conditions (2009 to 2010 data)

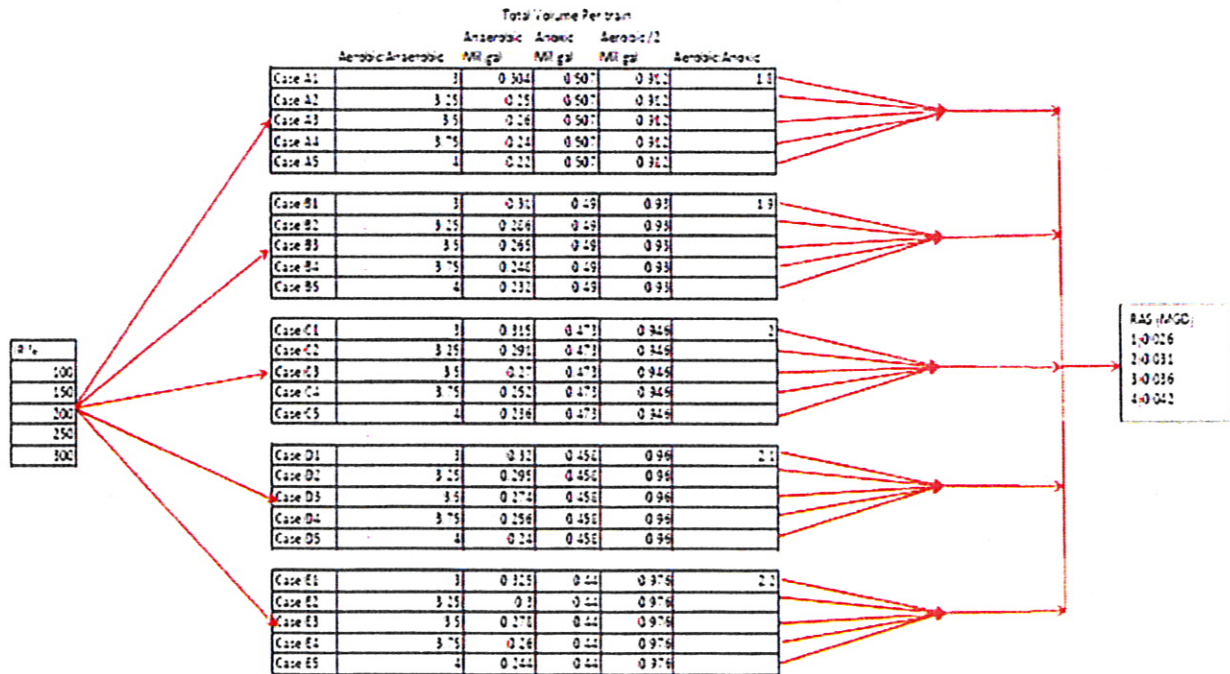
Parameters(Yearly Average)	Values
Flow (MGD)	6.29
BOD <sub>5</sub> (mg/L)	312
TSS (mg/L)	273
TKN (mg/L)	37.4
Temperature (°C)	16
pH	7.49
NH <sub>3</sub> (mg/L)	24.7
Total Phosphorus (mg/L)	6.60



**Table 3:** Effluent Conditions (2009 to 2010 data)

Parameters(Yearly Average)	Values
BOD <sub>5</sub> (mg/L)	7.6
TSS (mg/L)	6.9
TKN (mg/L)	2.2
Temperature (°C)	16
pH	6.9
NH <sub>3</sub> (mg/L)	0.4
Total phosphorus (mg/L)	4

The model will be further calibrated to the desired process conditions (wastewater temperatures) and then “representative” BioWin model will be used to simulate the biological nutrient removal processes integrated with the existing treatment process to achieve targeted effluent nutrient limits. The simulations will be performed separately for two design flowrates, 10 and 12 MGD and two influent wastewater temperatures, 12 and 20 °C. The BNR treatment processes will be updated to achieve the targeted effluent nutrient limits. The proposed BNR process will be the A2O process. The initial assessment indicated that the A2O process configuration is the best for meeting future requirement of effluent values. The following chart (Figure 3) shows the simulation criteria for the specific treatment units in the A2O to model the nutrient levels in the effluent. The other major parameters that will be used for the simulations are given in Table 4 below as well.



**Figure 3:** Parameters for the simulation of the WWTP with the BioWin model

**Table 4:** Other BNR Simulation Parameters

Parameter	Units	Simulation Influent	Simulation Effluent
Flow	MGD	10 and 12	-
BOD <sub>5</sub>	mg/L	312	<10
TSS	mg/L	273	<10
TKN	mg/L	37.4	-
TIN	mg/L	-	<10
TP	mg/L	6.6	<1.0
pH	-	7.5	7.0
Temp	° C	12.5 and 20	—

The outputs of the model will be evaluated for optimization, cost effectiveness, reliability, sustainability and operation flexibility. The PI and the graduate student will work with the Water Treatment Manger to collect model inputs and evaluation of model outputs.

#### DELIVERABLES

1. BioWin model of existing treatment plant simulating output parameters based on actual input values for three temperatures (12.5, 17 and 20 °C).
2. BioWin model outputs for the two flowrates (10 and 12 MGD) and two wastewater temperatures (12.5 and 20 °C) and all the other combinations for the parameters as shown in Figure 3 for the A2O BNR model for achieving Tier 2 regulation limits.
3. A final document with a BioWin summary and description of the model assumptions and all other information that are generated.

#### BUDGET

##### Sponsor Contribution

Personnel		
	Graduate Student Hourly: 760 hours	\$12,920
	Fringe Benefits 0.9%	\$116
Total Personnel		\$13,036
Facilities & Administrative: 48%		\$6,257
<b>TOTAL:</b>		<b>\$19,293</b>

Colorado State University's Indirect Cost Agreement and Fringe Benefit Rates may be viewed here:  
<http://web.research.colostate.edu/OSP/rates.aspx>

Exhibit C

**CHARACTERIZATION, TESTING AND QUANTIFICATION OF  
SILOXANES IN WASTE ACTIVATED SLUDGE OF  
CITY OF LOVELAND WASTEWATER TREATMENT PLANT**

Submitted to:  
City of Loveland

Submitted by:  
Dr. Pinar Omur-Ozbek, Harshad Vijay Kulkarni,  
Colorado State University

October, 2011

## INTRODUCTION AND PURPOSE:

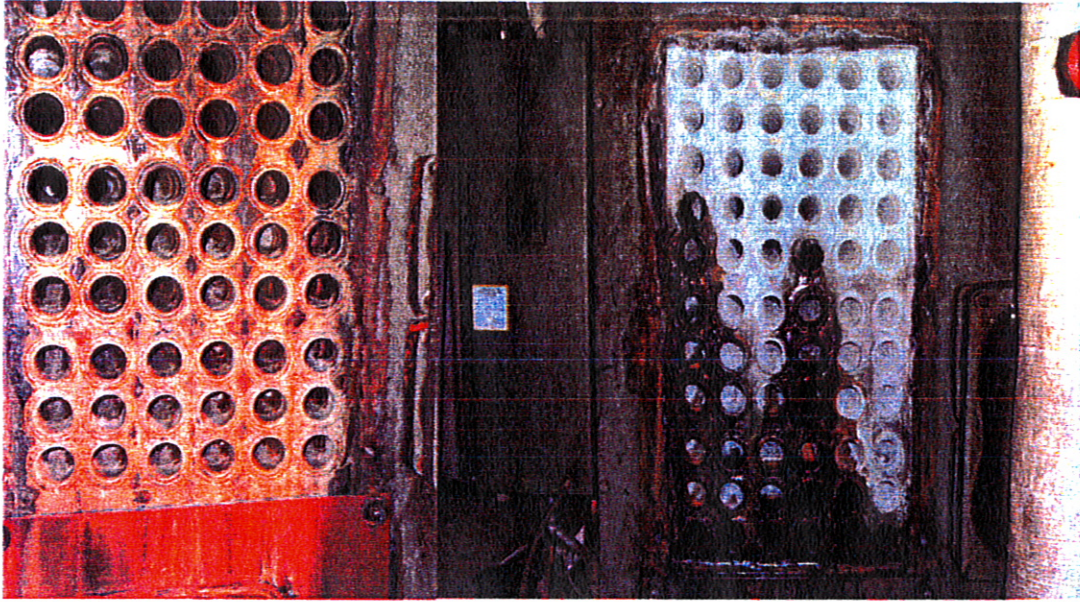
Siloxanes belong to a group of substances used in a number of industrial applications and in consumer products such as additives in fuel, car polish, cleaners, anti-foamier and car waxes. Besides this, they are widely used in e.g. personal care and biomedical products. As a result of their wide use Siloxanes are presumably spread into the environment both via point sources and via diffuse sources and may be found everywhere in the environment.

Siloxanes are declared as Persistent, Bio accumulative and Toxic (PB & T) substances. Out of 505 PB & T chemicals, 7.9% are Siloxanes which generally show higher P and B properties. Siloxanes have been present in the environment for 5 decades (EPA produced a detailed report on Environmental Hazard Assessment of Liquid Siloxanes, 1974) however, because they are very volatile and present at low concentrations, their impacts on biotic and abiotic components are not easily detected. Nowadays, as the use of personal care and biomedical products, industrial applications is increasing, Siloxanes have become of greater impact to the environment due to increasing concentrations particularly water quality and WWTP digesters that produce methane gas.

Recent observations at various wastewater treatment plants, including the Loveland WWTP, siloxanes in environment are transported through the wastewater and absorb onto activated sludge flow and wasted to anaerobic sludge digesters. During anaerobic digestion, most siloxanes are released from the sludge flocs due to the breakdown of organic matter and increased temperature into the biogas. Most anaerobic digestion processes use the biogas to fuel boilers and other gas fired equipment. During combustion of the biogas, siloxanes will form abrasive microcrystalline silica on all exposed surfaces causing premature failure of moving or reciprocating equipment and costing WWTP facilities thousands of dollars per year for maintenance and replacement.

The proposed research plan consists of characterizing and quantifying the types of, siloxanes compounds impacting the anaerobic digestion equipment at the Loveland Wastewater Treatment Plant. It is currently planned that a follow up research project will be conducted by CSU to determine potential treatment alternatives for removing or treating the siloxanes to reduce the impact on the digestion equipment used at the Loveland WWTP. Below are photographs illustrating the effect of siloxanes compounds crystallizing on the surface of the steel fire tubes in one of the boilers used to heat the sludge for anaerobic digestion at the Loveland WWTP.





West Boiler Fire Tubes

January 2010

West Boiler Fire Tubes

14 months later

### EXPERIMENTAL PLAN:

Crystallized samples (shown above) were collected off the west boiler tubes at the Loveland WWTP and tested at CSU to verify that the material contained siloxanes compounds. An extraction procedure was applied using n-hexane solvent to dissolve the sample prior to using GC-MS for the analyses. It was confirmed that the samples tested did contain siloxanes compounds most abundant forms as octamethylcyclotetrasiloxane (D4) and decamethylcyclopentasiloxane (D5). Based on these finding it was agreed to move forward with testing the D4 and D5 concentrations contained in the waste activated sludge (WAS) conveyed to the Loveland WWTP anaerobic digesters. The steps below describe the proposed sampling and testing procedures.

Subject		Plan and Timeline For Proposed Testing Project
<b>Scope</b>		
No.	Item(s)	
1.	Method development for analysis of siloxanes using GC-MS.	
2.	Analysis of water/sludge samples from Loveland WWTP to determine occurrence of siloxanes.	
<b>Tasks and Timelines</b>		
Timeline	Task	
June 2011 – 31 <sup>st</sup> August 2011	-Literature review -Purchase of standards	
1 <sup>st</sup> – 3 <sup>rd</sup> Week of September 2011	-Method optimization using standard solutions -Model parameters analysis (if required in lab) and modeling.	
October 2011 -	-Sludge samples obtained from City of Loveland and start analysis. -Each sampling event may contain 2-3 samples from various locations in treatment train. -This will generate data for (30*x) samples -Additional samples from pristine sources of water and natural reference sites can be obtained and analyzed.	

### 1. Sample Collection

WAS samples will be collected and delivered by the Loveland wastewater treatment plant personnel starting in October 2011 in 250 mL amber glass bottles, headspace free. Samples will require storage until analysis be kept sealed tightly with aluminum foil and Para film or sealed cap in a 3-4 °C refrigerator to minimize any chemical activity and volatilization of the sample. Samples will be analyzed within 48 hours of delivery.

### 2. Siloxanes extraction with n-hexane

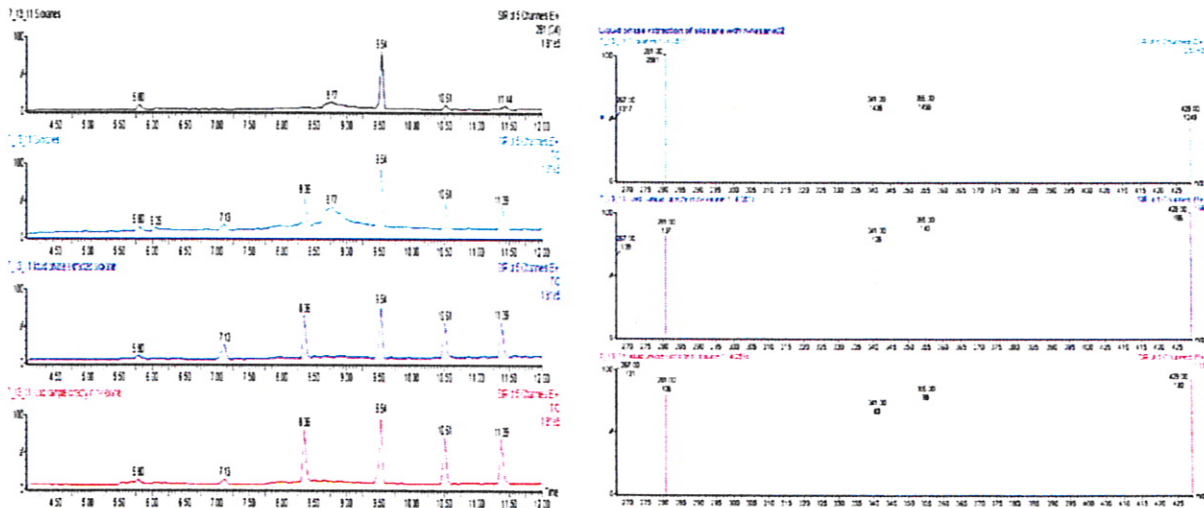
An extraction procedure will be applied to the WAS sludge samples using n-hexane as the solvent. Samples will be mixed by shaking manually. After homogenizing the sludge samples, 50ml of sludge will be introduced in a calibrated flask and 10ml of n-hexane will be added for extraction. The sludge n-hexane mixture was vortex-mixed at high speed for 10min. Since n-hexane and water are immiscible, a phase separation is obtained during centrifugation. The top phase consisting of n-hexane containing the extracted siloxanes is removed by suction pipette. A calibration curve will be obtained to determine the concentration of the siloxanes (D4 and D5) in the samples. The same extraction and analysis procedure will be applied to the standard curve samples to quantify the GC/MS results.



### 3. Gas Chromatography/Mass Spectrometry (GC/MS)

Siloxanes extracted by above procedure will be analyzed by a GC/MS. For the experiments, Agilent 5890 Series II GC connected to an Agilent 5972 MS will be employed. Selected column is 30-m Rxi-5MS fused silica capillary column (0.25mm inner diameter; 0.25 micrometer film thickness; Restek, Bellefonte, PA, USA). 1 micro liter of the aliquot will be injected in the split less mode at 200 C. The GC oven will be run at 40 C (2 min) to 220 C at a rate of 20 C / min and to 280 C at 5 C/min (10 min), post run at 300 C for 5 min. MS will be operated in an electron impact selected ion monitoring mode (SIM). The ions monitored will be: 281 for D4, and 355 and 267 for D5.

### 4. Data Analysis



Test Sample GC-MS Analysis Results

Collected data will be analyzed and quantified based on the integration of peaks determined by the GC/MS software. A standard curve will be obtained by correlating selected concentrations of siloxanes (D4 and D5 each) to the corresponding peak areas. By this way an equation may be obtained to relate peak areas to concentration of Siloxanes present in the samples. Then the peak areas for the samples obtained by the GC/MS may easily be quantified. Duplicates (and triplicates when necessary) of samples will ensure the reliability of the results. Data will be reported to Loveland wastewater treatment plant within 48 to 72 hours after samples are received.

### **PAYMENT SCHEDULE:**

The estimated cost per samples is \$70 per sample which includes the cost for sample preparation, standards and solvents, student hourly wage, instrument rental and 22.5 % overhead for the university.

### **DELIVERABLES:**

Reports generated for each sampling, consisting of valid information on characterization and quantification of Siloxanes compounds at Loveland Wastewater Treatment Plant.

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**CITY OF LOVELAND**  
**WATER & POWER DEPARTMENT**  
 200 North Wilson • Loveland, Colorado 80537  
 (970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

**AGENDA ITEM:** 13  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Steve Adams, Water and Power Department  
**PRESENTER:** Bob Miller, Water and Power Department

**TITLE:**

Public hearing and consideration of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase of new system protection equipment for the Valley Substation

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and move to approve the ordinance on first reading

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This is an administrative action. The department is requesting the movement of funds which allows the purchase of the new system protection equipment.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The project resources are from fund balance in the Power Fund that were not anticipated when the budget was adopted. Use of the funds will limit the City options for funding capital projects from this source in the near future. This project was not known when the 2012 budget was developed. The supplemental budget request, if approved, would lower available funds that could be used to cover other unforeseen project needs.



**SUMMARY:**

The City of Loveland has a long history of providing low cost reliable power to its customers. Currently, the Water & Power Department has identified a need to replace the system protection equipment at the Valley Substation.

The October 26<sup>th</sup>, 2011 snow storm caused a significant number of outages and many of our customers were without power for several hours and in some cases days. A large number of the customers that were out of power were served from the Valley Substation. After investigating the outage staff concluded that there was a malfunction in the system protection equipment at the Valley Substation that caused the outage to be more widespread than it should have been. While staff was investigating the cause of the malfunctioning system protection equipment, Valley Substation experienced another outage on December 31, 2012, that was more widespread than it should have been. Additional investigation found a faulty component in the protective equipment which was subsequently replaced with a spare unit that was in stock. Staff contacted the company who manufactured the equipment to have the faulty piece rebuilt. The manufacturer replied that the faulty piece of equipment is no longer supported by them and that this equipment is obsolete. Upon receiving this information staff reviewed the other system protection equipment in the Valley substation and found that the majority of the major components are no longer supported by the manufacturer and are also obsolete.

Having protection equipment in substations that is reliable and supported by the manufacturer is critical to providing reliable service to our customers. Therefore staff is recommending that this equipment be replaced as soon as possible. The cost of ordering this equipment is approximately \$644,920 and the lead time for delivery is 30 weeks. The cost to install this equipment is approximately \$260,000 and this will be included as part of the 2013 budget process.

On April 18, 2012, the Loveland Utilities Commission (LUC) unanimously approved Water and Power staff's recommendation to have City Council approve the supplemental appropriation.

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**REVIEWED BY CITY MANAGER:**

*William D. Cabell*

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**LIST OF ATTACHMENTS:**

1. An ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase for switchgear at the Valley Substation.

FIRST READING May 1, 2012

SECOND READING \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR THE PURCHASE FOR SWITCHGEAR AT THE VALLEY SUBSTATION**

**WHEREAS**, the City has reserved funds not appropriated at the time of the adoption of the City budget for 2012; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That reserves in the amount of \$640,000 from fund balance in the Power PIF Fund 331 are available for appropriation. Revenues in the total amount of \$640,000 are hereby appropriated for the purchase of switchgear at the Valley substation and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Power PIF Fund 331**

**Revenues**

Fund Balance 640,000

**Total Revenue 640,000**

**Appropriations**

331-47-332-2903-49399-PW920 Other Capital 640,000

**Total Appropriations 640,000**

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 3.** That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

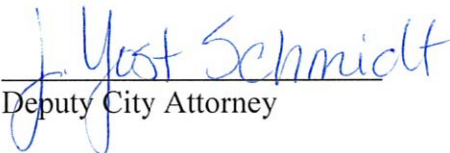
ADOPTED this \_\_\_\_ day of May, 2012.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 14  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Kerri Burchett, Current Planning

**TITLE:**

An ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located within the Millennium Addition PUD - 8th Amendment (#P-59), approving the 9<sup>th</sup> Major Amendment to the General Development Plan for the Millennium Addition PUD

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and adopt on first reading the ordinance approving the 9<sup>th</sup> Major Amendment to the Millennium Planned Unit Development General Development Plan

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

**DESCRIPTION:**

This item is a public hearing to consider a quasi-judicial action to adopt an ordinance on first reading amending the land use, development standards and public hearing process established in the Millennium General Development Plan (the "GDP"). The Millennium PUD consists of 2,916 acres located generally on the east side of Loveland. The applicant is McWhinney Real Estate Services, Inc.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**SUMMARY:**

The GDP amendment was initiated in partnership with the City's Economic Development Department. The amendments would streamline City processes by removing public hearing

requirements specific to the GDP that are not required in similar zone districts within the City and modify land use definitions to allow light and heavy manufacturing uses in specified locations. The amendments would provide a more competitive development review process for companies looking for “permit ready sites” in Loveland. Generally, the revisions requested are:

- 1) Modify public hearing requirement criteria for development proposals;
- 2) Provide definitions for light and heavy manufacturing and specify location allowances;
- 3) Adjust non-residential criteria for shadow/shading analysis and context diagrams; and
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

The amendments would not alter the comprehensive review of development projects within the GDP by the City’s Development Review Team to establish compliance with the regulations in the GDP and other applicable City standards. For a detailed description of the proposed amendments, please refer to the attached City Council staff memorandum.

