

**AGENDA**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, MARCH 3, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at [bettie.greenberg@cityofloveland.org](mailto:bettie.greenberg@cityofloveland.org) or 970-962-3319.

**5:30 P.M.                    DINNER**  
**6:30 P.M.                    REGULAR MEETING - City Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*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. Members of the public 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 comments to no more than three minutes.*

**CONSENT AGENDA**

1.    **CITY CLERK** (presenter: Terry Andrews)  
       **APPROVAL OF MEETING MINUTES**
  1.    **A Motion to Approve the City Council Meeting Minutes for the February 3, 2015 Regular Meeting**  
       This is an administrative action to approve the City Council meeting minutes for the February 3, 2015 Regular Meeting.
  2.    **A Motion to Approve the City Council Meeting Minutes for the February 10, 2015 Study Session and Special Meeting**  
       This is an administrative action to approve the City Council meeting minutes for the February 10, 2015 Study Session and Special Meeting.
  
2.    **HUMAN RESOURCES** (presenter: Julia Holland)  
       **SPECIAL MEETING NOTICE REGARDING INTERVIEWS FOR THE PRESIDING MUNICIPAL JUDGE POSITION**  
       **A Motion Setting a Special Meeting of City Council on March 20, 2015, at 8:30 a.m. in the City Manager's Conference Room and to Conduct an Executive Session at**

**that Meeting for the Purposes of Interviews for the Presiding Municipal Judge and Personnel Discussions Related to the Recruitment of the Position. Council may consider direction to Staff in open session. Council waives the requirement of notice of the meeting delivery to their homes.**

This is an administrative action to set a Special Meeting and to conduct an Executive Session for the purposes of interviews and personnel related discussion for the Presiding Municipal Judge position.

**3. PARKS & RECREATION (presenter: Janet Meisel-Burns)**

**CONTRACT AWARD FOR RIVER'S EDGE NATURAL AREA RECONSTRUCTION**

**A Motion to Award a Construction Contract for the River's Edge Natural Area Reconstruction Project to Territory Unlimited in an Amount not to Exceed \$696,918 and to Authorize the City Manager to Execute the Contract on Behalf of the City**

This is an administrative action seeking approval of a motion to award a construction contract to Territory Unlimited for a total cost of \$696,918.00, and authorize the City Manager authority to sign the contract. This contract would retain the services of Territory Unlimited as the general contractor to complete the construction of the River's Edge Natural Area Project. The contract cost is the base bid amount of \$666,632.50 along with an addition of \$30,285.50 due to an increase in the amount of hazardous mitigation work included in the request for bids as an add alternate. The additional work is due to the severe flood damage from the September 2013 Flood event. Funding for the construction is fully appropriated in the 2015 Open Lands Fund 202 Budget. Full reimbursement of all costs is anticipated. The City anticipates a 75% FEMA reimbursement and a 12.5% State of Colorado reimbursement for the project from Public Assistance grants. In addition, the City received \$148,718 from CIRSA and a GOCO grant was awarded in April 2014 to assist with the additional 12.5% remaining to cover the City's share of the construction costs. The City will be fronting the initial costs of construction and will file for reimbursement once the project is completed.

**4. PUBLIC WORKS (presenter: Lorna Holmes)**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION FOR FAB BUILDING REMODEL**

**A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Fire Administration Building (Fab) Remodel**

This is an administrative action. The ordinance on first reading appropriates funds for design and construction on the Fire & Administration Building remodel project to create a Development Center in the amount of \$1,200,000. City Council discussed this topic at a study session on January 27, 2015. The project will be funded by reserves in the amount of \$1,116,000 from Fund Balance in the General Fund and \$84,000 from the Fund Balance in the General Government Capital Expansion Fee Fund. Both funds have adequate balances. Current balance in the General Fund is \$5,828,741 and in the General Government CEFs is \$6,963,658.

**5. PUBLIC WORKS (presenter: Dave Klockeman)**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION FOR RAILROAD AVENUE FLOOD REPAIRS**

**A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Flood Related Transportation Repairs for Railroad Avenue**

This is an administrative action. The City has received a federal grant through the Colorado Department of Transportation (CDOT) in the amount up to \$4,311,935.00 to fund flood related transportation repairs in the City of Loveland. This item consists of consideration of the first reading of an ordinance to appropriate the federal funds for the

Railroad Avenue project included in the intergovernmental agreement previously approved by City Council. The project is funded from federal funds, State matching funds in the amount of \$448,172.50 and City of Loveland local match funds in the amount of \$448,172.50. The City funds are included within the approved 2014 Budget for the Public Works Department for Street Rehabilitation Projects, anticipated to be included in the rollovers at a future City Council meeting.