The Planning Commission held a public hearing to consider the request on April 9, 2012 and recommended approval of the GDP Amendment with a vote of 5-2, subject to a condition requiring a public hearing before the Planning Commission for any building over 100,000 square feet that contains a heavy industrial use. The applicant agreed to this condition.

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**REVIEWED BY CITY MANAGER:**

*William D. Cabill*

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**LIST OF ATTACHMENTS:**

- A. Ordinance
- B. Staff Memorandum
- C. [Exhibits A and B to Staff Memorandum](#) (double click to view Exhibits A & B electronically)

**FIRST READING:** May 1, 2012  
**SECOND READING:** \_\_\_\_\_

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED WITHIN THE MILLENNIUM ADDITION PUD – 8<sup>TH</sup> AMENDMENT (# P - 59), APPROVING THE 9<sup>TH</sup> MAJOR AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR THE MILLENNIUM ADDITION PUD**

**WHEREAS**, McWhinney Real Estate Services, Inc. (“Developer”), the developer of the Millennium Addition PUD – 8<sup>TH</sup> Amendment (“Millennium GDP”), has requested that the City approve the 9<sup>th</sup> major amendment to the Millennium GDP modifying sections 1, 2, 6, 12, 13, and Map 4 thereof to add definitions for light and heavy manufacturing and specify allowed locations for each use; modify public hearing requirement criteria for development proposals, divide sub-parcel A-2 into two distinct sub-parcels, and adjust nonresidential site planning criteria for shadow/shading analysis and context diagrams; and

**WHEREAS**, the modifications to the Millennium GDP agreed to by the City and the Developer, including the condition recommended by the Planning Commission after the public hearing on April 9, 2012 and agreed to by the Developer, are reflected in the 9<sup>th</sup> Amendment which is on file with the City Current Planning Division and attached to the Staff Memo to City Council dated May 1, 2012 and incorporated herein by this reference (“9th Amendment”); and

**WHEREAS**, the City desires to approve the 9<sup>th</sup> Amendment to provide for economic growth in and around the City and to provide for the orderly growth of the entire property.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the territory included within the Millennium Addition PUD – 8<sup>th</sup> Amendment (#P-59), City of Loveland, Larimer County, Colorado, and more particularly described as:

**DESCRIPTION: GDP OVERALL EAST**

A tract of land located in the South Half of Section 2, the Southeast Quarter of Section 3, the East Half of Section 10, the West Half of Section 11, the Northeast Quarter of Section 11 and the Northwest Quarter of Section 14 all in Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 10 as bearing North 89°05'00" East and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 10; thence along said North line of the Northeast Quarter, North 89°05'00" East, 107.08 feet to the East right-of-way line of Interstate 25, said point being the POINT OF BEGINNING; thence along said East right-of-way line, North 00°35'04" East, 2,631.27 feet to the North line of the Southeast Quarter of said Section 3; thence along said North line, North 89°19'03" East, 2,566.66 feet to the West Quarter corner of said Section 2; thence along the North line of the Southwest Quarter of said Section 2, North 89°03'30" East, 2,643.82 feet to the Center Quarter corner of said Section 2; thence along the East line of said Southwest Quarter, South 01°13'28" West, 2625.29 feet to the North Quarter corner of said Section 11; thence, along the North line of the Northeast Quarter of said Section 11, North 89°08'13" East, 2,618.77 feet to the West line of Astrolabe Avenue (County Road 3); thence along said West line, South 00°27'50" West, 2,641.18 feet to the South line of the Northeast Quarter of said Section 11; thence along said South line, South 89°09'44" West, 2,613.31 feet to the Center Quarter corner of said Section 11; thence along the East line of the Southwest Quarter of said Section 11, South 00°20'46" West, 1926.24 feet to the Southwesterly line of the Union Pacific Railroad; thence along said Southwesterly line, North 68°08'51" West, 536.85 feet; thence continuing along said Southwesterly line and along a curve concave to the northeast having a central angle of 08°44'52" with a radius of 3,919.83 feet, an arc length of 598.47 feet and the chord of which bears North 63°46'25" West, 597.89 feet to a point being on the East line of Parcel B-2 of the Millennium Addition; thence along the East line of said Parcel B-2, South 00°20'17" West, 938.15 feet; thence along the North line of said Parcel B-2, South 88°14'17" East, 528.37 feet; thence along the East line of said Parcel B-2 and the East line of Parcel B-3 of said Millennium Addition, South 00°50'26" East, 76.28 feet; thence along the North line of Parcel B-4 of said Millennium Addition, South 89°03'44" East, 23.48 feet; thence along the East line of said Parcel B-4, South 00°20'17" West, 23.11 feet; thence, South 00°47'17" East, 180.91 feet to the South right-of-way line of East Eisenhower Boulevard (U.S. Highway 34); thence along said South right-of-way line, South 89°11'17" West, 2,158.63 feet; thence, North 00°00'00" East, 50.00 feet to the Southwest Corner of said Section 11; thence, along the West line of the Southwest Quarter of said Section 11, North 00°20'47" East, 130.00 feet to the North line of U.S. Highway 34; thence along said North line, South 89°13'08" West, 1,552.37 feet; thence along the Easterly right-of-way line of Interstate 25 the following 10 courses and distances; North 47°25'44" West, 197.70 feet; thence, South 89°09'42" West, 100.40 feet; thence, North 79°01'48" West, 292.40 feet; thence, North 48°50'18" West, 351.88 feet; thence, along a non tangent curve concave to the northeast having a central angle of 50°42'44" with a radius of 586.70 feet, an arc length of 519.28 feet and the chord of which bears North 23°28'47" West, 502.50 feet; thence, North 00°10'40" East, 471.50 feet; thence, North 00°33'26" East, 451.62 feet; thence, North 00°35'10" East, 230.11 feet; thence, North 00°36'55" East, 457.83 feet; thence, North 00°35'04" East, 2,637.06 feet to the POINT OF BEGINNING.

The above described tract of land contains 1069.037 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A tract of land located in the Southeast Quarter of Section 11, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the North Half of the Southeast Quarter of said Section 11 as bearing North 00°28'28" East and with all bearings contained herein relative thereto:

Commencing at the East Quarter Corner of said Section 11; thence along the North line of said Southeast Quarter, South 89°09'44" West, 30.01 feet to a point on the West right-of-way line of High Plains Blvd. (Larimer County Road No. 3), said point being the **POINT OF BEGINNING**; thence, along said West line, South 00°28'28" West, 1320.89 feet to a point on the South line of the North Half of the Southeast Quarter of said Section; thence, along said South line, South 89°10'58" West, 2610.29 feet to the South 1/16 Corner on the West line of the Southeast Quarter of said Section; thence, along said West line, North 00°20'38" East, 1319.88 feet to the Center Quarter Corner of said Section; thence, along the North line of the Southeast Quarter of said Section, North 89°09'44" East, 2613.31 feet to the Point of Beginning.

The above described tract of land contains 3,447,775 square feet or 79.150 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A tract of land located in the Southwest Quarter of Section 11, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 11 as bearing North 89°11'17" East and with all bearings contained herein relative thereto:

Commencing at the South Quarter Corner of said Section 11; thence along the East line of said Southwest Quarter, North 00°20'30" East, 131.31 feet to a point on the North right-of-way line of East Eisenhower Blvd. (U.S. Highway No. 34), said point being the **POINT OF BEGINNING**; thence, along said North line, and along a curve concave to the north having a central angle of 00°11'45", a radius of 28,557.90 feet, an arc length of 97.61 feet and the chord of which bears South 89°03'54" West, 97.61 feet; thence, continuing along said North line, South 89°09'47" West, 386.50 feet to a point on the Northerly line of Millennium East First Subdivision; thence, along said line the following five courses and distances, North 00°20'28" East, 23.11 feet; thence, North 89°03'44" West, 23.49 feet; thence, North 00°50'13" West, 76.16 feet; thence, North 88°14'04" West, 528.37 feet; thence, North 00°20'30" East, 938.15 feet to a point on the Southerly right-of-way line of the Union Pacific Railroad; thence, along said Southerly line along a non-tangent curve concave to the northeast having a central angle of 08°44'52", a radius of 3,919.83 feet, an arc length of 598.47 feet and the chord of which bears South 63°46'12" East, 597.89 feet; thence, continuing along said Southerly line, South 68°08'38" East, 536.80 feet to a point on the East line of said Southwest Quarter; thence, along said East line, South 00°20'30" West, 582.75 feet to the Point of Beginning.

The above described tract of land contains 776,597 square feet or 17.828 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND****DESCRIPTION: GDP OVERALL SOUTHWEST**



All of Parcels E-1, E-2, F-1, F-2, F-3, G-1, G-2, and G-3, Millennium Addition located in Section 17, Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, County of Larimer, State of Colorado.

**ALSO:**

A tract of land being a portion of the right-of-way of East Eisenhower Boulevard located in Section 8 and Section 17, Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows: Considering the North line of the Northwest Quarter of said Section 17 as bearing North 89°39'42" East and with all bearings contained herein relative thereto:

**BEGINNING** at the Northwest Quarter corner of said Section 17; thence along the West line of the Southwest Quarter of said Section 8, North 00°12'19" East, 114.00 feet to a point on the North right-of-way line of said East Eisenhower Boulevard; thence along said North line, South 89°54'15" East, 2332.62 feet; thence, departing said North line, South 00°05'45" West, 157.18 feet to a point on the South right-of-way line of said East Eisenhower Boulevard; thence along said South line the following 2 courses and distances, South 89°27'40" West, 736.72 feet; thence North 89°51'21" West, 1596.16 feet to a point on the West line of the Northwest corner of said Section 17; thence along said West line, North 00°05'34" East, 50.00 feet to the Point of Beginning.

**ALSO:**

A tract of land being a portion of the right-of-way of East First Street located in Section 17 and Section 20, Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows: Considering the South line of the Southwest Quarter of said Section 17 as bearing North 89°55'16" East and with all bearings contained herein relative thereto:

**BEGINNING** at the Southwest Quarter corner of said Section 17; thence along the West line of the Southwest Quarter of said Section 17, North 00°06'12" East, 30.00 feet to a point on the North right-of-way line of East First Street; thence along said North right-of-way line, North 89°55'16" East, 2587.46 feet to a point on the East line of the Southwest Quarter of said Section 17; thence along said East line, South 00°31'12" West, 30.00 feet to the South Quarter corner of said Section 17; thence, along the East line of the Northwest Quarter of said Section 20, South 00°23'57" East, 50.00 feet to a point on the South right-of-way line of East First Street; thence, along said South line by the following 3 course and distances, South 89°55'16" West, 1347.06 feet; thence, North 00°04'44" West, 20.00 feet; thence, South 89°55'16" West, 1240.55 feet to a point on the West line of the Northwest Quarter of said Section 20, thence along said West line, North 00°05'26" East, 30.00 feet to the Point of Beginning.

**ALSO:**

A tract of land being a portion of GOROM FIRST ADDITION to the City of Loveland, a portion of North Boyd Lake Avenue and a portion of East Fifth Street, located in the Southeast Quarter of Section 17, Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows: Considering the North line of said Southeast Quarter as bearing South 89°47'41" West, and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 17; thence, South 89°47'41" West, along

the North line of said Southeast Quarter, 30.00 feet to the **POINT OF BEGINNING**; thence, South 00°53'24" West, 30.00 feet; thence, North 89°47'41" East, 60.00 feet to a point being on the East right-of-way line of North Boyd Lake Avenue, thence, along said East right-of-way line and the South right-of-way line of East Fifth Street by the following six (6) courses and distances, South 00°53'24" West, 1286.81 feet; thence, South 69°58'48" West, 96.09 feet; thence, South 88°54'56" West, 271.28 feet; thence, North 86°29'37" West, 98.39 feet; thence, South 89°42'08"

West, 810.37 feet; thence, South 89°23'07" West, 73.88 feet; thence, departing said right-of-way line, North 00°53'52" East, 29.65 feet to a point being the Southeast 1/16th corner of said Section 17; thence, along the West line of the Northeast Quarter of the Southeast Quarter of said Section 17 and the East line of Outlot 5, Millennium SW First Subdivision, North 00°41'45" East, 1319.29 feet to the Center-East 1/16th corner; thence, along the North line of the Southeast Quarter of said Section 17, North 89°47'41" East, 1287.94 feet to the Point of Beginning. The above described tracts of land contain a combined area of 394.612 acres more or less and is subject to all easements and rights-of-way now on record or existing.

## **AND**

### **DESCRIPTION: GDP OVERALL WEST**

A tract of land located in the South Half of Section 34, Township 6 North, Range 68 West, Sections 3, 4, 5, 8, 9 and 10 all in Township 5 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 4 as bearing South 89°29'39" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 4; thence along said North line, South 89°29'39" East, 30.00 feet to the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, South 01°03'56" West, 1,335.52 feet to the **POINT OF BEGINNING**; thence, South 89°18'01" East, 2,597.19 feet; thence, South 89°17'53" East, 1,291.58 feet to a point on the Southwesterly line of that tract of land described at Reception No. 20040112371 on file at the Office of the Clerk and Recorder of said Larimer County; thence, along said Southwesterly line, South 49°21'40" East, 1729.20 feet to a point on the East line of the Northwest Quarter of said Section 4; thence, along said East line, North 01°20'53" East, 32.31 feet; thence, departing said East line, South 49°21'40" East, 38.76 feet to the West line of Myers Group Partnership #949 First Subdivision; thence along the boundary lines of said Myers Group Partnership #949 First Subdivision the following 11 courses and distances, North 01°20'51" East, 2,456.35 feet; thence, North 00°25'35" West, 30.00 feet; thence, South 89°57'25" East, 1,084.99 feet; thence, South 00°02'35" West, 60.00 feet; thence, South 65°43'55" East, 109.70 feet; thence, South 89°57'25" East, 900.00 feet; thence, South 51°28'25" East, 108.50 feet; thence, South 13°27'25" East, 935.84 feet; thence, South 00°34'47" West, 2,793.54 feet; thence, South 07°41'05" West, 201.60 feet; thence, South 00°33'47" West, 456.50 feet; thence, departing said line, South 29°49'16" West, 152.83 feet to the Southwesterly line of Union Pacific Railroad; thence along said Southwesterly line, North 49°06'59" West, 56.74 feet to the East line of Twin Peaks Addition; thence along the boundary lines of said Twin Peaks Addition the following 10 courses and distances, South 00°02'56" West, 86.80 feet; thence, South

12°10'04" East, 269.40 feet; thence, South 00°02'56" West, 358.81 feet; thence, South 88°48'27" West, 1,342.99 feet; thence, South 01°14'31" East, 1,346.99 feet; thence, South 89°36'03" East, 1,305.48 feet; thence, North 89°47'57" East, 10.00 feet; thence, South 00°12'03" East, 282.32 feet; thence, South 00°29'04" West, 939.22 feet; thence, South 89°07'26" West, 54.28 feet to the Southerly line of Tract D, McWhinney Eleventh Subdivision; thence along said Southerly line the following 16 courses and distances, South 28°40'36" West, 120.41 feet; thence, along a non tangent curve concave to the northwest having a central angle of 43°45'26" with a radius of 300.00 feet, an arc length of 229.11 feet and the chord of which bears South 50°33'18" West, 223.58 feet; thence, South 72°25'56" West, 75.60 feet; thence, along a curve concave to the north having a central angle of 21°53'22" with a radius of 630.00 feet, an arc length of 240.69 feet and the chord of which bears South 83°22'42" West, 239.23 feet; thence, North 85°40'36" West, 258.28 feet; thence, along a curve concave to the south having a central angle of 12°58'27" with a radius of 740.00 feet, an arc length of 167.57 feet and the chord of which bears South 87°50'10" West, 167.21 feet; thence, South 81°20'56" West, 402.96 feet; thence, along a curve concave to the north having a central angle of 04°55'58" with a radius of 200.00 feet, an arc length of 17.22 feet and the chord of which bears South 83°48'55" West, 17.21 feet; thence, South 86°16'54" West, 159.73 feet; thence, along a curve concave to the north having a central angle of 10°15'15" with a radius of 1,415.00 feet, an arc length of 253.24 feet and the chord of which bears N 88°35'28" West, 252.90 feet; thence, along a compound curve concave to the north, having a central angle of 13°43'37" with a radius of 200.00 feet, an arc length of 47.92 feet and the chord of which bears North 76°36'02" West, 47.80 feet; thence, along a compound curve concave to the northeast, having a central angle of 18°13'26" with a radius of 850.00 feet an arc length of 270.36 feet and the chord of which bears North 60°38'25" West, 269.22 feet; thence, along a compound curve concave to the northeast, having a central angle of 13°26'27" with a radius of 300.00 feet an arc length of 70.38 feet and the chord of which bears North 44°48'28" West, 70.21 feet; thence, along a reverse curve concave to the southwest, having a central angle of 25°41'09" with a radius of 200.00 feet, an arc length of 89.66 feet and the chord of which bears North 50°55'49" West, 88.91 feet; thence, North 63°45'29" West, 101.22 feet; thence, North 15°47'12" East, 23.85 feet to the North line of the Southwest Quarter of Section 10; thence along said North line, South 89°05'34" West, 144.59 feet to the West Quarter corner of said Section 10; thence along the North line of the Southeast Quarter of Section 9, North 89°19'44" West, 2570.74 feet to the Center Quarter corner of said Section 9; thence along the North line of the Southwest Quarter of Section 9, North 89°16'54" West, 2,624.87 feet to the West Quarter corner of said Section 9; thence, North 89°16'54" West, 30.00 feet to the West right-of-way line of North Boyd Lake Avenue; thence along said West right-of-way line the following 5 courses and distances, North 00°24'03" East, 1,848.66 feet; thence, North 88°07'20" West, 20.01 feet; thence, North 00°24'03" East, 788.48 feet; thence, North 01°03'10" East, 2,672.03 feet; thence, North 01°03'56" East, 627.97 feet; thence, departing said West line, South 88°56'07" East, 80.00 feet to a point on the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, North 01°03'56" East, 663.56 feet to the POINT OF BEGINNING.

**EXCEPT:**

That tract of land described at Reception No. 96050699 on file at the Larimer County Office of the Clerk and Recorder.

The above described tract of land contains 1,188.539 acres more or less.

**ALSO EXCEPT:**

A tract of land located in the North Half of Section 4, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of said Northwest Quarter as bearing South 89°29'39" East, and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 4; thence along the West line of the Northwest Quarter of said Section 4, South 01°03'56" West, 1335.42 feet; thence, South 89°18'01" East, 30.00 feet to the Northwest corner of Parcel A of Savanna Addition; thence along the North line of said Parcel South 89°18'01" East, 826.78 feet to the **POINT OF BEGINNING**; thence continuing along said North line the following two (2) courses and distances, South 89°18'01" East, 1770.42 feet; thence, South 89°17'53 East, 1096.70 feet to the Southwesterly right-of-way line of the Union Pacific Railroad; thence along said Southwesterly line South 49°21'40" East, 1766.92 feet; thence departing said Southwesterly line, South 25°21'00" West, 15.16 feet; thence along a curve concave to the East having a central angle of 37°55'36" with a radius of 221.00 feet, an arc length of 146.29 feet and the chord of which bears South 06°19'55" West, 143.63 feet to the North right-of-way line of East 37<sup>th</sup> Street; thence along said North line, North 89°17'52" West, 1729.37 feet; thence departing said North line, North 18°51'11" West, 117.29 feet; thence along a curve concave to the Southwest having a central angle of 71°08'49" with a radius of 825.00 feet, an arc length of 1024.44 feet and the chord of which bears North 54°25'36" West, 959.88 feet; thence, North 89°54'02" West, 1039.97 feet; thence, South 90°00'00" West, 600.84 feet; thence, North 00°17'39" East, 649.90 feet to the Point of Beginning.

The above described tract contains 3,201,264 square feet or 73.490 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

Rocky Mountain Village 14th Subdivision, being a subdivision of Outlot A, Rocky Mountain Village Ninth Subdivision, to the City of Loveland, County of Larimer, State of Colorado. Containing 23.426 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

Lot 1, Block 1, McWhinney Seventh Subdivision, in the City of Loveland, according to the Plat thereof recorded on July 19, 1996, at Reception No. 96052293 of the Larimer County, Colorado records.

Containing 1.148 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A tract of land being a portion of Tract E of the McWHINNEY ELEVENTH SUBDIVISION, located in the Southwest Quarter of Section 10, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of said Tract E as bearing South 86°24'11" West and with all bearings contained herein relative thereto:

Commencing at the Southeast corner of said Tract E; thence along the South line of said Tract E, and the North right-of-way line of McWhinney Boulevard, South 86°24'11" West, 367.80 feet to the POINT OF BEGINNING; thence, continuing along said South and North line, South

86°24'11" West, 873.21 feet; thence along a curve concave to the Northeast having a central angle of 42°52'57" with a radius of 75.00 feet, an arc length of 56.13 feet and the chord of which bears North 72°09'20" West, 54.83 feet; thence along a curve concave to the Northeast having a central angle of 22°19'11" with a radius of 45.96 feet, an arc length of 17.90 feet and the chord of which bears North 24°16'59" West, 17.79 feet to a point on the East right-of-way line of Rocky Mountain Avenue; thence, along said East right-of-way line by the following eight (8) courses and distances, along a curve concave to the East having a central angle of 12°24'25" with a radius of 285.77 feet, an arc length of 61.88 feet and the chord of which bears North 06°55'11" West, 61.76 feet; thence, North 00°42'58" West, 54.42 feet; thence, North 01°49'57" West, 131.44 feet; thence, North 03°12'54" West, 216.41 feet; thence along a curve concave to the East having a central angle of 02°29'59" with a radius of 1050.00 feet, an arc length of 45.81 feet and the chord of which bears North 01°57'55" West, 45.81 feet; thence, North 00°42'55" West, 260.65 feet; thence along a curve concaved to the Southeast having a central angle of 16°44'05" with a radius of 1050.00 feet, an arc length of 306.68 feet and the chord of which bears North 07°39'08" East, 305.59 feet; thence, North 16°01'10" East, 44.02 to a point on the North line of said Tract E; thence; along said North line by the following four (4) courses and distances, South 33°11'24" East, 48.55 feet; thence along a curve concave to the Northeast having a central angle of 26°16'54" with a radius of 200.00 feet, an arc length of 91.74 feet and the chord of which bears South 46°19'51" East, 90.94 feet; thence, South 59°28'18" East, 187.49 feet; thence along a curve concave to the Northeast having a central angle of 23°25'53" with a radius of 800.00 feet, an arc length of 327.16 feet and the chord of which bears South 71°11'15" East, 324.89 feet; thence departing said North line, South 14°22'12" West, 184.24 feet; thence along a curve concave to the Southwest having a central angle of 01°46'17" with a radius of 830.00 feet, an arc length of 25.66 feet and the chord of which bears South 58°15'46" East, 25.66 feet; thence, South 57°22'37" East, 117.65 feet; thence along a curve concave to the Southwest having a central angle of 53°46'48" with a radius of 530.00 feet, an arc length of 497.48 feet and the chord of which bears South 30°29'13" East, 479.42 feet; thence, South 03°35'49" East, 102.53 feet; thence along a curve concave to the Northeast having a central angle of 90°00'00" with a radius of 20.00 feet, an arc length of 31.42 feet and the chord of which bears South 48°35'49" East, 28.28 feet to the Point of Beginning. The above described tract of land contains 16.296 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A portion of the southwest quarter of Section 10, Township 5 North, Range 68 West of the 6th Principal Meridian, Larimer County, Colorado, more particularly described as follows: Considering the north line of the northwest quarter of said Section 10 as bearing North 89°02'24" East with all bearings contained herein relative thereto; Commencing at the west quarter corner of said Section 10; thence North 89°21'24" East along the north line of the southwest quarter of Section 10 a distance of 144.97 feet to a point on the east right-of-way line of Rocky Mountain Avenue also being a point on the north line of McWhinney Eleventh Subdivision; thence North 89°21'24" East along the north line of McWhinney Eleventh Subdivision a distance of 2330.47 feet to the west right-of-way line of Interstate Highway 25; thence along the west right-of-way line of Interstate Highway 25 the following two (2) courses: South 00°08'49" East a distance of 57.83 feet; South 03°09'36" East a distance of 60.19 feet to the Point of Beginning; thence along the west right-of-way line of Interstate Highway 25 South 03°45'05" East a distance of 262.09 feet to the north line of Tract E,

McWhinney Eleventh Subdivision; thence North 89°09'50" West along the north line of Tract E a distance of 383.80 feet to the south line of Outlot A, McWhinney Eleventh Subdivision also being the south line of the Greeley-Loveland Irrigation Canal; thence along the south line of said Outlot A and the Greeley-Loveland Irrigation Canal the following three (3) courses: North 70°40'10" East a distance of 200.00 feet; North 53°06'10" East a distance of 100.00 feet; North 37°03'10" East a distance of 162.50 feet to the Point of Beginning, containing 35,873 square feet or 0.82 acres more or less.

**AND**

A tract of land located in the Northeast Quarter of Section 16, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 16 as bearing South 89°24'51" East and with all bearings contained herein relative thereto:

Commencing at the Northeast Corner of said Section 16; thence along the East line of the Northeast Quarter of said Section 16, South 00°18'41" West, 50.00 feet to a point on the South right-of-way line of East Eisenhower Blvd. (U.S. Highway No. 34), said point being the **POINT OF BEGINNING**; thence, continuing along said East line, South 00°18'41" West, 2,491.52 feet to the North right-of-way line of Great Western Railroad; thence, along said North right-of-way line, North 89°33'50" West, 2,634.75 feet to the West line of said Northeast Quarter; thence along said West line, North 00°27'00" East, 1,227.75 feet to the North 1/16 corner of said Section 16; thence, continuing along said West line, North 00°27'25" East, 1,270.62 feet to a point on the South right-of-way line of East Eisenhower Blvd. (U.S. Highway No. 34); thence, along said South right-of-way line, South 89°24'51" East, 2,628.58 feet to the Point of Beginning.

The above described tract of land contains 6,565,932 square feet or 150.733 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A tract of land located in the Northwest Quarter of Section 4, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Northwest Quarter of said Section 4 as bearing North 89°18'02" West and with all bearings contained herein relative thereto:

Commencing at the West Quarter corner of said Section 4; thence, North 45°52'55" East, 42.56 feet to the **POINT OF BEGINNING**, said point being a point on the East right-of-way line of Boyd Lake Avenue; thence, along said East right-of-way line, North 01°03'56" East, 320.01 feet; thence, South 89°18'02" East, 670.01 feet; thence, South 01°03'53" West, 320.01 feet to a point being on the North right-of-way line of East 37<sup>th</sup> Street; thence, along said North right-of-way line, North 89°18'02" West, 670.01 feet to the Point of Beginning.

The above described tract of land contains 214,404 square feet or 4.922 acres more or less and is subject to all easements and rights-of-way now on record or existing.

**AND**

A tract of land located in the Northwest Quarter of Section 10, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northwest Quarter of said Section 10 as bearing North 00°21'14" East and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 10; thence, South 81°10'16" West, 225.65 feet to the **POINT OF BEGINNING**, said point being a point on the West right-of-way line of Interstate Highway No. 25; thence, along said West right-of-way line, South 00°04'38" East, 1383.69 feet to a point on the North line of Lot 1, Block 1, Twin Peaks First Subdivision; thence, along said North line, South 89°48'11" West, 10.00 feet; thence, continuing along said North line; North 89°35'49" West, 1305.48 feet to a point on the East line of Outlot B, Twin Peaks First Subdivision; thence, along said East line, North 01°14'19" West, 1346.99 feet to a point on the South right-of-way line of East 29<sup>th</sup> Street; thence, along said South right-of-way line, North 88°48'40" East, 1342.99 Feet to the Point of Beginning.

The above described tract of land contains 1,814,642 square feet or 41.658 acres more or less and is subject to all easements and rights-of-way now on record or existing.

shall be included within the boundaries of the district designated as follows:

**"MILLENNIUM ADDITION PUD – 9<sup>TH</sup> AMENDMENT" (# P - 59)**

**Section 2.** That the **MILLENNIUM ADDITION PUD – 9<sup>TH</sup> AMENDMENT** is subject to the Millennium GDP as amended by the 9<sup>th</sup> Amendment. The 9<sup>th</sup> Amendment is on file with the City Current Planning Division and attached to the Staff Memo to City Council dated May 1, 2012 and is hereby approved.

**Section 3.** That the **MILLENNIUM ADDITION PUD – 9<sup>TH</sup> AMENDMENT** remains subject to the Amended and Restated Annexation and Development Agreement for the Millennium General Development Plan ("Restated Millennium Agreement"), the First Amendment to the Amended and Restated Annexation and Development Agreement for the Millennium General Development Plan ("First Amendment"), and the Second Amendment to the Amended and Restated Annexation and Development Agreement for the Millennium General Development Plan ("Second Amendment").

**Section 4.** That **MILLENNIUM ADDITION PUD – 9<sup>TH</sup> AMENDMENT** shall be subject to all applicable zoning regulations for the City of Loveland except where they conflict with the Millennium GDP as amended by the 9<sup>th</sup> Amendment, the Restated Millennium Agreement, the First Amendment and the Second Amendment, or any approved development application or permit applicable to the property.

**Section 5.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 6.** That this Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_ day of May, 2012.

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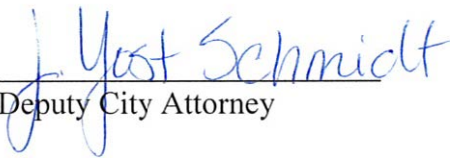
Cecil A. Gutierrez, Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney





## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620  
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### MEMORANDUM

**TO:** City Council

**FROM:** Kerri Burchett, Principal Planner

**DATE:** May 1, 2012

**RE:** Millennium PUD General Development Plan 9th Amendment

#### I. EXHIBITS

- A. Planning Commission approved minutes from April 9, 2012, including:
  1. Exhibit A: Objection to GDP Amendment provided by Hogan Lovells US LLP, legal counsel representing the owners of the Promenade Shops at Centerra
  2. Exhibit B: Correspondence between the City Attorney's Office and Hogan Lovells US LLP regarding public hearing notification
- B. Planning Commission Staff Report from April 9, 2012, including:
  1. Millennium PUD Vicinity Map showing City limits
  2. Narrative description of the requested amendment provided by applicant
  3. Amended Millennium GDP sections with proposed changes redlined
  4. Map 4 Revisions
  5. Narrative of revised land use legend for Map 4

#### II. EXECUTIVE SUMMARY

The City Council public hearing is to consider a major amendment to the Millennium General Development Plan (the "Amendment"). The Amendment was initiated in partnership with the City's Economic Development Department who identified certain process improvements and revisions to the GDP that would enable the City to provide more competitive review time frames to companies considering Loveland. The revisions would help streamline City processes to help meet the market demand for "permit ready" sites. The high quality architectural and site planning standards in the GDP along with the thresholds identified for public review by City Council would be maintained.

The specific revisions requested are:

- 1) Modify public hearing requirement criteria for development proposals;
- 2) Provide definitions for light and heavy manufacturing and specify location allowances;

- 3) Adjust non-residential criteria for shadow/shading analysis and context diagrams;
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

The primary issue discussed at the Planning Commission hearing was modification of the public hearing requirements for development proposals. No objections or concerns were expressed dealing with the other requested modifications to the GDP.

The GDP currently requires a Planning Commission hearing for:

- Any single building over 60' in height;
- Any single building over 100,000 gross square feet;
- Any single building over 50,00 gross square feet directly abutting one or more residential properties or only with an intervening local or small street;
- Any heavy commercial use directly abutting one or more residential properties;
- Any heavy industrial use abutting one or more residential properties (heavy industrial use currently includes "manufacturing" with no distinction between heavy and light manufacturing); and
- Veterinary facilities, Animal Clinics, Small Outdoor Use and/or Pet Day Care Facilities with outdoor use adjacent to a residential neighborhood.

The Amendment would modify these requirements, providing for a Planning Commission hearing for:

- Any single building over 60' in height *directly abutting one or more existing platted or built single family (detached or attached) residential properties or with only an intervening street of collector or small street classification;*
- Any single building over 100,000 gross square feet *containing a heavy industrial use (which would, as amended, include heavy, but not light, manufacturing);*
- Any single building over 50,000 gross square feet abutting *one or more existing platted or built single family (detached or attached) residential properties or with only an intervening street of local or small street classification*
- Any heavy commercial use directly abutting *one or more existing platted or built single family (detached or attached) residential properties or with only an intervening street of collector or small street classification (;*
- Any heavy industrial use (which would, as amended, include heavy, but not light manufacturing) abutting one or more *existing platted or built single family (detached or attached) residential properties or with only an intervening street of collector or small street classification;* or
- Veterinary facilities, Animal Clinics, Small Outdoor Use and/or Pet Day Care Facilities with outdoor use adjacent to a residential neighborhood *that is platted or built.*

City staff has reviewed the Amendment and believes that all required findings can be made, with emphasis on the following:

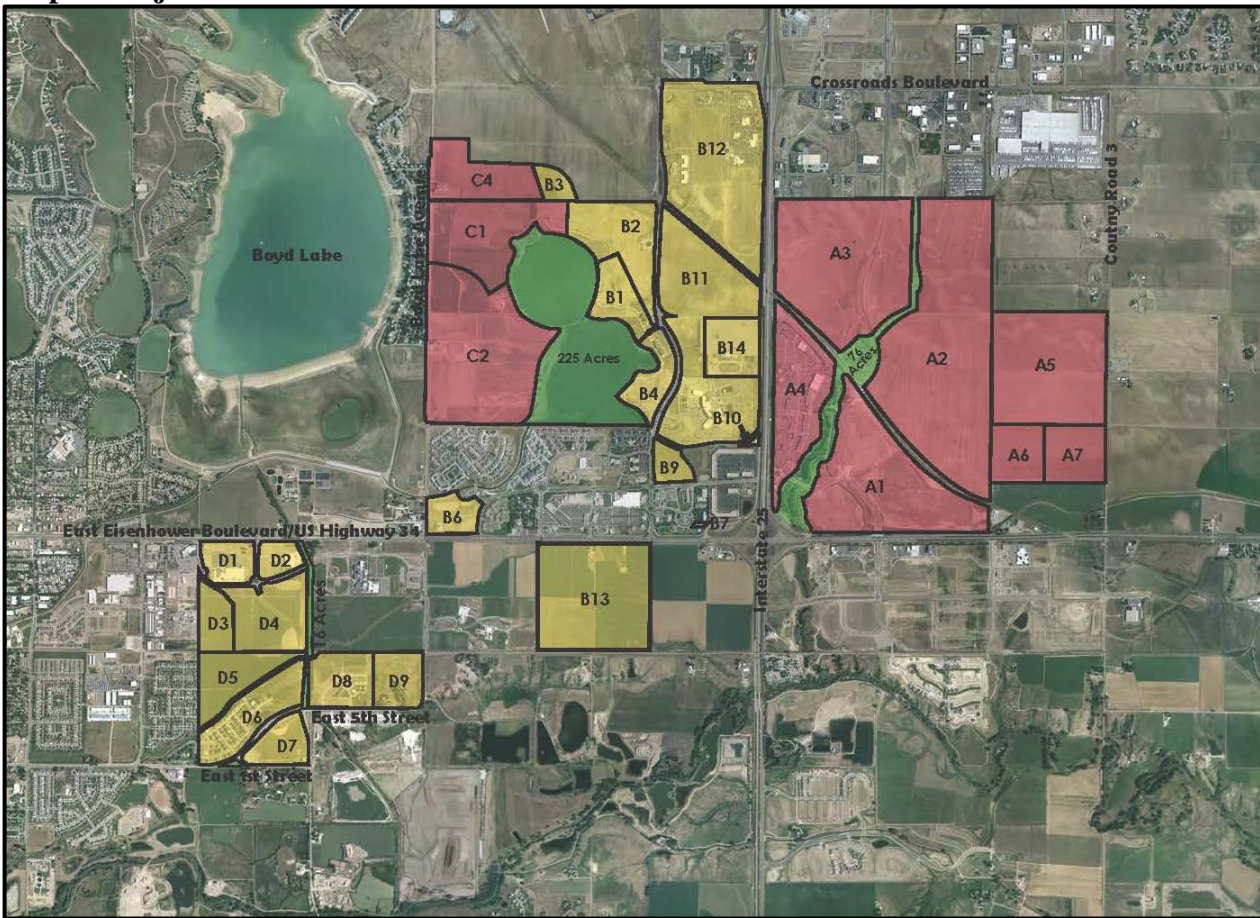
- The Amendment is in compliance with the City's Comprehensive Master Plan;
- The Amendment will not negatively impact traffic or City utilities;
- The revisions proposed in the Amendment should not have negative impacts on neighboring properties; and
- Development in conjunction with the Amendment will be in harmony with existing and future development through the incorporation of high quality design standards and transition requirements.

A detailed description of each proposed modification to the GDP is included in Section C of this memorandum. While the Amendment affects the entire PUD, only the GDP sections and maps proposed to be revised have been included as an attachment to the Planning Commission staff report. The revisions to each section are identified in a redline/strikethrough format. A copy of the complete Millennium PUD GDP document is available for viewing at the Current Planning office.

**A. Project Description**

The Millennium GDP governs land use within the Millennium PUD. The PUD contains approximately 2,916 acres within four separate parcels: A, B, C and D as identified in Map 1.

**Map 1. Project Location**



## **B. Planning Commission Hearing**

On April 9, 2012, the Planning Commission held a public hearing to consider the Amendment. Two exhibits were submitted for review at the hearing, which are included as Exhibits A and B to the Planning Commission minutes. Exhibit B contains correspondence between the City Attorney's Office and Hogan Lovells US LLP, legal counsel representing the owners of the Promenade Shops at Centerra, regarding the public hearing notification. The correspondence from the City Attorney's Office concludes that proper notification was provided for the GDP Amendment. The owner of the Promenade Shops at Centerra subsequently withdrew the objection to the notification procedures.

Exhibit A contains a 92 page document submitted by Hogan Lovells US LLP. The document, which includes a 6 page summarization, cites an objection to the request to modify the public hearing requirement criteria for development proposals. Due to the length of the document and its submittal a few hours prior to the public hearing, the Planning Commission took a 30 minute recess to read and consider the merits of the objection.

After considering the testimony and the exhibits provided at the hearing, the Planning Commission voted 5 to 2 to recommend that City Council approve the Amendment with the following condition. The applicant is in agreement with the condition.

*1. A heavy industrial use in excess of 100,000 square feet shall remain subject to public review before the Planning Commission.*

For additional information regarding the Planning Commission hearing, please refer to the approved minutes included as Exhibit A to this memorandum.

## **C. Amendment Request**

The following provides additional information regarding each modification proposed in the Amendment.

### **1. Public Hearing Requirement Criteria**

Section 12 of the GDP provides regulatory procedures for developing in the Millennium PUD. The regulatory procedures incorporate items such as required approval from the Centerra Design Review Committee, the process for administrative variations of the performance standards and an outline of the City review process. The review process is divided into two components for uses by right as described in Section 12.3.3: administrative review and public review.

Unlike similar conventionally zoned properties in the City, such as the City's Developing Business and Industrial zone districts, the GDP specifies criteria and thresholds for when a use-by-right development project requires public review and approval from the Planning Commission or City Council. The GDP outlines six thresholds that would require Planning Commission approval generally including: i) building heights over 60 feet in height; ii) buildings over 100,000 square feet; iii) buildings over 50,000 square feet abutting residential properties; iv) heavy commercial uses abutting residential

properties; v) heavy industrial uses abutting residential properties; and vi) veterinary facilities and clinic with outdoor uses adjacent to a residential neighborhood.

The only zoning district outside of the Millennium PUD that includes provisions requiring Planning Commission approval based on building size is the City's downtown Be-Established Business Zone. In the Be zone, buildings over 25,000 square feet in the General Core Area of Downtown, buildings over 10,000 square feet in the Neighborhood Transition Area and buildings exceeding 70 feet in height require approval by Planning Commission. In establishing the thresholds for public review in the Be zone, the City recognized that the downtown area has characteristics unique to the historic core of the City and public involvement was necessary. The historical nature of downtown properties and preservation of architectural form and character is very different from the greenfield development within the Millennium.

In the Amendment, the applicant and the City's Economic Development Department are proposing revisions to the defined thresholds in which public review and Planning Commission approval would be necessary. The purpose of the revision is to "level the playing field" compared to other properties zoned to allow light industrial/light manufacturing uses. The requirement for a public hearing before the Planning Commission would be based more on the proximity of a use to a built or platted residential neighborhood as opposed to the actual height, square footage or use of the building itself. An example would be that a commercial or light manufacturing use over 100,000 square feet could be processed without a Planning Commission hearing, provided the use was not located abutting a platted or built single family residential neighborhood.

The GDP amendment would enable the City to provide more competitive review time frames to companies considering Loveland by streamlining the processes. Indirectly, the amendment would encourage tall buildings and buildings with large square footages to locate in areas not directly adjacent to single family residential properties by eliminating the public hearing process based on the building's location. With the recommended condition of approval, all heavy industrial uses over 100,000 square feet would require a Planning Commission hearing. The amendment would not alter

## **GDP AMENDMENT**

### **Planning Commission hearing required for:**

- Any single Building over 100,000 gross square feet containing a Heavy Industrial Use (as recommended by Planning Commission)
- Any single Building over 60' in height directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of collector or smaller street classification;
- Any single Building over 50,000 gross square feet directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of local or smaller street classification;
- Any Heavy Commercial Use directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties or with only an intervening street of collector or smaller street classification;
- Any Heavy Industrial Use abutting one or more existing platted or built residential properties or with only an intervening street of collector or smaller street classification; and
- Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to an existing platted or built residential neighborhood.



the criteria of requiring a public hearing before the Planning Commission and City Council for development projects with 500,000 or more gross square feet.