6. **CITY MANAGER** (presenter: Bill Cahill)  
**PUBLIC HEARING**  
**SUPPLEMENTAL APPROPRIATION FOR LINCOLN HOTEL SETTLEMENT AGREEMENT**  
**A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Lincoln Hotel Settlement Agreement**  
 This is an administrative action to consider on first reading an ordinance appropriating \$220,000 to fund the City's contribution to the cost of fire sprinkler improvements to the Lincoln Hotel as contemplated by a Settlement Agreement with Lincoln Hotel, LLC. The Settlement Agreement was entered into on October 21, 2014 to resolve an appeal to City Council of the Fire Marshall's Order to Correct significant fire code violations in the building.
7. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**PUBLIC HEARING**  
**VACATION OF RIGHT-OF-WAY WITHIN THE ORIGINAL TOWN OF LOVELAND**  
**A Motion to Approve and Order Published on First Reading an Ordinance Vacating a Portion of a Public Right-of-Way Located within the Original Town of Loveland, City of Loveland, County of Larimer, State of Colorado**  
 This is a legislative action to consider adoption of an ordinance on first reading vacating a small portion (6") of public right-of-way within the Original Town of Loveland Addition. The right-of-way to be vacated is on E. 4th Street, adjacent to the front of the Arcadia Hotel. The purpose of the vacation is to accommodate stabilization of the building foundation and the addition of a new brick façade. The subject portion of right-of-way does not include any public utilities and is so negligible in scope that there will be no impacts to the sidewalk along E. 4th Street for pedestrian movement.
8. **CULTURAL SERVICES** (presenter: Rich Harris)  
**AMENDING RIALTO THEATER BOX OFFICE FEES**  
**A Motion to Approve Resolution #R-20-2015 Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise with Respect Only to the Rialto Theater Box Office Ticket Fees**  
 This is an administrative action. The resolution addresses the fees for the Rialto Theater Center Box Office. At the February 3, 2015, City Council meeting, Councilors directed Cultural Services to return with a modified fee structure for the Box Office that covers direct costs, but does not function as a profit-making enterprise.
9. **FINANCE** (presenter: Marc Kahn)  
**AMENDMENT TO CITY GENERAL RATES, FEES, AND CHARGES**  
**A Motion to Approve Resolution #R-21-2015 Amending Resolution #R-68-2014 and the 2015 Schedule of Rates, Charges and Fees for City Services with Regard to the Development Services, Library, and Public Works Rates, Charges, and Fees**  
 This is an administrative action to adopt a resolution amending the 2015 Schedule of Rates, Charges, and Fees for City services, other than services provided by the Water and Power Department and the Stormwater Enterprise. The amendment would correct

five errors. Development Services had three fees that were inadvertently left off the initial 2015 Schedule or Rates, Charges, and Fees. The resolution would correct Major Amendment Fee (\$500) and Minor Amendment Fee (\$300) to the Conceptual Master Plan and add the Major Home Occupation Fee (\$50). The resolution would also remove the \$2.00 Library Department Fee for Temporary Internet Use Library Card Fee. Furthermore, the resolution would correct the Public Works Fees for Inspection of Streets for a Single Family Unit from \$150 to the correct amount currently being charged of \$75.

**10. FINANCE (presenter: Brent Worthington)**  
**FINANCIAL REPORT FOR JANUARY 2015**

This is an informational item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending January 31, 2015.

**END OF CONSENT AGENDA**

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

**PUBLIC COMMENT**

*Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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**

**11. PUBLIC WORKS (presenter: Dave Klockeman)**  
**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION FOR BOISE AVENUE EXTENSION PROJECT**  
**A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Boise Avenue Extension Project**

This is an administrative action. At the January 6, 2015 City Council Meeting, City staff was directed to design and construct interim improvements to the Boise Avenue Extension Project in 2015. This item includes an additional appropriation request of \$400,000 for 2015 from Street Capital Expansion Fee reserves as well as an update on the project status showing the schedule for completing the design and construction in 2015. The total cost for the interim project is estimated at \$1,600,000. In addition to the approximately \$300,000 available in the 2014 Boise Avenue project budget (planned to be rolled over in March), \$290,000 is appropriated in the Fiscal Year 2015 Budget for starting amount of \$590,000. Funding not yet assigned to specific projects in 2014 due to delays in re-prioritizing the Transportation Capital Improvement Program in the amount of \$610,000 increases the available funding to \$1,200,000. CEF revenue is estimated to have come in at about \$400,000 over budget projections in Fiscal Year 2014. Applied to the Boise Avenue project, total identified funding would be the needed \$1,600,000.