**2. Light and Heavy Manufacturing Definitions and Use Location**

The GDP currently contains a definition for manufacturing that narrowly describes manufacturing as related to goods and products produced from extracted or raw materials. The definition of manufacturing provided in Section 13 of the GDP is as follows:

*"Manufacturing" means a facility wherein goods are produced or repaired, using necessary equipment for the manufacturing of materials or products from extracted or raw materials."*

The use of manufacturing falls within the heavy industrial land use designation in the GDP, which requires approval of a special review in many of the non-residential sub-parcels. The special review process involves a neighborhood meeting with a comment and appeal period which lengthens the City's processing timeframe and could create uncertainty for prospective companies. The GDP does not differentiate between varying intensities or impacts of the manufacturing activities on surrounding properties. The amendment proposes to add definitions for light and heavy manufacturing in order to differentiate the activities and provide appropriate location allowances for each use.

The proposed definition for light manufacturing would require that the manufacturing activities be contained entirely within a building, thereby reducing external impacts on surrounding properties. Light industrial uses would include activities such as processing, fabrication, assembly, packaging and distribution from previously prepared materials. Light manufacturing would be classified as a light industrial use in the GDP and as proposed, would not be subject to a special review approval on non-residential sub-parcels.

**GDP AMENDMENT**  
**Light Manufacturing Definition:**  
Manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

Heavy manufacturing would be defined as processing and manufacturing of materials or products primarily from extracted or raw materials. The use could involve outside activities and would remain classified as a heavy industrial use in the GDP. Heavy manufacturing would require special review approval in many of the non-residential sub-parcels. Additionally, any heavy industrial use proposed adjacent to a built or platted residential property would require Planning Commission approval.

**GDP AMENDMENT**  
**Heavy Manufacturing Definition:**  
Manufacturing that is engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials, petrochemical and rubber refining, primarily metal mining, or similar uses.

### **3. Non-Residential Site Planning Criteria Revisions**

Section 6 of the GDP provides non-residential site planning criteria for all development within the Millennium PUD. Dimensional standards such as setbacks, building heights and open space are outlined along with site layout, compatibility criteria such as screening, noise and bufferyards and design considerations. Two components of this section are proposed to be modified with the Amendment relating to the shadow/shading analysis requirement and provision of a context diagram with large campus-style developments.

*Shadow and Shading Analysis:* Developments proposing building heights greater than fifty-five feet in the PUD require a shadow analysis to identify any impacts of shading and shadows cast by the proposed building. Design standards in the GDP require that buildings be located and designed so as to not have substantial adverse impacts on natural and artificial light on neighboring properties. Adverse impacts include casting shadows on property that would preclude the use of solar energy, contributing to the accumulation of snow and ice during the winter and shading windows or gardens for more than three months out of a year.

If a project does not comply with the strict interpretation of the shadow analysis requirements, but meets the intent of the standard, the GDP requires the applicant to obtain approval from the affected property owner. If approval from the property owner is not obtained, a redesign of the project may be necessary without any means of relief from a strict interpretation of the standard. The applicant is therefore requesting that this requirement be removed. With the proposed amendment and the removal of the requirement for a third party approval, variations to the shadow analysis would be subject to the same regulatory procedures as all other design standards in the GDP.

*Context Diagram:* A context diagram is a schematic map accompanying a proposed development that shows how the project relates to its surrounding areas. The diagram is used to ensure that the area is planned cohesively and consistently in terms of land uses, pedestrian and vehicular circulation patterns, open space areas and utilities. The requirement for providing a context diagram is unique to projects within the Millennium PUD and is not required in other zone districts in the City. The diagram, which is administratively approved, must accompany plats and site development plans for developments proposed within 1/4 mile of either I-25 or US 34 or within a mixed use village center. At the City's request, the requirement for providing a context diagram is being expanded with the Amendment to include all multi-phased campus-style developments of 50 acres or more. This will enable better planning and coordination efforts for phased campuses.

#### **GDP AMENDMENT**

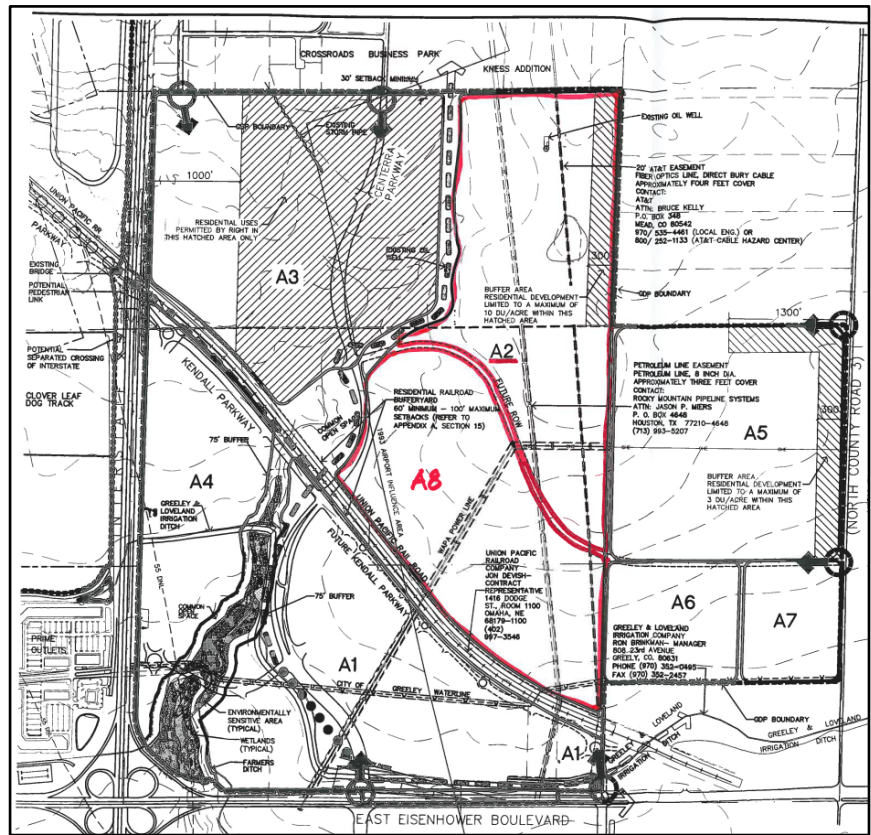
##### **Context Diagram**

Multi-phased campus style development projects of 50 acres in size or larger, the Applicant shall submit for review by the City in conjunction with the first Site Development Plan review process, a possible configuration (or alternative configurations) of land within the defined campus. The context diagram shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Conceptual drainage and utility systems;
- E. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally sensitive Areas (as identified within this GDP).

**4. Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.**

Sub-parcel A-2, located on the east side of I-25, consists of approximately 320 acres. The parcel can be developed to include a variety of commercial, industrial, residential and mixed use neighborhoods with a maximum of 1,568 residential dwelling units. In the Amendment, the applicant has requested to sub divide this parcel into two distinct sub-parcels and reallocate the approved number of dwellings units between the new sub-parcels. No increase to the maximum number of residential units is requested in the amendment. The new sub-parcel A-2 would consist of approximately 185 acres and permit 880 dwelling units. The newly created sub-parcel A-8 would consist of approximately 144 acres and would permit 688 dwelling units.



Permitted land uses within sub- parcel A-2 would remain unchanged. Allowed land uses within sub parcel A-8 would be consistent with those of A-2 with the exception that heavy commercial uses would be permitted as a use by right in sub-parcel A-8. Heavy commercial use is currently subject to special review approval in sub-parcel A-2 due to the proximity of residential uses east of the parcel. Heavy commercial land uses include grocery stores, large retail establishments, auto related uses, convenience stores, self-storage facilities and entertainment facilities.

**GDP Amendment: Parcel A-2 and A-8 Proposed Land Uses**

SUB-PARCEL:	ACRES:	USES-BY-RIGHT:	SPECIAL REVIEW USES:	MAXIMUM DENSITY FOR ANY INDIVIDUAL PHASE ON A SINGLE PLAT (RESIDENTIAL USE ONLY):	MAXIMUM # RESIDENTIAL UNITS:
A2	185	Institutional/Civic/Public Light Commercial Light Industrial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial Heavy Industrial	MUVC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	880
A8	144	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MVUC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVC+ RES (not in a MUN) 30 DU/AC ++ RES (MUN) 30 DU/AC+++	688



### **III. RECOMMENDED CONDITIONS**

The Planning Commission is recommending the following condition of approval. The applicant is in agreement with the condition.

1. A heavy industrial use in excess of 100,000 square feet shall remain subject to public review before the Planning Commission.



**CITY OF LOVELAND**  
 ECONOMIC DEVELOPMENT OFFICE  
 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 15  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Betsy Hale, Economic Development Director  
**PRESENTER:** Cindy Mackin, Visitors Services Coordinator

**TITLE:** Destination Loveland Brand Concepts

**RECOMMENDED CITY COUNCIL ACTION:**

Information Only; provide feedback and direction to staff

**DESCRIPTION:** This is a discussion with City Council regarding the Destination Loveland brand concepts which the Community Marketing Commission is considering for Loveland's tourism marketing effort.

**BUDGET IMPACT:**

- Positive
- Negative
- Neutral or negligible

This is a discussion of the brands being considered by CMC for Destination Loveland. The CMC approved using \$15,000 of lodging tax funds from the City Council approved 2012 budget.

**SUMMARY:** On April 18, 2012 the Community Marketing Commission selected three conceptual brands to be used as the Destination Loveland visitor attraction brand. This information only item is an opportunity for City Council members to discuss the three concepts and provide feedback to CMC members and the marketing consultant. A public open house will be held May 7, 2012 from 4:00 pm - 7:00 pm, at the Devereaux Room, in the Rialto Theater Center.

**REVIEWED BY CITY MANAGER:**

*William D. Cabell*

**LIST OF ATTACHMENTS:**

Brand concept packet



# LOVELAND

▪ COLORADO ▪

EVERYTHING YOU LOVE



LOVELAND

▪ COLORADO ▪

SCULPTURE YOU LOVE



LOVELAND

▪ COLORADO ▪

SHOPPING YOU LOVE



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▪ COLORADO ▪

GOLF YOU LOVE



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▪ COLORADO ▪

VALENTINES YOU LOVE



LOVELAND

▪ COLORADO ▪

RECREATION YOU LOVE

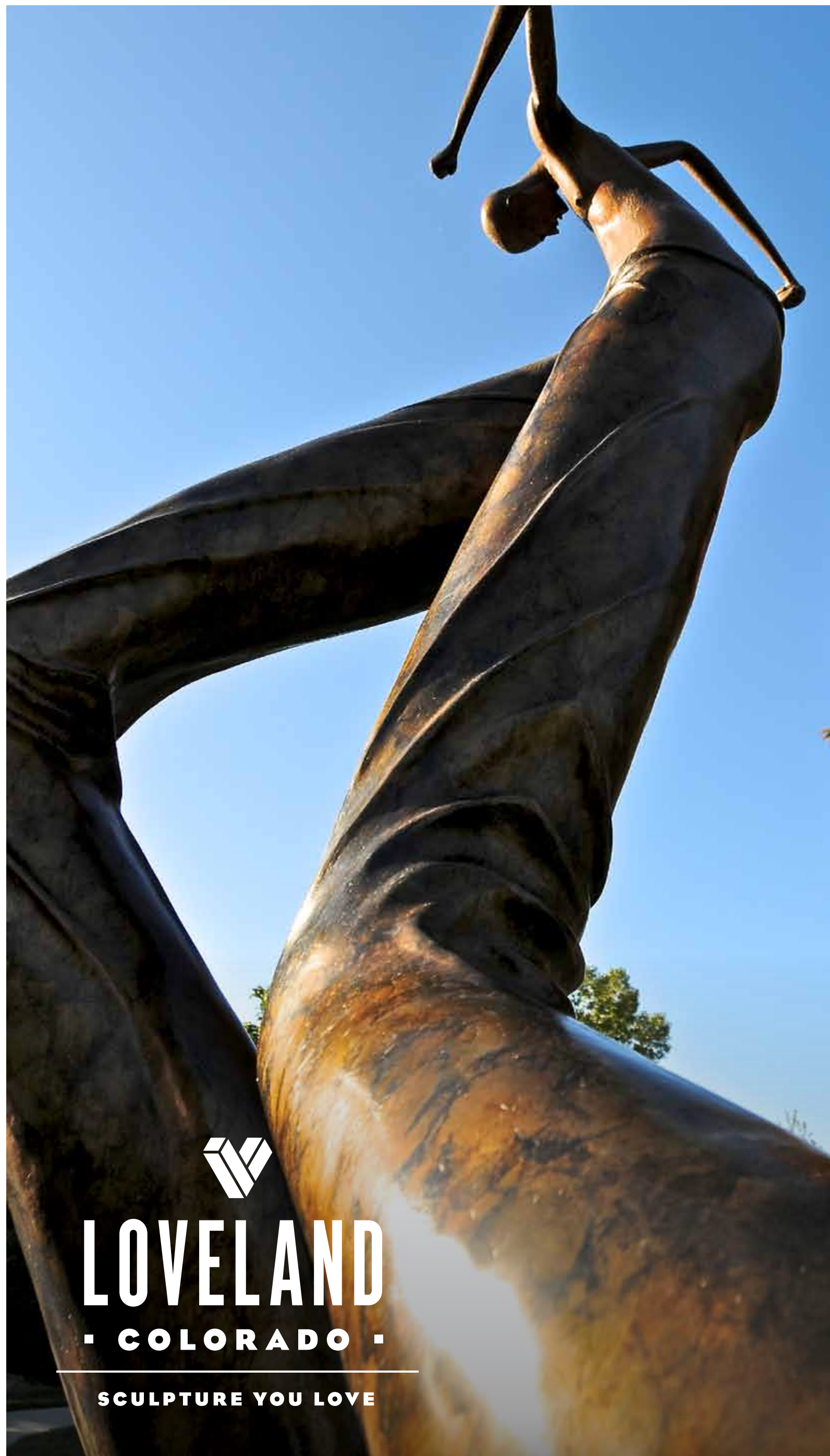


LOVELAND

▪ COLORADO ▪

HIKING YOU LOVE





  
**LOVELAND**  
 ■ COLORADO ■  
 SCULPTURE YOU LOVE



  
**LOVELAND**  
 ■ COLORADO ■  
 SHOPPING YOU LOVE



  
**LOVELAND**  
 ■ COLORADO ■  
 GOLF YOU LOVE



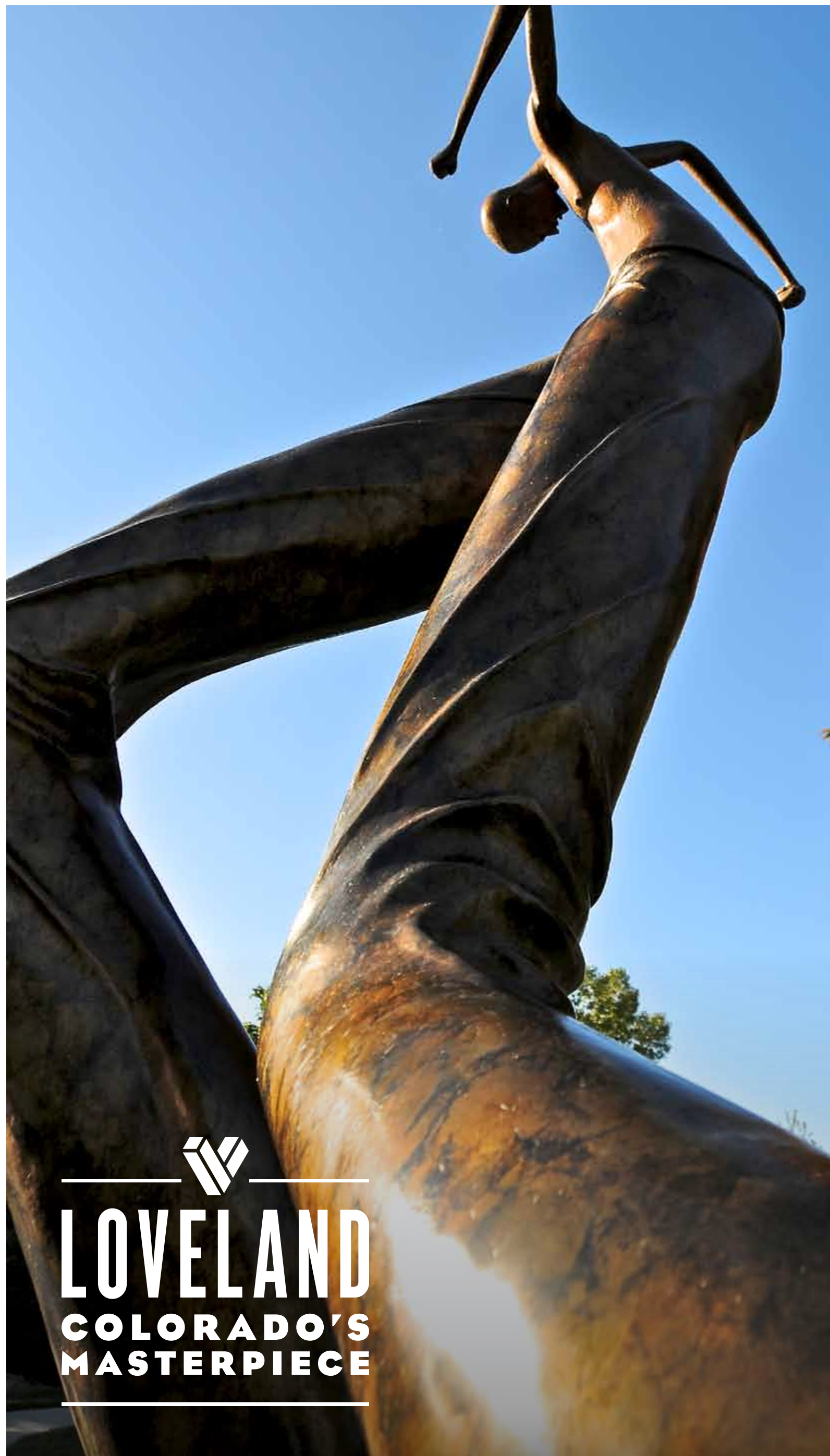


**LOVELAND**  
**COLORADO'S**  
**MASTERPIECE**



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# LOVELAND



**COLORADO'S MASTERPIECE**



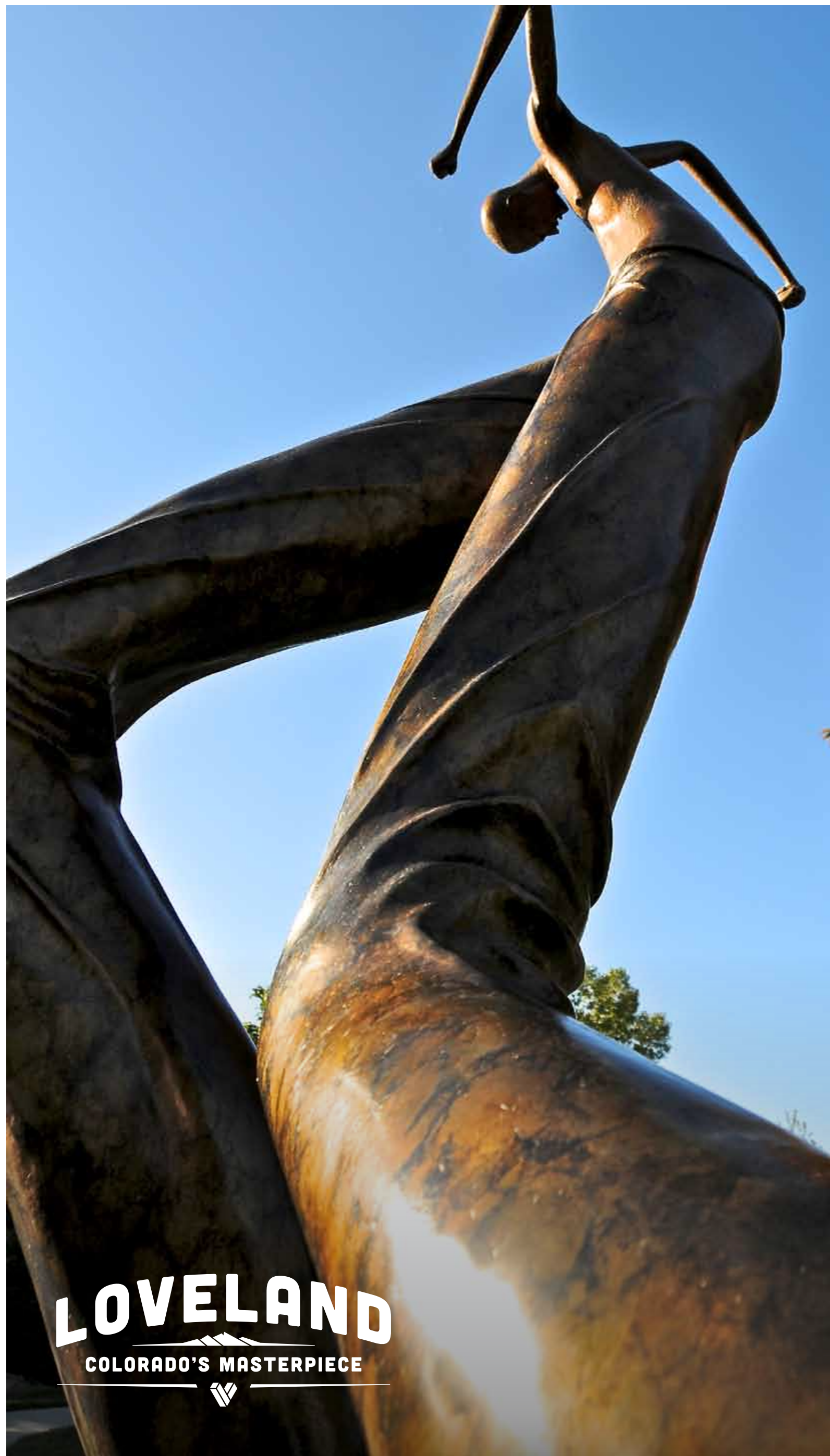
# LOVELAND



**COLORADO'S MASTERPIECE**







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**CITY OF LOVELAND**  
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 16  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Bonnie Steele, Finance  
**PRESENTER:** Bonnie Steele, Acting Finance Director

**TITLE:**

March 2012 Financial Report

**RECOMMENDED CITY COUNCIL ACTION:**

This is an information only item. No action is required.

**DESCRIPTION:**

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending March 31, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**SUMMARY:**

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the month ending March 31, 2012. Citywide Revenue (excluding internal transfers) of \$49,962,016 is 106.2% of year to date (YTD) budget or \$2,928,716 over the budget. Sales Tax collections are 102.5% of the YTD budget or \$211,088 over budget. Building Material Use Tax is 75.3% of YTD budget, or \$67,944 under budget. Sales and Use Tax collections combined were 102.8% of YTD budget or \$255,090 over budget. When the combined sales and use tax for the current year are compared to 2011 for the same period last year, they are higher by 6.0% or \$524,591.

Citywide total expenditures of \$41,757,077 (excluding internal transfers) are 87.9% of the YTD budget or \$5,759,220 under the budget, primarily due to the accrual of salaries back to 2011; lower than expected health, liability, and workers compensation claims; and the timing of the payments to the Loveland Fire and Rescue Authority and to Fort Collins for FLEX bus service.

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REVIEWED BY CITY MANAGER: *William D. Cahill*

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**LIST OF ATTACHMENTS:**  
Snapshot report for March 2012



# SnapShot

Monthly Financial Report  
March 2012

## A Snapshot In Time

### Financial Sustainability Strategies Can Be Found At:

[CityofLoveland.org](http://CityofLoveland.org)

- ⇒ Departments
- ⇒ Finance
- ⇒ Administration
- ⇒ Financial Reports
- ⇒ Financial Sustainability Strategies

- Citywide Revenue, excluding transfers between funds, \$50.0 million (6.2% above budget projections, primarily due to increased sales and use tax and earlier than expected capital revenues in the General Fund and Water & Power Enterprise)
- Sales & Use Tax Collection, \$9.3 million (2.8% above budget projections)
- Citywide Expenditures, excluding transfers between funds, \$41.8 million (12.1% below budget projections)
- Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$8.2 million.
- General Fund Revenue, excluding transfers between funds, \$17.1 million (8.3% above budget projections)
- General Fund Expenditures, excluding transfers between funds, \$12.3 million, (15.8% below budget projections)
- General Fund Revenues exceed Expenditures by \$5.1 million.
- Cash & Reserves Year-To-Date Balance, \$199.1 million, \$142.3 million or 71.5% of these funds are restricted or reserved primarily for future capital projects.

### Inside This Edition

Citywide Revenues & Expenditures	2
General Fund Revenues & Expenditures	4
Tax Totals & Comparison	6-9
Sales Tax SIC & Geo Codes	10-11
Health Care Claims	12
Activity Measures	13
Cash & Reserves	14
Capital Projects	15

### The Sales Tax Basics

March 2012	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2012	\$ 8,316,010	\$ 460,260	\$ 275,600	\$ 9,051,870
Actual 2012	\$ 8,527,098	\$ 572,206	\$ 207,656	\$ 9,306,960
% of Budget	102.5%	124.3%	75.3%	102.8%
Actual 2011	\$ 8,162,867	\$ 436,749	\$ 182,753	\$ 8,782,369
Change from prior year	4.5%	31.0%	13.6%	6.0%

## Financial Sustainability

The City remains in a strong financial position because of a tradition of conservative fiscal management. To uphold this tradition, the City ensures that operations are paid for by current-year revenues, fund balances are positive and reserves are sufficient to overcome financial challenges, and debt is considered extraordinary and avoided in favor of a pay-as-we-go system. This sound fiscal policy allows the City to achieve Council goals and priorities and to meet challenges as they arise.

In 2011, the City embarked upon a community-wide financial sustainability effort to ensure that shortfalls projected in its General Fund 10-year financial plan were addressed using a balanced plan consisting of 81% expenditure cuts and 19% revenue increases. The Financial Sustainability Strategy, adopted by the City Council on June 7, 2011, includes both immediate actions reflected in the 2012 budget and ongoing processes designed to ensure that the City retains a healthy financial outlook.

While 2012 sales & use tax revenue is higher than in 2007 through March, when inflation over the time frame is taken into account, 2012 collections are still significantly below the 2007 level, emphasizing the importance of continuing the strategy implementation.

# Citywide Revenues & Expenditures

March 2012

Combined Statement of Revenues and Expenditures				
March 2012				
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget
<b>General Governmental</b>				
1 General Fund	\$ 6,786,906	\$ 17,067,082	\$ 15,756,327	108.3%
2 Special Revenue	75,327	183,768	176,748	104.0%
3 Other Entities	3,390,840	5,291,737	5,492,112	96.4%
4 Internal Service	1,361,874	4,115,131	4,040,796	101.8%
5 <i>Subtotal General Govt Operations</i>	\$ 11,614,947	\$ 26,657,718	\$ 25,465,983	104.7%
6 Capital Projects	1,030,962	3,456,804	2,616,539	132.1%
<b>Enterprise Fund</b>				
7 Water & Power	5,359,284	16,899,972	15,908,280	106.2%
8 Stormwater	348,950	1,061,241	1,106,889	95.9%
9 Golf	264,666	553,091	514,390	107.5%
10 Solid Waste	436,118	1,333,191	1,421,219	93.8%
11 <i>Subtotal Enterprise</i>	\$ 6,409,017	\$ 19,847,494	\$ 18,950,778	104.7%
12 <b>Total Revenue</b>	<b>\$ 19,054,926</b>	<b>\$ 49,962,016</b>	<b>\$ 47,033,300</b>	<b>106.2%</b>
	<i>Prior Year External Revenue</i>	44,327,134		
	<i>Increase (-Decrease) From Prior Year</i>	12.7%		
13 Internal Transfers	159,342	1,033,940	4,885,940	21.2%
14 <b>Grand Total Revenues</b>	<b>\$ 19,214,268</b>	<b>\$ 50,995,955</b>	<b>\$ 51,919,240</b>	<b>98.2%</b>
<b>EXPENDITURES</b>				
<b>General Governmental</b>				
15 General Fund	\$ 4,685,727	\$ 12,167,507	\$ 14,365,107	84.7%
16 Special Revenue	30,991	75,434	188,729	40.0%
17 Other Entities	3,955,283	5,406,783	4,448,307	121.5%
18 Internal Services	1,622,902	3,250,980	4,302,556	75.6%
19 <i>Subtotal General Gov't Operations</i>	\$ 10,294,902	\$ 20,900,704	\$ 23,304,700	89.7%
20 Capital	3,503,505	6,593,984	9,093,280	72.5%
<b>Enterprise Fund</b>				
21 Water & Power	4,946,359	12,725,023	13,101,510	97.1%
22 Stormwater	135,698	344,674	511,265	67.4%
23 Golf	159,399	382,354	456,678	83.7%
24 Solid Waste	280,492	810,337	1,048,864	77.3%
25 <i>Subtotal Enterprise</i>	\$ 5,521,949	\$ 14,262,389	\$ 15,118,317	94.3%
26 <b>Total Expenditures</b>	<b>\$ 19,320,357</b>	<b>\$ 41,757,077</b>	<b>\$ 47,516,297</b>	<b>87.9%</b>
	<i>Prior Year External Expenditures</i>	42,137,040		
	<i>Increase (-Decrease) From Prior Year</i>	-0.9%		
27 Internal Transfers	159,342	1,033,940	4,885,940	21.2%
28 <b>Grand Total Expenditures</b>	<b>\$ 19,479,698</b>	<b>\$ 42,791,017</b>	<b>\$ 52,402,237</b>	<b>81.7%</b>

\*\* Based on seasonality of receipts and expenditures since 1995.

**Special Revenue Funds:** Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures.

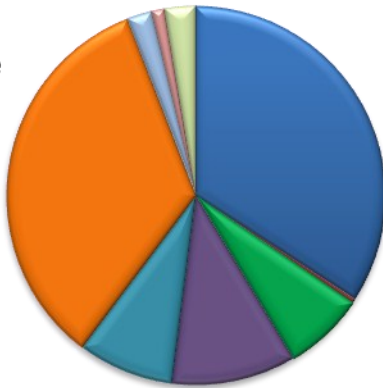
**General Government Capital Projects Fund:** Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

**Other Entities Fund:** Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority, Loveland Fire and Rescue Authority.

**Internal Service Funds:** Risk/ Insurance, Fleet, Employee Benefits.

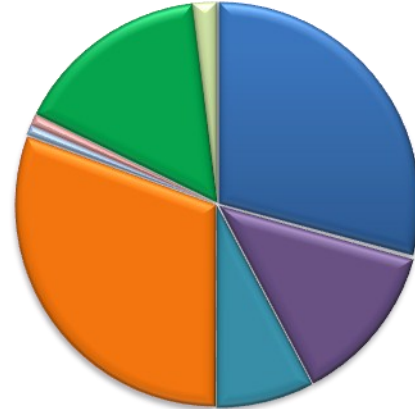
**YTD Operating Revenues of \$50 Million**

- General Fund
- Special Revenue
- Capital Projects
- Other Entities
- Internal Service
- Utilities
- Stormwater
- Golf
- Solid Waste



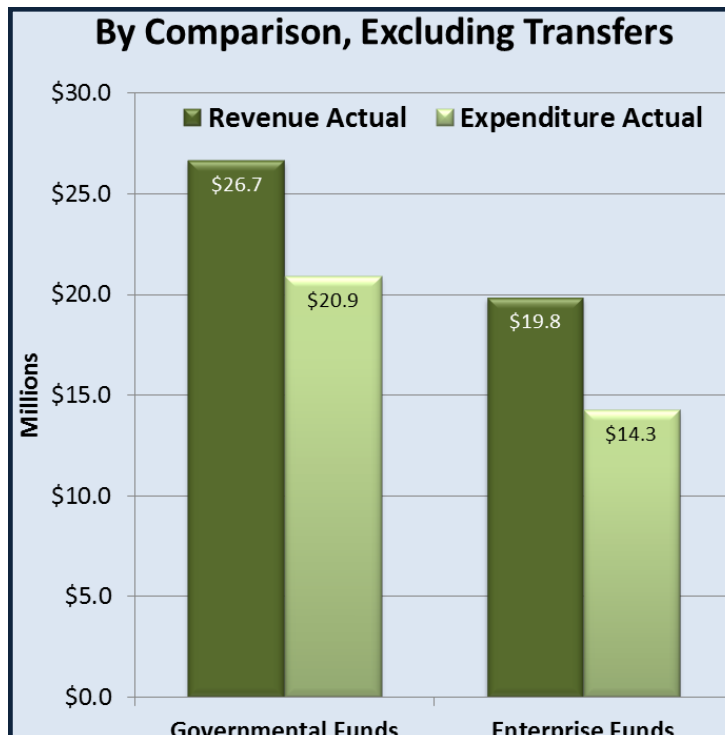
**YTD Operating Expenditures of \$41.8 Million**

- General Fund
- Special Revenue
- Other Entities
- Internal Service
- Utilities
- Stormwater
- Golf
- Capital Projects
- Solid Waste



- ⇒ Revenues exceed expenditures YTD by \$8,204,938 (line 14 less line 28)
- ⇒ General Fund revenue is above budget due to higher than projected sales, auto use, and property tax receipts and sales tax audit proceeds (line 1)
- ⇒ Capital Projects revenue is above projections due to earlier than expected Capital Expansion Fee receipts from a multifamily project (line 6)
- ⇒ Water & Power revenue (line 7) is over budget due to higher than planned commercial service revenue and Capital revenue from earlier than expected receipts from a multifamily project
- ⇒ Golf revenues are higher than planned due to earlier than planned annual pass and private cart revenue (line 9)
- ⇒ Solid Waste revenue (line 10) is under budget due to the timing of projected asset sales and lower than projected receipts from recyclable material sales
- ⇒ Internal transfers (line 13 & 27) are under budget due to the timing of related expenditures
- ⇒ Generally, all funds are below budget, in part, due to the accrual of personnel services costs to 2011 not reflected in the budget
- ⇒ The General Fund (line 15) is under budget due to timing of payments to the Fire Authority and Fort Collins for the Flex route and expenditure timing of human services grants
- ⇒ The Special Revenue funds (line 16) are below budget due to the timing of expenditures and grants from the Community Development Block Grant program and a later than budgeted start for the Visitor Services Coordinator
- ⇒ Other entities funds are over budget due to earlier than expected outlays from the Loveland Urban Renewal Authority (LURA) fund (line 17)
- ⇒ Internal services (line 18) are under budget due to lower than anticipated health claims and payments for workers compensation and general liability events
- ⇒ Capital expenditures (line 20) are under budget due to the timing of capital projects throughout the City (expenditures are still within annual budget amounts)
- ⇒ Solid Waste (line 24) is below budget, in part, due to lower than expected disposal charges

**By Comparison, Excluding Transfers**



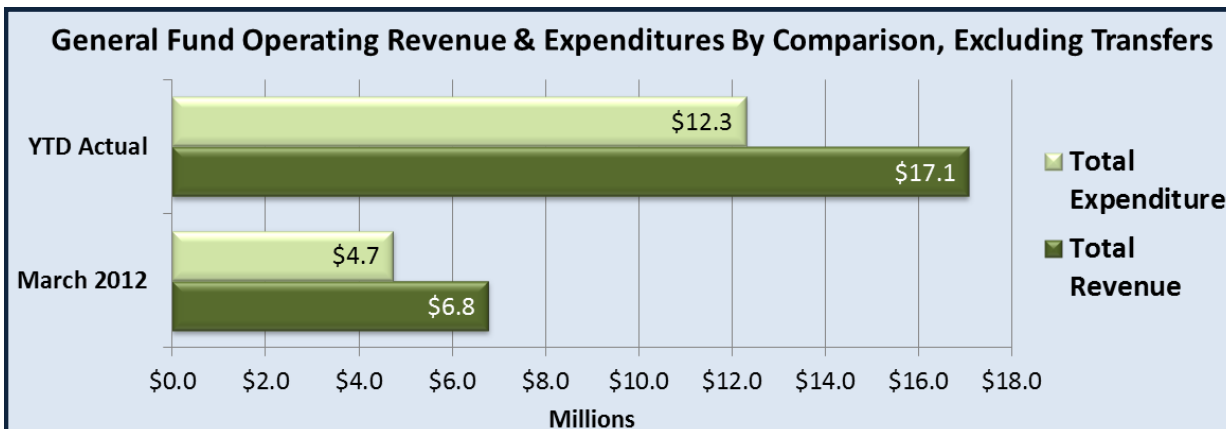
# General Fund Revenues & Expenditures

March 2012

General Fund Revenue & Expenditures March 2012				
REVENUES	March 2012	YTD Actual	YTD Revised Budget	% of Budget
<b>1 Taxes</b>				
2 Property Tax	\$ 2,166,101	\$ 2,333,494	\$ 1,808,980	129.0%
3 Sales Tax	2,403,380	8,527,098	8,316,010	102.5%
4 Building Use Tax	57,845	207,656	275,600	75.3%
5 Auto Use Tax	156,828	572,206	460,260	124.3%
6 Other Taxes	514,847	1,032,596	677,800	152.3%
7 Intergovernmental	305,919	1,053,144	1,235,839	85.2%
<b>8 License &amp; Permits</b>	-	-	-	
9 Building Permits	113,044	305,314	198,330	153.9%
10 Other Permits	41,307	100,983	69,305	145.7%
11 Charges For Services	355,113	995,308	944,089	105.4%
12 Fines & Forfeitures	87,473	291,030	251,319	115.8%
13 Interest Income	54,430	139,513	101,300	137.7%
14 Miscellaneous	530,620	1,508,741	1,417,495	106.4%
<b>15 Subtotal</b>	<b>\$ 6,786,906</b>	<b>\$ 17,067,082</b>	<b>\$ 15,756,327</b>	<b>108.3%</b>
16 Internal Transfers	142,876	454,239	1,021,120	44.5%
<b>17 Total Revenue</b>	<b>\$ 6,929,783</b>	<b>\$ 17,521,321</b>	<b>\$ 16,777,447</b>	<b>104.4%</b>
<b>EXPENDITURES</b>				
<b>Operating Expenditures</b>				
18 Legislative	\$ 8,498	\$ 23,270	\$ 34,381	67.7%
19 Executive & Legal	150,806	412,176	523,445	78.7%
20 Economic Development	125,613	407,691	332,394	122.7%
21 Cultural Services	96,084	274,870	417,593	65.8%
22 Development Services	186,095	436,432	635,982	68.6%
23 Finance	273,653	694,666	910,216	76.3%
25 Human Resources	127	127	-	0.0%
26 Information Technology	56,806	159,733	220,189	72.5%
27 Library	176,354	899,485	1,071,743	83.9%
28 Parks & Recreation	324,717	586,556	574,388	102.1%
29 Police	604,794	1,320,419	1,546,982	85.4%
30 Public Works	1,254,226	3,504,000	3,825,484	91.6%
31 Non-Departmental	993,237	2,339,124	2,754,866	84.9%
<b>32 Subtotal Operating</b>	<b>496,444</b>	<b>1,235,118</b>	<b>1,752,695</b>	<b>70.5%</b>
33 Internal Transfers	\$ 4,747,455	\$ 12,293,667	\$ 14,600,357	84.2%
<b>34 Total Expenditures</b>	<b>3,342</b>	<b>101,690</b>	<b>1,471,870</b>	<b>6.9%</b>
	<b>\$ 4,750,796</b>	<b>\$ 12,395,357</b>	<b>\$ 16,072,227</b>	<b>77.1%</b>



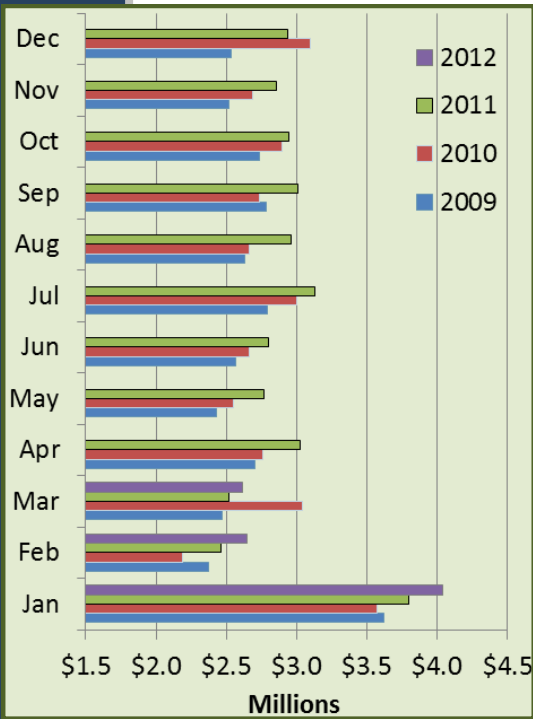
- ⇒ Sales Tax revenue is above budgeted levels by 2.5%
- ⇒ Generally, actual revenue differs from budgeted amounts due to timing issues between planned and actual receipts (an example is property tax (line 2), which is over budget due to early receipts)
- ⇒ Other taxes are over budget due to higher than planned sales tax audit revenue, higher than planned alcohol tax revenue, and proceeds from leased fiber optic lines
- ⇒ Intergovernmental revenue (line 7) is below budget due to the timing of federal transit grant payments
- ⇒ Building permit revenue (line 9) exceeds budget due to increased activity in renovations of existing structures and a development of new single-family homes
- ⇒ Fines & Forfeitures (line 12) are over budget due to higher than projected traffic citation and court fine revenue
- ⇒ Interest Income revenues (line 13) are higher than expected due to differences between budgeted and actual 2012 beginning fund balance and higher than expected returns
- ⇒ Miscellaneous revenue is higher than expected due to donations to the museum and library (line 14)
- ⇒ Internal transfers (lines 16 & 33) are under budget due to the timing of related expenditures
- ⇒ Generally, almost all departments are below budget, at least in part, due to the accrual of salaries to 2011 not reflected in the budget and the timing of actual expenditures versus budgeted plans
- ⇒ Council expenditures (line 18) are under budget due to lower than planned travel and meeting and food costs
- ⇒ Executive expenditures (line 19) are lower than projected, in part, due to lower printing costs with the transition to electronic Council packet delivery
- ⇒ Economic Development (line 20) is over budget due to the timing of expenditures for the former Agilent property and earlier than projected incentive payments
- ⇒ Cultural Services (line 21) is under budget due to the timing of expenditures from a Theater Guild donation for equipment
- ⇒ Development Services expenditures (line 22) are under budget due to the timing of human services grants
- ⇒ Information Technology (line 26) is under budget due to the timing of computer and service maintenance expenses
- ⇒ Public Works (line 30) is under budget due to the timing of payments to Fort Collins for FLEX service
- ⇒ Non-departmental expenditures (line 31) are below budget due to the timing of payments to the Loveland Fire & Rescue Authority
- ⇒ Revenues exceed expenditures by \$5,125,964 (line 17 less line 34)





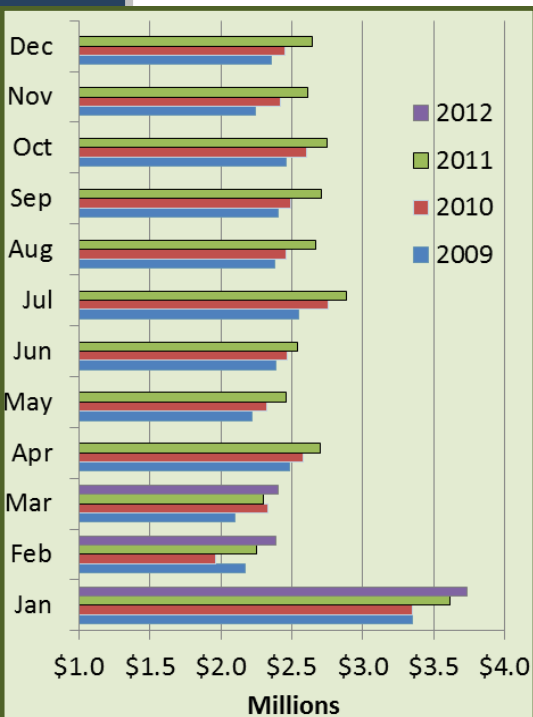
# Tax Totals & Comparisons

## Sales & Use Tax



	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$3,622,251	\$3,573,972	\$3,799,760	\$4,039,678	\$3,863,500	4.6%
Feb	2,374,608	2,191,609	2,465,447	2,649,229	2,353,490	12.6%
Mar	2,468,095	3,041,068	2,517,162	2,618,053	2,834,880	-7.6%
Apr	2,701,737	2,759,556	3,022,770		3,043,630	
May	2,428,860	2,550,227	2,769,526		2,777,110	
Jun	2,569,125	2,665,632	2,800,184		2,904,600	
Jul	2,794,222	3,004,324	3,129,254		3,254,770	
Aug	2,628,842	2,662,932	2,961,686		2,930,740	
Sep	2,782,768	2,732,087	3,008,637		2,992,510	
Oct	2,733,964	2,897,370	2,944,433		3,116,480	
Nov	2,522,092	2,690,549	2,853,507		2,881,350	
Dec	2,537,802	3,096,111	2,933,523		2,914,960	
	\$32,164,365	\$33,865,435	\$35,205,889	\$9,306,960	\$35,868,020	
YTD	\$8,464,955	\$8,806,649	\$8,782,369	\$9,306,960	\$9,051,870	2.8%

## Retail Sales Tax

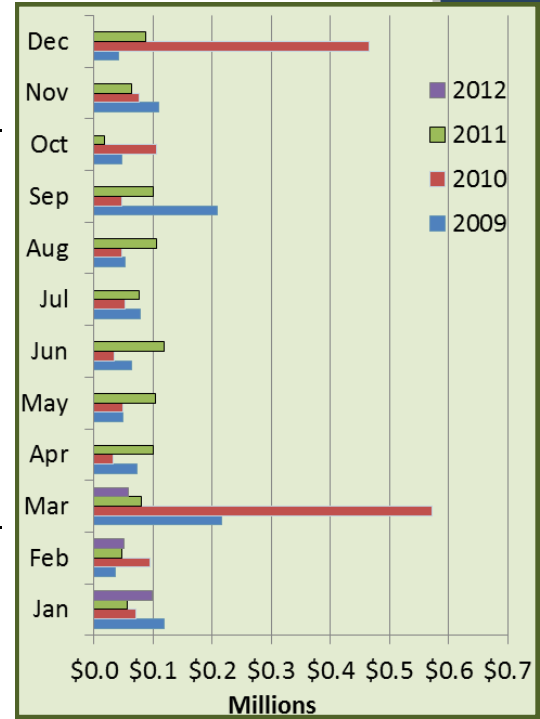


	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$3,354,704	\$3,352,821	\$3,613,881	\$3,733,309	\$3,648,890	2.3%
Feb	2,170,562	1,959,729	2,249,749	2,390,409	2,132,780	12.1%
Mar	2,100,216	2,328,701	2,299,237	2,403,380	2,534,340	-5.2%
Apr	2,482,752	2,579,918	2,702,024		2,807,740	
May	2,218,482	2,324,395	2,462,213		2,529,650	
Jun	2,390,535	2,468,207	2,536,541		2,686,160	
Jul	2,552,195	2,752,870	2,882,075		2,995,960	
Aug	2,383,119	2,458,382	2,667,674		2,675,470	
Sep	2,401,596	2,495,338	2,710,738		2,715,690	
Oct	2,457,158	2,602,599	2,746,866		2,832,420	
Nov	2,245,659	2,422,352	2,611,127		2,636,260	
Dec	2,358,273	2,455,821	2,647,014		2,672,660	
	\$29,115,253	\$30,201,133	\$32,129,139	\$8,527,098	\$32,868,020	
YTD	\$7,625,482	\$7,641,251	\$8,162,867	\$8,527,098	\$8,316,010	2.5%

# SnapShot

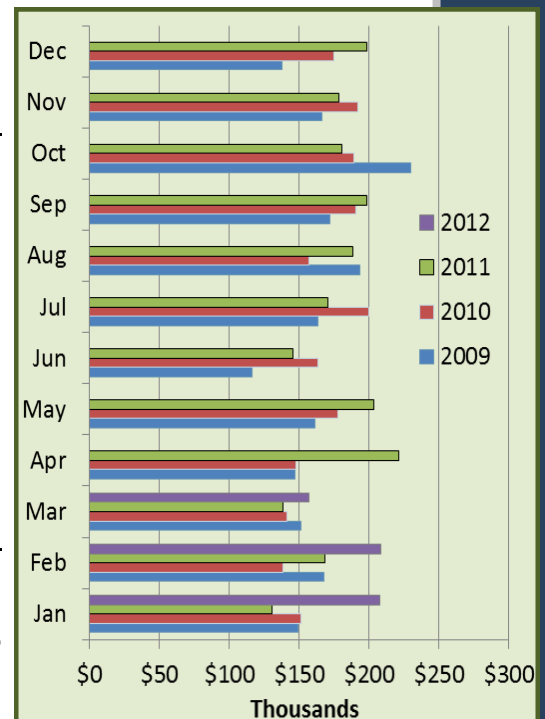
## Building Materials Use Tax

	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$118,719	\$70,117	\$55,542	\$99,108	\$67,230	47.4%
Feb	36,254	93,928	47,621	50,703	64,310	-21.2%
Mar	216,500	571,599	79,590	57,845	144,060	-59.8%
Apr	72,251	32,260	99,569		82,360	
May	49,434	48,145	104,373		75,760	
Jun	62,723	34,349	118,318		66,460	
Jul	79,061	51,657	76,488		76,580	
Aug	52,578	47,716	105,871		70,510	
Sep	209,338	46,646	99,544		93,610	
Oct	47,437	105,818	17,021		80,030	
Nov	110,207	76,444	64,211		78,900	
Dec	41,844	465,626	88,033		100,190	
	\$1,096,346	\$1,644,305	\$956,181	\$207,656	\$1,000,000	
YTD	\$371,473	\$735,644	\$182,753	\$207,656	\$275,600	-24.7%



## Motor Vehicle Use Tax

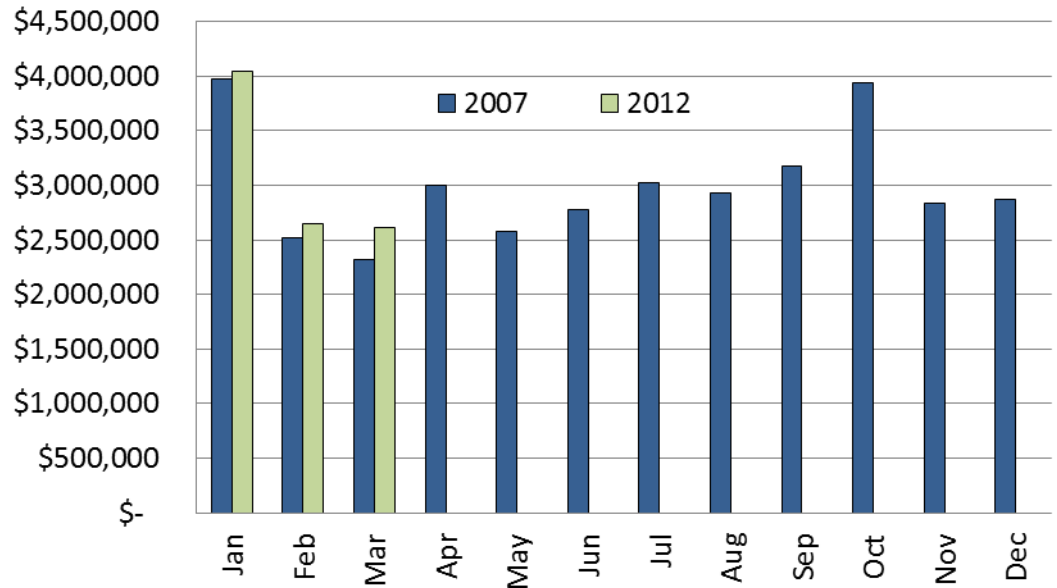
	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$148,828	\$151,034	\$130,337	\$207,261	\$147,380	40.6%
Feb	167,793	137,951	168,077	208,117	156,400	33.1%
Mar	151,378	140,768	138,335	156,828	156,480	0.2%
Apr	146,734	147,378	221,177		153,530	
May	160,943	177,687	202,940		171,700	
Jun	115,867	163,076	145,325		151,980	
Jul	162,966	199,797	170,691		182,230	
Aug	193,144	156,834	188,141		184,760	
Sep	171,833	190,102	198,355		183,210	
Oct	229,369	188,953	180,546		204,030	
Nov	166,225	191,753	178,169		166,190	
Dec	137,685	174,664	198,476		142,110	
	\$1,952,766	\$2,019,997	\$2,120,569	\$572,206	\$2,000,000	
YTD	\$467,999	\$429,754	\$436,749	\$572,206	\$460,260	24.3%



# 2007 vs 2012 Tax Comparisons

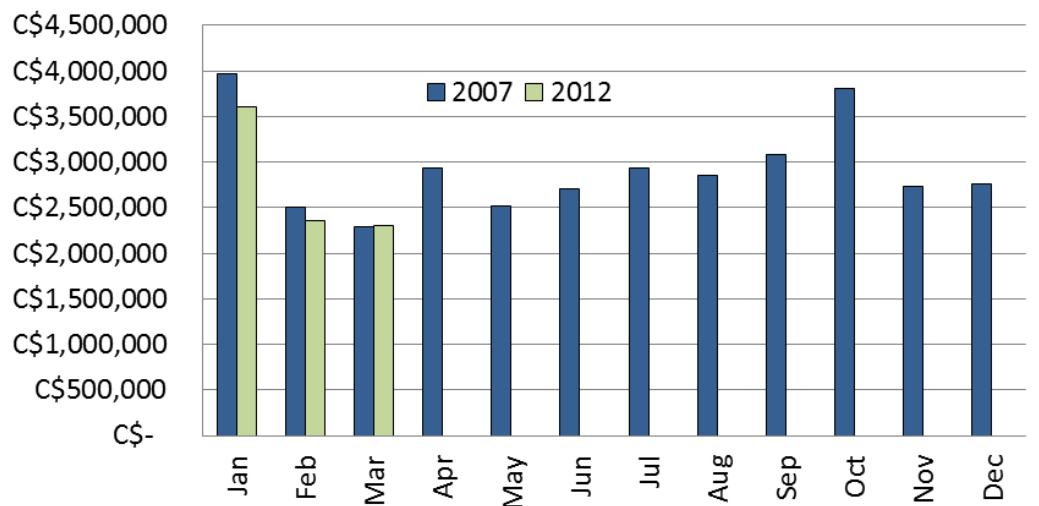
	2007	2012
Jan	\$3,972,513	\$4,039,678
Feb	2,520,486	2,649,229
Mar	2,319,579	2,618,053
Apr	3,003,780	
May	2,581,830	
Jun	2,781,786	
Jul	3,022,815	
Aug	2,931,667	
Sep	3,176,883	
Oct	3,936,330	
Nov	2,835,420	
Dec	2,869,916	
	\$35,953,006	\$9,306,960

### Sales & Use Tax 2007 v. 2012



	2007	2012
Jan	\$3,972,513	\$3,607,507
Feb	2,507,072	2,355,439
Mar	2,286,415	2,310,176
Apr	2,941,724	
May	2,513,134	
Jun	2,702,532	
Jul	2,937,441	
Aug	2,854,102	
Sep	3,084,330	
Oct	3,813,494	
Nov	2,730,719	
Dec	2,765,797	
	\$35,109,275	\$8,273,121

### Sales & Use Tax 2007 v. 2012 in Constant January 2007 Dollars



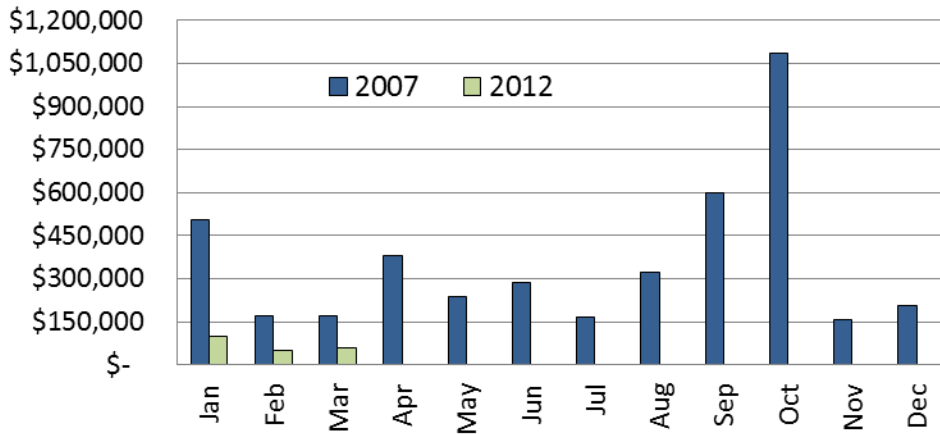
# SnapShot

## Retail Sales Tax 2007 v. 2012



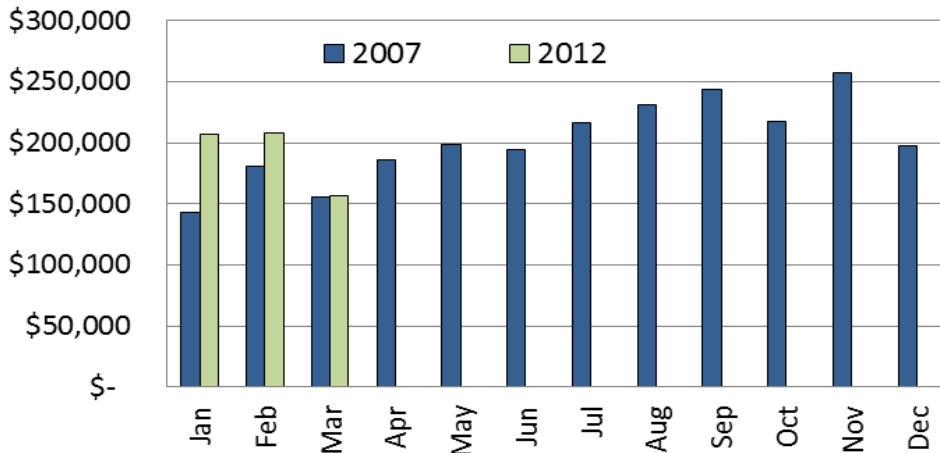
	2007	2012
Jan	\$3,324,067	\$3,733,309
Feb	2,167,873	2,390,409
Mar	1,994,635	2,403,380
Apr	2,437,958	
May	2,146,685	
Jun	2,300,533	
Jul	2,640,223	
Aug	2,376,534	
Sep	2,332,844	
Oct	2,632,667	
Nov	2,419,051	
Dec	2,464,559	
<b>Total</b>	<b>\$29,237,629</b>	<b>\$8,527,098</b>

## Building Material Use Tax 2007 v. 2012



	2007	2012
Jan	\$505,441	\$99,108
Feb	171,835	50,703
Mar	169,579	57,845
Apr	380,285	
May	236,140	
Jun	287,300	
Jul	166,446	
Aug	324,125	
Sep	600,704	
Oct	1,086,325	
Nov	159,382	
Dec	207,723	
<b>Total</b>	<b>\$4,295,285</b>	<b>\$207,656</b>

## Motor Vehicle Use Tax 2007 v. 2012



	2007	2012
Jan	\$143,005	\$207,261
Feb	180,778	208,117
Mar	155,365	156,828
Apr	185,537	
May	199,005	
Jun	193,953	
Jul	216,146	
Aug	231,008	
Sep	243,336	
Oct	217,338	
Nov	256,987	
Dec	197,634	
<b>Total</b>	<b>\$2,420,092</b>	<b>\$572,206</b>

# Sales Tax Collections

March 2012

Description	YTD 2012	YTD 2011	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 1,986,949	\$ 1,914,356	\$ 72,592	3.8%	23.3%	23.3%
Restaurants & Bars	998,036	891,823	106,213	11.9%	11.7%	35.0%
Grocery Stores & Specialty Foods	954,884	912,923	41,961	4.6%	11.2%	46.2%
Clothing & Clothing Accessories Stores	611,632	575,177	36,455	6.3%	7.2%	53.4%
Utilities	558,055	544,662	13,394	2.5%	6.5%	59.9%
Motor Vehicle Dealers, Auto Parts & Leasing	483,131	434,983	48,148	11.1%	5.7%	65.6%
Sporting Goods, Hobby, Book & Music Stores	454,133	424,541	29,592	7.0%	5.3%	70.9%
Building Material & Lawn & Garden Supplies	419,919	403,931	15,988	4.0%	4.9%	75.8%
Broadcasting & Telecommunications	330,976	346,804	(15,828)	-4.6%	3.9%	79.7%
Used Merchandise Stores	266,626	215,756	50,870	23.6%	3.1%	82.8%
Beer, Wine & Liquor Stores	188,518	172,060	16,458	9.6%	2.2%	85.1%
Electronics & Appliance Stores	166,327	229,481	(63,153)	-27.5%	2.0%	87.0%
Hotels, Motels & Other Accommodations	155,648	145,283	10,365	7.1%	1.8%	88.8%
Health & Personal Care Stores	147,573	147,038	535	0.4%	1.7%	90.6%
Consumer Goods & Commercial Equipment Rental	139,726	128,481	11,245	8.8%	1.6%	92.2%
Electronic Shopping & Mail-Order Houses	136,375	129,189	7,186	5.6%	1.6%	93.8%
Furniture & Home Furnishing Stores	117,774	101,686	16,088	15.8%	1.4%	95.2%
Office Supplies, Stationery & Gift Stores	90,557	102,242	(11,686)	-11.4%	1.1%	96.2%
Gasoline Stations with Convenience Stores	53,758	51,808	1,950	3.8%	0.6%	96.9%
All Other Categories	266,501	290,365	(23,864)	-8.2%	3.1%	100.0%
<b>Total</b>	<b>\$ 8,527,098</b>	<b>\$ 8,162,589</b>	<b>\$ 364,509</b>	<b>4.5%</b>	<b>100.0%</b>	

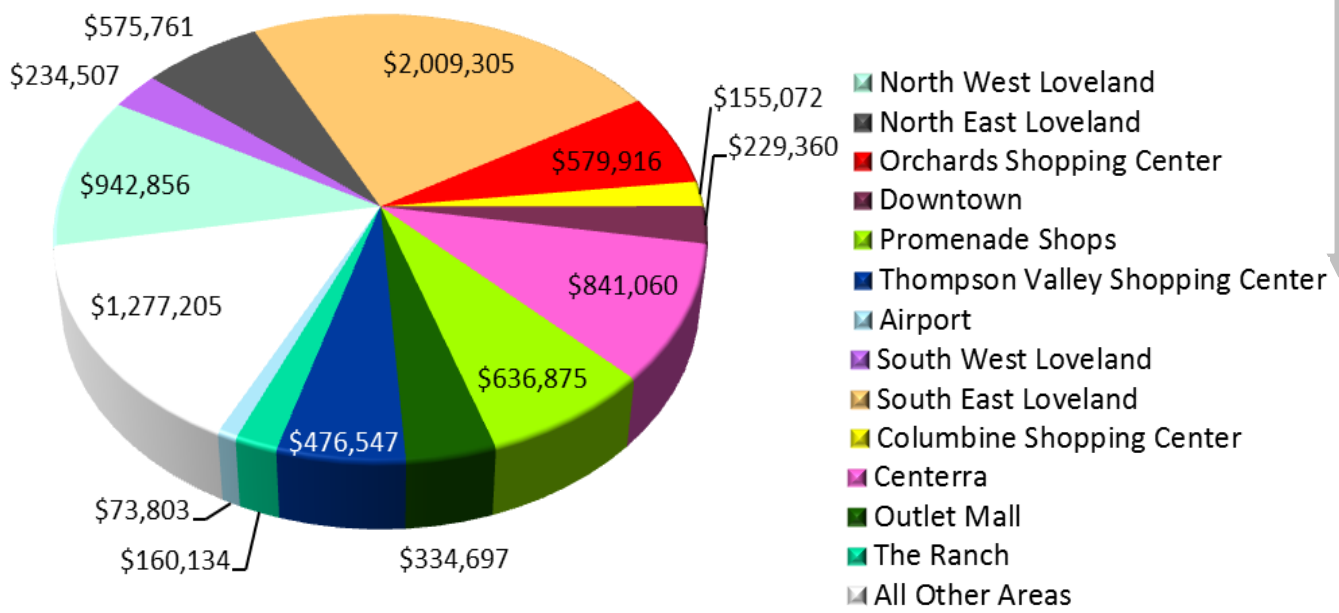
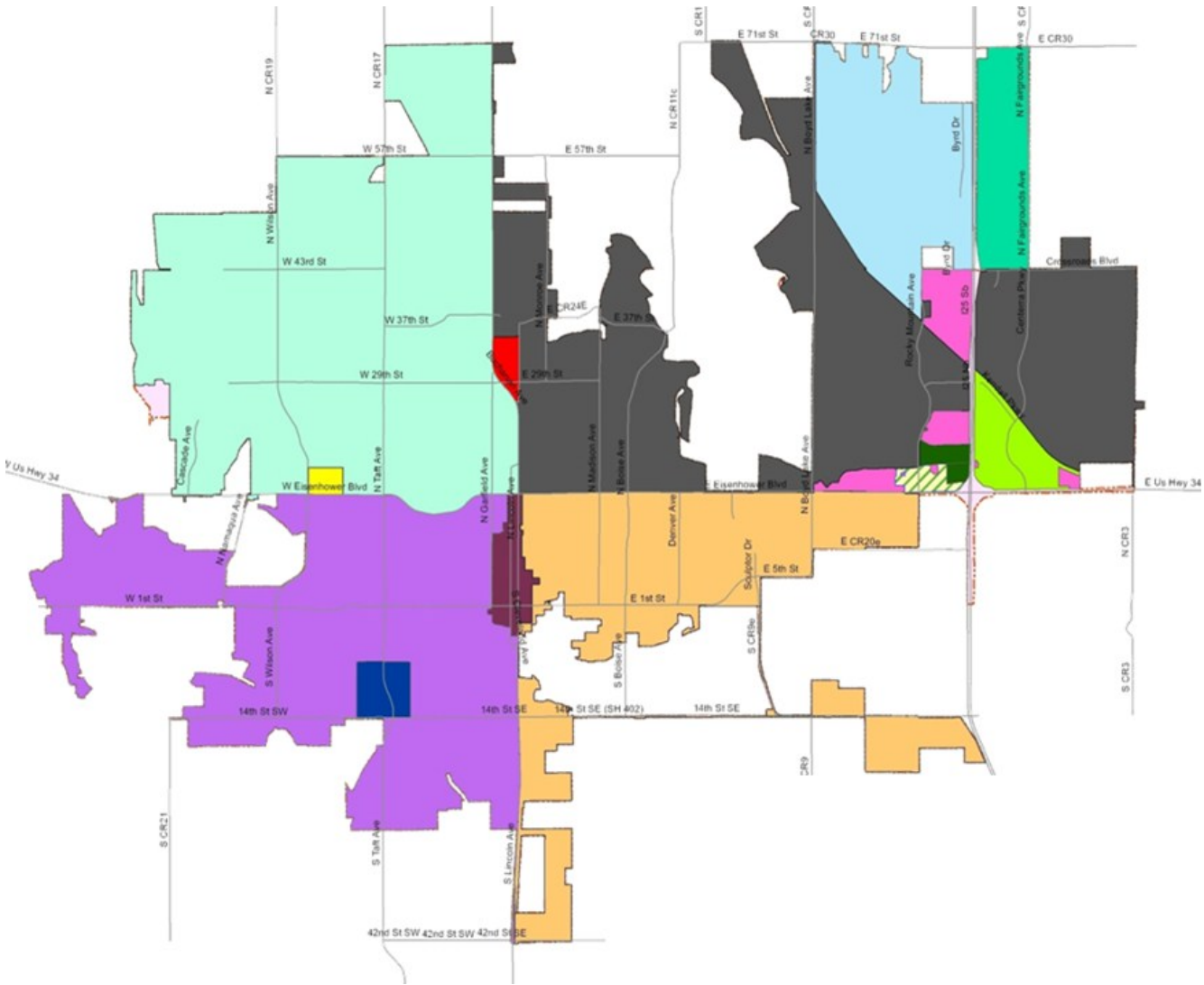
⇒ By business category, Used Merchandise Stores continue to report the highest percentage at 23.6% over last year. Furniture and Home Furnishing Stores continue their upward trend with a 15.8% improvement for 2012. The Restaurants & Bars continue to show strong growth with an 11.9% increase, continuing to lead all categories for total dollar increases from the same period last year. The "Motor Vehicle Dealer, Auto Parts & Leasing" category, posted an 11.1% increase through March.

\*Audit Revenue received in 2012 is \$266,670 and \$116,821 has been collected in Lodging Tax.\*

⇒ 2012 sales tax revenue is 4.5% above the 2011 level. North East Loveland and the Outlet Mall areas are ahead of 2011 with double-digit improvement, 18.9% and 10.1% respectively. North East Loveland's performance through March is due to strong performances by the hotels and new restaurants in the area. The Outlet Mall's increases come on the performance of new stores that opened throughout 2011. Unfortunately, four areas are trailing their 2011 pace so far this year. Several store closings during

Geographical Area	YTD 2012	YTD 2011	Change
North West Loveland	\$942,856	\$930,623	1.3%
South West Loveland	234,507	243,732	-3.8%
North East Loveland	575,761	484,258	18.9%
South East Loveland	2,009,305	1,876,491	7.1%
Orchards Shopping Center	579,916	552,936	4.9%
Columbine Shopping Center	155,072	141,915	9.3%
Downtown	229,360	253,424	-9.5%
Centerra	841,060	775,287	8.5%
Promenade Shops	636,875	680,667	-6.4%
Outlet Mall	334,697	304,056	10.1%
Thompson Valley Shopping Center	476,547	442,988	7.6%
The Ranch	160,134	164,417	-2.6%
Airport	73,803	69,902	5.6%
All Other Areas	1,277,205	1,242,170	2.8%
<b>Total</b>	<b>\$8,527,098</b>	<b>\$8,162,867</b>	<b>4.5%</b>

the latter part of 2011 have had a negative impact on Downtown sales reporting. Recently several new businesses have opened their doors in the downtown area, which should begin to improve the downtown performance. Due to the past filing errors that were discovered and corrected, actual sales for the Promenade Shops show a negative trend of 6.4%. Adjusting for the reporting issues, the Promenade Shops show a positive trend of approximately 2% so far in 2012. We will continue to track the adjusted sales trend throughout the year for the Promenade Shops.

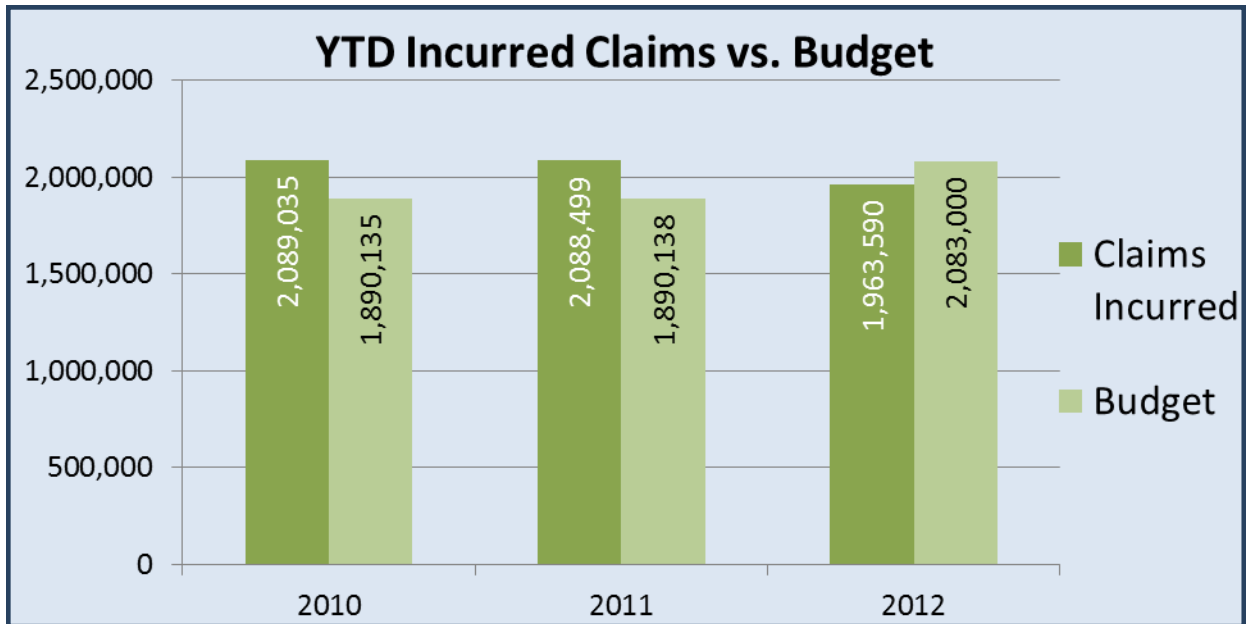


# Health Care Claims

March 2012

Cash Basis of Claims Paid					\$ Over / (Under) Budget	% Over / (Under) Budget	
		OAP	HRA	Total	Budget		
2012	March	\$ 525,905	\$ 102,719	\$ 628,624	\$ 694,333	\$ (65,709)	-9.5%
	YTD	1,700,074	263,516	1,963,590	2,083,000	(119,410)	-5.7%
2011	March	554,938	89,491	644,429	630,046	14,383	2.3%
	YTD	1,832,185	256,314	2,088,499	1,890,138	198,362	10.5%
Change	March	(29,033)	13,228	(15,805)			
	% Mar	-5.2%	14.8%	-2.5%			
	YTD	(132,111)	7,202	(124,909)			
	% YTD	-7.2%	2.8%	-6.0%			

This chart represents claims paid by Cigna in the current month, but due to the timing of when Accounting receives the information, the claims do not get recorded as an expenditure until the following month. ⇒ OAP—Open Access Plan ⇒ HRA—Health Reimbursement Arrangement



YTD Claims Over \$25k				
Comparison (2009-2012)				
	2009	2010	2011	2012
<b>March</b>				
<b># of claims</b>	9	13	13	13
<b>Cost of claims</b>	\$494,102	\$1,448,774	\$721,453	\$620,274
<b>2012 # of stoploss claims:</b>	0			

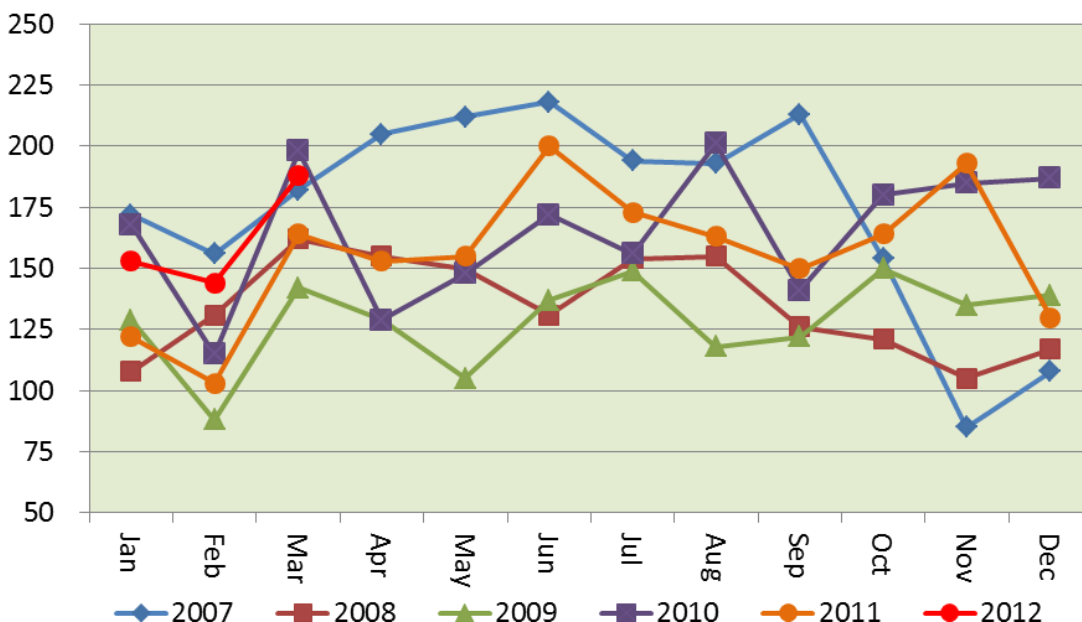


# Activity Measures

## March 2012

Measures	Mar '10	Mar '11	Mar '12	2010 YTD	2011 YTD	2012 YTD
# of Building Permits	198	164	188	481	389	485
Building Permit Valuations	\$40,319,446	\$6,515,635	\$8,364,821	\$57,173,230	\$15,852,056	\$22,917,508
# of Certified Occupancies	13	14	29	39	50	57
Net # of Sales Tax Licenses	21	10	18	17	(10)	(118)
New Residential Electric Meter Sets	10	54	16	18	150	39
# of Utility Bills Sent	34,887	35,472	35,912	104,764	106,327	107,833
Rounds of Golf	4,504	7,693	9,592	4,504	10,751	11,341
Health Claim Costs/Emp.	\$811.72	\$1,026	\$990	\$3,389	\$3,331	\$3,101
# of Vacant Positions	7	6	32	21	31	95
# of Frozen Vacant Positions	13	14	9	39	40	27
# of Eliminated Positions	38	42	46	115	127	138
KWH Demand (kH)	84,387	92,678	88,578	275,897	295,617	277,716
KWH Purchased (kwh)	55,283,895	56,297,383	57,317,504	168,459,585	173,339,631	176,926,247
Gallons of Water Sold	135,946,375	135,946,375	139,790,498	421,069,305	417,884,826	423,231,868
# of Workers' Comp Claims	11	12	29	47	30	61
\$ of Workers' Comp Claims Paid	\$3,840	\$5,348	\$58,589	\$6,071	\$10,963	\$172,556
# of Open Claims Current Year	7	13	11	18	28	22
# of Total Open Claims	14	17	19	44	43	49
\$ of Total Open Claims	\$195,500	\$70,372	\$455,617	\$532,881	\$277,333	\$858,482
# of Hotel Rooms	1,117	1,117	1,117	2,234	3,351	3,351
\$ of Lodging Tax Collected	\$26,754.72	\$35,518	\$50,576	\$56,209	\$72,275	\$116,820

### Building Permit Comparison History



Monthly Financial Report

# Cash & Reserves

March 2012

**Total Cash & Reserves** = \$199.1 million, of which \$142.3 million is restricted or reserved, or 71.5%, leaving \$56.8 million unrestricted.

<b>Statement of Cash: March 2012</b>			
	Beginning	YTD Activity	Ending
<b>Restricted</b>			
1 Capital Expansion Fees	\$ 33,634,541	\$ 1,450,975	\$ 35,085,516
2 Other Special Revenue Funds	22,151,685	490,551	22,642,235
3 Capital Projects	2,971,970	(1,282,643)	1,689,327
4 Water System Impact Fees	7,351,374	450,890	7,802,264
5 Windy Gap	4,289,590	20,038	4,309,628
6 Raw Water	18,073,160	(2,326,824)	15,746,335
7 Wastewater System Impact Fees	4,509,816	173,914	4,683,730
8 Storm Drainage System Impact Fees	1,344,721	65,429	1,410,150
9 Power System Impact Fees	6,866,635	605,592	7,472,227
10 Cemetery	2,531,442	25,863	2,557,305
11 Other Entities	4,088,292	(125,274)	3,963,018
<b>12 Total Restricted</b>	<b>\$ 107,813,225</b>	<b>\$ (451,490)</b>	<b>\$ 107,361,736</b>
<b>Committed/Assigned Balance Amounts</b>			
13 General Fund			
14 Operating/Emergency	1,908,240	-	1,908,240
15 Council Capital Reserve *	4,674,060	-	4,674,060
16 Council Contingency Reserve	100,000	-	100,000
17 Liability	200,000	-	200,000
18 Fire Reserve for SAFER Grant 3rd Year	138,300	-	138,300
19 Fire Reserve for SCBA Replacement	434,690	(110,920)	323,770
20 Library Building Reserve	16,750	-	16,750
21 Library Reserve	125,031	-	125,031
22 Equipment Replacement	70,000	-	70,000
23 TABOR Excess	3,955,444	-	3,955,444
24 Water *	664,824	(169,293)	495,531
25 Wastewater *	813,697	(63,982)	749,715
26 Stormwater *	327,015	18,068	345,083
27 Power *	3,044,578	192,427	3,237,005
28 Golf	248,245	1,160	249,404
29 Insurance Reserves	5,008,647	(304,317)	4,704,330
30 Employee Benefits	6,260,863	392,204	6,653,068
31 Fleet Replacement	6,701,071	259,914	6,960,985
<b>32 Total Committed/Assigned</b>	<b>\$ 34,691,455</b>	<b>\$ 215,260</b>	<b>\$ 34,906,715</b>
<b>33 Total Restricted/Committed/Assigned</b>	<b>\$ 142,504,681</b>	<b>\$ (236,229)</b>	<b>\$ 142,268,451</b>
<b>Unassigned Balance Amounts</b>			
34 General *	17,142,212	2,384,597	19,526,810
36 Airport	897,343	(200,865)	696,479
37 Internal Service - Vehicle Maintenance	142,091	177,683	319,774
38 Golf	1,526,727	(87,142)	1,439,585
39 Water *	3,767,336	(959,327)	2,808,009
40 Wastewater *	7,323,273	(575,842)	6,747,431
41 Power *	17,252,608	1,090,420	18,343,028
42 Stormwater *	1,853,083	102,385	1,955,469
43 Solid Waste	4,704,941	257,471	4,962,412
<b>44 Total Unassigned</b>	<b>\$ 54,609,615</b>	<b>\$ 2,189,381</b>	<b>\$ 56,798,996</b>
<b>Total Cash</b>	<b>\$ 197,114,296</b>	<b>\$ 1,953,152</b>	<b>\$ 199,067,447</b>

## Statement of Cash Line Detail

Committed beginning balances reflect year-end adjustments

2012 budgeted reserves not previously described include funds for fire department activities, equipment replacement, and a separate Council emergency reserve.

### (Line 15) Council Capital Reserve

- ⇒1,100,000 Downtown infrastructure improvements
- ⇒187,000 Leslie the Cleaner Demolition and Remediation
- ⇒237,500 ArtSpace Pre-Construction
- ⇒11,910 IHN Fee Waiver
- ⇒97,000 Intra-Fund Loan Repayment

(Line 20) The market value of the Proctor & Gamble Stock as of December 31, 2011 is \$213,472. This value represents the original value of the stock when it was first donated.

## Capital Projects \$500,000+

Project Title	2012 Budget	2012 Expenditures	Remaining 2012 Budget	% of 2012 Budget (Exp/Bud)
<b>Water Capital</b>				
Morning Dr Alt Waterline 30"	\$ 1,284,050	\$ 73,968	\$ 1,210,082	5.76%
Filter Plant 2 Improvements	691,390	131,740	559,650	19.05%
<b>Raw Water Capital</b>				
Windy Gap Firming Project	\$ 608,570	\$ 81,225	\$ 527,345	13.35%
Purchase of Colorado-Big Thompson Project (CBT) Water	2,606,600	2,060,502	546,098	79.05%
<b>Power Capital</b>				
East Sub to Crossroads Sub on Railroad	\$ 1,894,640	\$ 4,150	\$ 1,890,490	0.22%
Horseshoe Sub along Hwy 287 to 29th St.	733,910	-	733,910	0.00%
<b>Stormwater Capital</b>				
Washington Ave Outfall Phase 4	\$ 750,000	\$ 27,697	\$ 722,303	3.69%
MeHaffey Park Regional Detention Pond	500,000	6,285	493,715	1.26%
<b>Streets Transportation Program</b>				
2012 Street Rehabilitation	\$ 3,644,900	\$ 6,463	\$ 3,638,437	0.18%
<b>All Other</b>				
Fire Station 6 Remodel and Expansion	\$ 767,320	\$ 33,870	\$ 733,450	4.41%
Rialto Theater Center	1,114,000	844,577	269,423	75.81%
Facilities Maintenance Capital Projects	600,000	66,066	533,934	11.01%
Mehaffey Park Development	8,550,000	-	8,550,000	0.00%
Open Lands Acquisition	2,800,000	-	2,800,000	0.00%

**City Of Loveland  
500 East 3rd Street  
Loveland, CO 80537**

**For more information regarding this report contact:**

Bonnie Steele, Acting Finance Director  
970.962.2313 or [steelb@ci.loveland.co.us](mailto:steelb@ci.loveland.co.us)





**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 17  
**MEETING DATE:** 5/1/2012  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

**TITLE:** Investment Report for March 2012

**RECOMMENDED CITY COUNCIL ACTION:** This is an information only item. No Council action is required.

**DESCRIPTION:** The budget estimate for investment earnings for 2012 is \$2,729,560. For March 2012, the amount posted to the investment account is \$925,544 including realized gains. Actual year-to-date earnings are *higher* than the year-to-date projection by \$243,735. Based on the March monthly statement, the estimated annualized yield on the U.S. agencies and corporates slipped down to 1.46%, under the annual target rate of 1.7% for 2012. Reinvestment rates have trended downward and remain lower than the budget projection.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The overall budget impact of this monthly report is positive because the year-to-date budget for investment earnings has been exceeded by \$243,735.

**SUMMARY:** At the end of March, the City's portfolio had an estimated market value of \$199.33 million, about \$226,000 less than a month ago. Of this amount, USBank held (including accrued interest) \$184.4 million in trust accounts; other funds are held in local government investment pools, in operating accounts at WellsFargo Bank, and a few miscellaneous accounts. Interest rates have trended significantly lower over recent months and are projected to remain low for years. Investments are in US Treasury Notes, highly-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to \$1.99 million annually.

**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

**LIST OF ATTACHMENTS:** Investment Focus March 2012





Loveland Municipal Building

# Investment Focus

Monthly Investment Report

March 2012

## What's in here?

- Focal Points** 1
- Gain / Loss**
- Rate Trends** 2
- Cash Statement** 3
- Portfolio size** 4
- Investment types**
- Transactions /** 5
- Maturity**
- Future Scan** 6

## Focal Points

- \* **New 2012 targets for the City's portfolio: 1) the interest rate target is 1.7%; 2) the earnings goal = \$2,729,560.**
- \* **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- \* **Revenue posted to accounts = \$243,759 or 35.7% over target. This includes realized gains on security sales of \$60,134.**
- \* **Each 1% of the total portfolio amounts to about \$1.99 million.**
- \* **The month end market value shows the unrealized loss increased to \$570,193 at the end of March.**

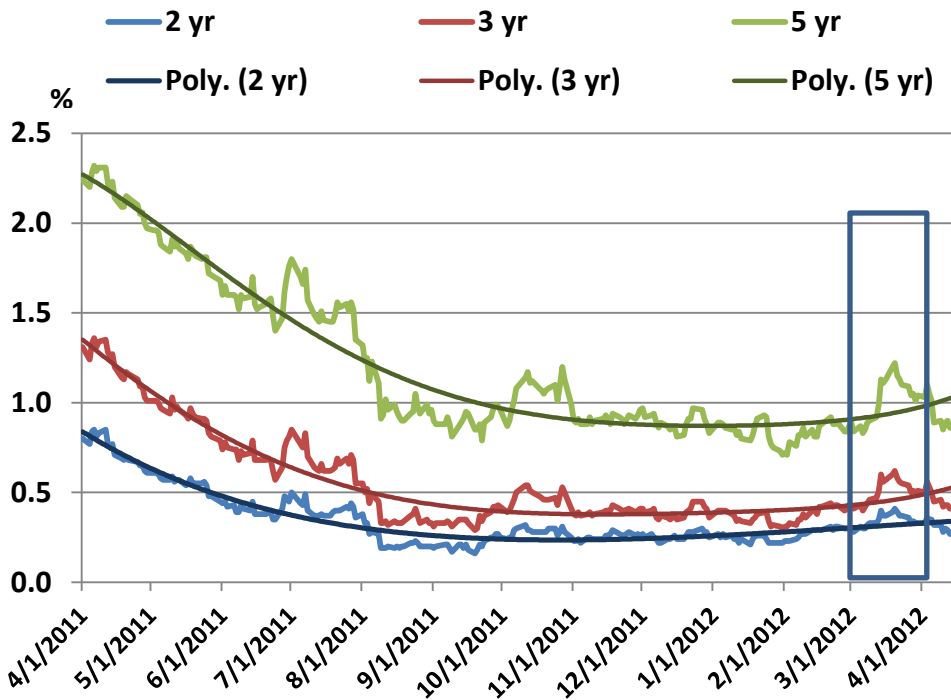
## Why Our Recession Call Still Stands

"Many have questioned why, in the face of improving economic data, the Economic Cycle Research Institute has maintained its recession call. The straight answer is that the objective economic indicators we monitor, including those we make public, give us no other choice." Seasonally adjusted data in many recent economic headlines skew reports to the upside. Unprecedented, concerted global monetary policy action cannot repeal the business cycle. (See page 2.) (Source: ECRI, March 15, 2012)

Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 6,306,369	\$ 6,306,369	--
Investment Pools	8,596,319	8,596,319	--
Money Markets	<u>37,748,602</u>	<u>37,748,602</u>	--
Subtotal	\$ 52,651,289	\$ 52,651,289	--
Notes and Bonds	<u>147,284,369</u>	<u>146,714,176</u>	\$ (507,193)
<b>Total Portfolio</b>	<b>\$ 199,935,658</b>	<b>\$ 199,365,465</b>	<b>\$ (570,193)</b>
Data Sources	(Morgan Stanley)	(US Bank)	

Due to rounding, column and row totals may not add exactly.

## Treasury rate trends / Edge of Recession

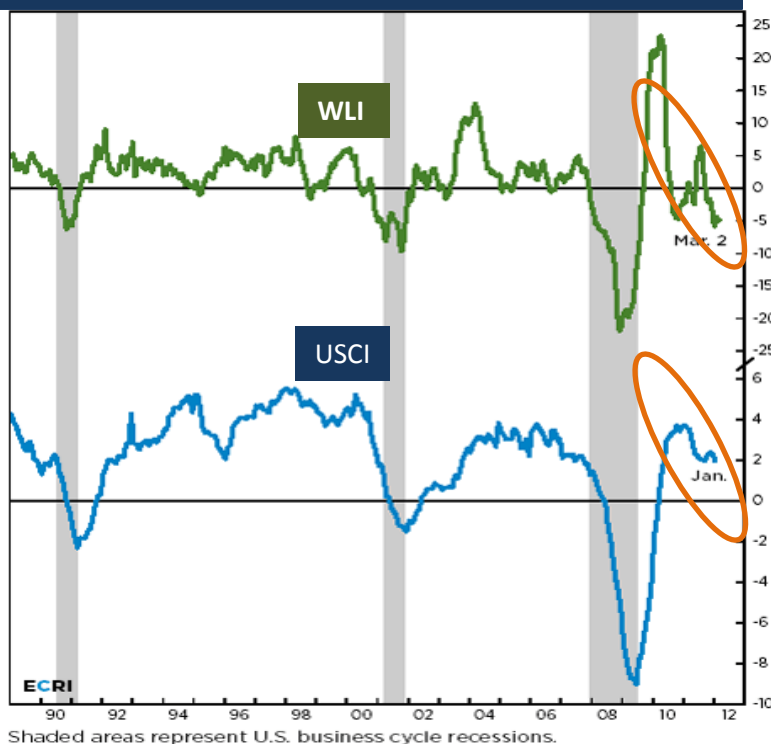


Interest rates on US treasuries moved higher in March.

Based on the 2-year treasury, the March month-end rate was 3 basis points higher. The 3-year was 8 basis points higher and the 5-year finished March at 17 basis points lower.

This shift in treasury rates slightly decreased the market value of the portfolio. However, it also means higher rates for new investments during the month.

Weekly Leading Index and U.S. Coincident Index, Year-over-Year Growth (%)



Shaded areas represent U.S. business cycle recessions.

“It is notable that the **WLI**, which is sensitive to the prices of risk assets that have been supported by massive worldwide liquidity injections, has hardly been swayed from its recessionary trajectory. In spite of the efforts of monetary policy makers, actual U.S. economic growth has slowed, while WLI growth has barely budged from a two-and-a-half-year low.”

“The **USCI** is the gold standard for measuring current economic growth, as it summarizes the key coincident economic indicators used to determine the official start and end dates of U.S. recessions; So when USCI growth is in a downturn (bottom line in chart), it’s an authoritative indication that overall U.S. economic growth is actually worsening, not reviving.”

(Source: **ECRI**, March 15, 2012)



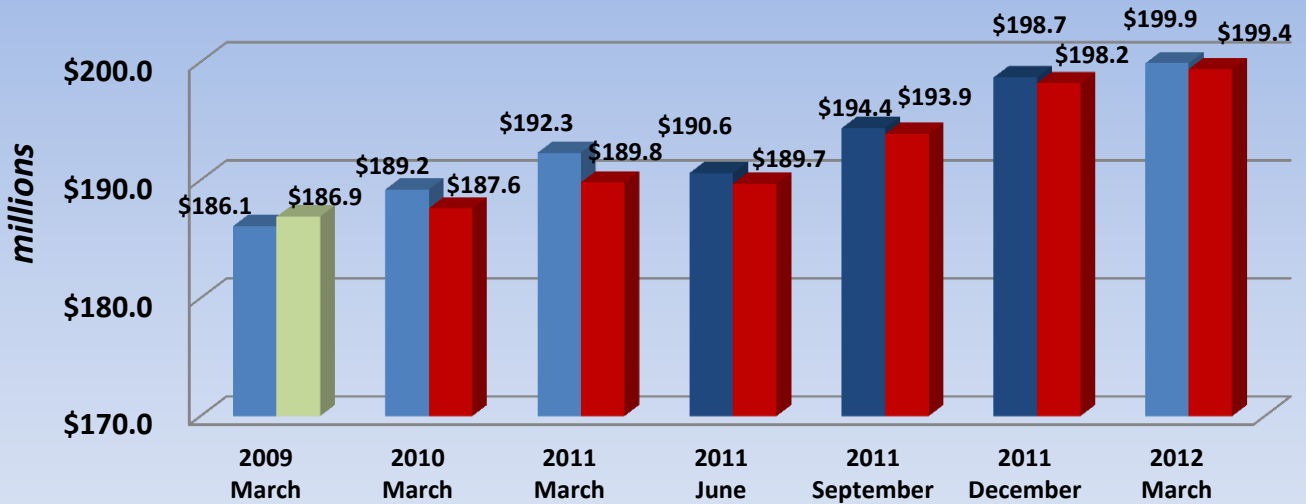
# Cash Position Summary

## Cash & Reserves (unaudited)

		2012 Beginning	YTD Activity	March Ending
<b>Restricted Reserves</b>		Due to rounding, column and row totals may not add exactly.		
1	Capital Expansion Fees	\$ 33,634,541	\$ 1,450,975	\$ 35,085,516
2	Water System Impact Fees	7,351,374	450,890	7,802,264
3	Raw Water Revenue – Windy Gap	22,362,750	(2,306,787)	20,055,964
4	Wastewater System Imp. Fees	4,509,816	173,914	4,683,730
5	Storm Drain System Imp. Fees	1,344,721	65,429	1,410,150
6	Power Plant Investment Fees	6,866,635	605,592	7,472,227
7	Cemetery Perpetual Care	2,971,970	(1,282,643)	1,689,327
8	Other Restricted	28,771,419	391,140	29,162,559
9	<b>Total Restricted</b>	<b>\$ 107,813,225</b>	<b>\$ (451,490)</b>	<b>\$ 107,361,736</b>
<b>Reserve Balance Amounts</b>				
10	General Fund	\$ 11,605,765	\$ (110,920)	\$ 11,494,845
11	Enterprise Funds	5,098,358	(21,621)	5,076,737
12	Internal Service Funds	17,970,582	347,801	18,318,383
13	<b>Total Reserves</b>	<b>\$ 34,674,931</b>	<b>\$ 215,260</b>	<b>\$ 34,889,965</b>
14	<b>Total Restricted and Reserved</b>	<b>\$ 142,487,931</b>	<b>\$ (236,229)</b>	<b>\$ 142,251,701</b>
<b>Unrestricted</b>				
15	General Fund	\$ 17,158,962	\$ 2,384,522	\$ 19,543,484
16	Airport	897,343	(200,865)	696,479
17	Internal Service – Vehicle Maint	142,091	177,683	319,774
18	Enterprise Funds	36,427,968	(172,103)	36,255,866
19	<b>Total Unrestricted</b>	<b>\$ 54,626,365</b>	<b>\$ 2,189,237</b>	<b>\$ 56,815,602</b>
20	<b>TOTAL CASH</b>	<b>\$ 197,114,296</b>	<b>\$ 1,953,008</b>	<b>\$ 199,067,304</b>

## Portfolio Size / Types of Investments

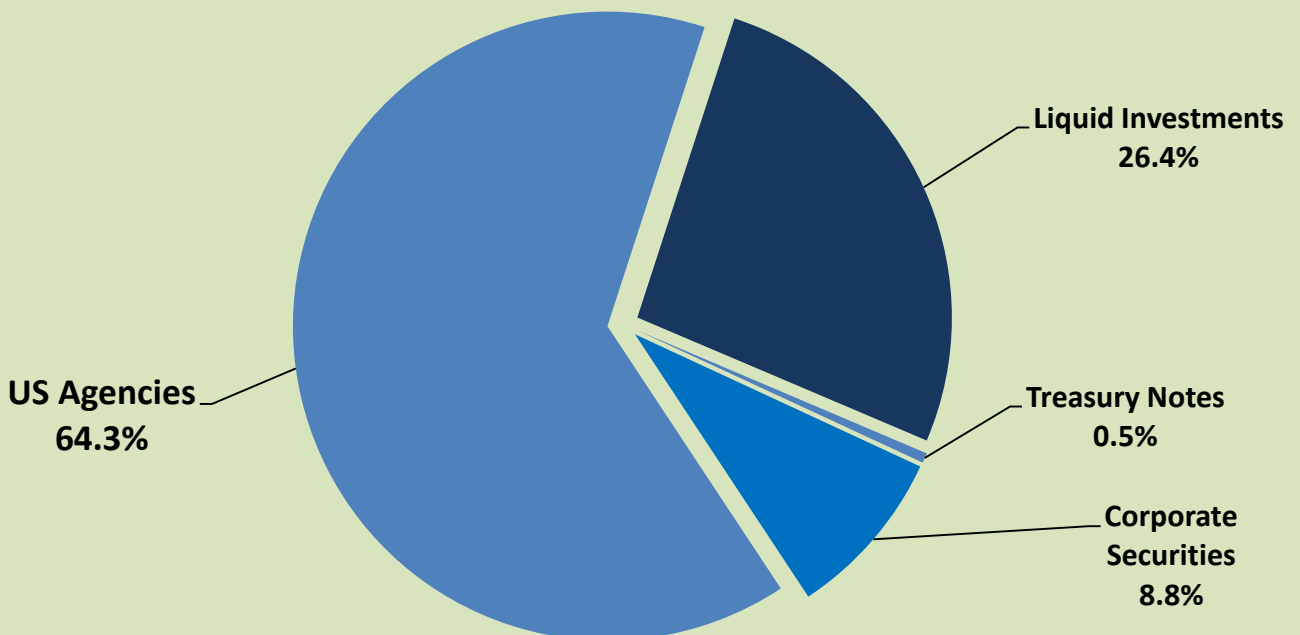
### Portfolio Size since March 2009



Blue bars show Purchase value, red and green bars show market value, red = loss and green = gain

### Portfolio by Type of Investment

March 2012 – Value of \$199.4 million

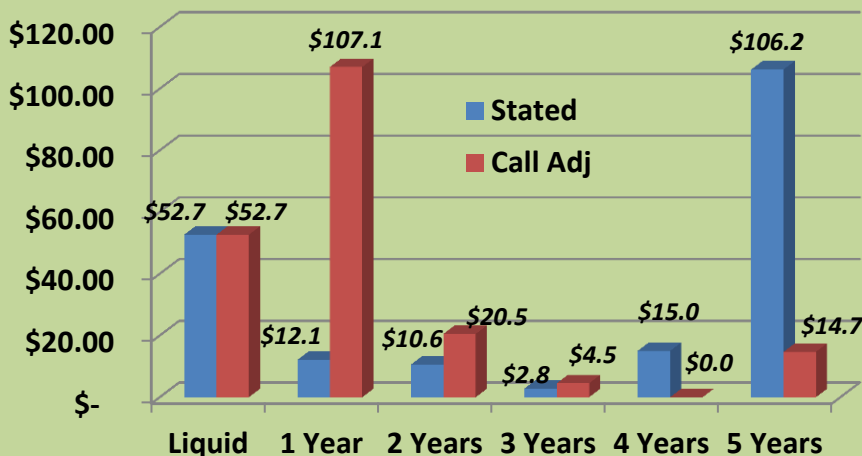


# Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
<b>Purchases</b>				
Federal Farm Credit Bank	03/08/2017	\$ 5,000,000	\$ 5,000,000.00	1.250%
Federal Home Loan Bank	03/15/2017	5,000,000	5,000,000.00	1.300%
Federal Home Loan Bank	03/27/2017	10,000,000	10,000,000.00	1.250%
Federal Home Loan Bank	03/27/2017	<u>1,500,000</u>	<u>1,495,125.00</u>	1.250%
		\$ 21,500,000	\$ 21,495,125.00	
<b>Matured</b>				
Principal Life	03/01/2012	\$ 3,000,000	\$ 3,041,000.00	2.453%
<b>Called</b>				
			<b>Call Value \$</b>	
Federal Home Loan Bank	09/15/2016	\$ 5,000,000	\$ 5,000,000.00	1.000%
Federal Home Loan Bank	09/16/2016	10,000,000	10,000,000.00	1.000%
Fed. Home Loan Mort. Corp.	09/28/2016	<u>5,000,000</u>	<u>5,000,000.00</u>	1.350%
		\$ 20,000,000	\$20,000,000.00	
<b>Sales</b>				
			<b>Gain \$</b>	
Federal Nat'l Mortgage Assn.	12/14/2016	\$ 5,000,000	\$ 7,500.00	1.700%
Federal Nat'l Mortgage Assn.	10/26/2016	10,000,000	19,733.87	1.750%
Federal Nat'l Mortgage Assn.	10/20/2016	<u>10,000,000</u>	<u>12,000.00</u>	1.500%
		\$ 25,000,000	\$ 39,233.87	

## Portfolio by Maturity Term

(in millions - Total = \$199.4 at the end of March 2012)



The target rate for 2012 was 1.7%. After falling to record lows, rates are now rising. Through March, the portfolio earnings are well above the earnings target level for 2012.

To support earnings or to reposition the portfolio, bonds may be sold. Gains on sales total \$60,134 to date.

The blue bars show the stated term. Red bars show the calls. More of the five year bonds will be called early.



## Future Scan: Waiting on the Fed report – Europe more risky

- ❖ The next **Federal Open Market Committee** (“FOMC” or “Fed” or “Committee”) will take place on April 24-25. On March 13, the Committee gave a guarded, but moderately upbeat assessment of the economy. They held off on any announcement of a third round of quantitative easing to spur the emerging recovery. There was no change to the prior meeting’s assurance that short-term interest rates will stay near zero into late 2014. Fed officials remained pre-occupied with the high rate of unemployment and global risks. “Strains in global financial markets have eased, though they continue to pose significant risks to the economic outlook.”
- ❖ The March 2012 Colorado Employment Situation was released on April 20, 2012. Using non-seasonally adjusted employment data, **Colorado’s unemployment rate** for March was measured to be 8.2% compared to the national unemployment rate of 8.4%. Larimer County was down to 6.7%. Boulder County was reported at 6.1% and Weld County at 9.2%. Data for cities showed large shifts due to a major benchmarking effort. The Colorado Department of Labor and Employment indicated that the process should be completed in late April or early May.
- ❖ **Economic Forecast from the Wall Street Journal.** “The possibility that sovereign-debt problems in Europe could flare up again and trigger a financial crisis were among the top risks to U.S. growth cited by economists. Economists also pointed to a jump in oil prices or a steep slowdown in China as potential problems. There also were domestic risks to growth. Under current policy, the U.S. faces tax increases and spending cuts amounting to roughly 3.5% of GDP beginning in January 2013. The combination would likely be enough to drag the U.S. into recession next year unless Congress acts. (*Wall Street Journal*, April 12, 2012.)
- ❖ Our investment advisors, **Morgan Stanley Smith Barney**, are concerned about the pace of the economic recovery in the US. Growth may not be sustainable.
  - The “good news” in jobs creation may just be weather related. Future job growth may be muted and the national unemployment may go back up to around 8.5%.
  - With respect to changing interest rates, the Fed will wait and see. Based on future employment reports, they may initiate more Operation Twist or even Quantitative Easing 3. Fed action will take place in June, if necessary; no action will take place after June because of the November election.
  - “Rising oil prices are a threat,” and may lead to gasoline prices near \$5 per gallon. For each \$1 increase in gas prices, \$120 billion is taken out of the economy.
  - “The European debt crisis is not resolved and any number of potential flare-ups over the coming 3-6 months could negatively affect investor risk appetite here in the US.” (Source: *Basis Points Fixed Income Strategy*, Kevin Flanagan, John Mackay, Collin J. Martin, April 11, 2012.)

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# Unemployment Rates from the Colorado Department of Labor & Employment