12. **CITY CLERK** (presenter: Terry Andrews)  
**MICHAELS DEVELOPMENT COMPANY**  
**A Motion Directing City Council to go into Executive Session to Discuss (1) the City's Acquisition of Real Property in Downtown Loveland for the South Catalyst Project and Related Negotiations with the Potential Developer, The Michaels Corporation; and (2) Negotiations with Larimer County Concerning a Potential Agreement for the Disposal and Redevelopment of a Portion of Said Real Property, both as Authorized by the Following Sections of the Colorado Open Meetings Law and the City Charter**  
 This is an administrative action, calling for an Executive Session per 24-6-402 C.R.S. At the February 24, 2015 Study Session, City Council discussed the Michaels Corporation Development aka the "South Catalyst Project". After the discussion, Council directed staff to come back with a motion calling for an Executive Session on March 3, 2015 for consideration. The purpose of the Executive Session: (1) the City's acquisition of real property in Downtown Loveland for the South Catalyst Project and related negotiations with the potential developer, The Michaels Corporation; and (2) negotiations with Larimer County concerning a potential agreement for the disposal and redevelopment of a portion of said real property.
13. **HUMAN RESOURCES** (presenter: Julia Holland)  
**EXECUTIVE SESSION REGARDING REVIEW OF CANDIDATE APPLICATIONS FOR THE MUNICIPAL JUDGE POSITION**

**BUSINESS FROM CITY 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.*

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**ADJOURN**

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, FEBRUARY 3, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**5:00 P.M. RECEPTION FOR BILL STARKS- Municipal Building Main Lobby**  
**6:30 P.M. REGULAR MEETING - City Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was called and the following responded: Shaffer, McKean, Fogle, Krenning, Trenary, Taylor and Farley. Mayor Pro Tem Clark was absent.

**PRESENTATION: YEARS OF SERVICE AWARD.** Municipal Judge Bill Starks received the award.

**PRESENTATION: MISS LOVELAND VALENTINE 2015.** Ellen Colpitts, 2015 Miss Loveland Valentine gave her presentation.

**PROCLAMATION DECLARING THIS FEBRUARY 3, 2015 AS KIWANIS INTERNATIONAL DAY.** Councilor Fogle read the proclamation, which was received by Becky Chrisman.

*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. Members of the public 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 comments to no more than three minutes.*

**Councilor Shaffer moved to postpone Regular Agenda item 6 to a future date, to be determined. Councilor Krenning seconded the motion which carried with all councilors present voting in favor.**

**Councilor Krenning requested Item 3.3 be moved from the consent agenda to the regular agenda immediately following Item 7. Councilor Shaffer moved to approve the consent agenda with the exception of Item 3.3. The motion was seconded by Councilor Farley and carried with all councilors present voting in favor thereof.**

**CONSENT AGENDA**

- 1. CITY CLERK (presenter: Terry Andrews)**
- APPROVAL OF MEETING MINUTES**
- 1. A Motion to Approve the City Council Meeting Minutes for the January 6,**

**2015 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the January 6, 2015 Regular Meeting.

**2. A Motion to Approve the City Council Meeting Minutes for the January 13, 2015 Study Session and Special Meeting Minutes was approved.**

This is an administrative action to approve the City Council meeting minutes for the January 14, 2015 Study Session and Special Meeting.

**2. CITY MANAGER (presenter: Bill Cahill)  
APPOINTMENTS TO THE CITIZEN FINANCE ADVISORY COMMISSION, OPEN LANDS ADVISORY COMMISSION, PARKS AND RECREATION COMMISSION, SENIOR ADVISORY BOARD, AND VISUAL ARTS COMMISSION**

**1. A Motion to Appoint Nicole Gruet to the Citizens' Finance Advisory Commission for a Term Effective Until December 31, 2017 was approved.**

**2. A Motion to Appoint Jean Whittaker to the Open Lands Advisory Commission for a Term Effective Until December 31, 2018 was approved.**

**2. A Motion to Appoint Joe Waneka as the Thompson School District Representative to the Parks and Recreation Commission for a Term Effective Until December 31, 2017 was approved.**

**2. A Motion to Appoint Debby Ahrens to the Senior Advisory Board for a Term Effective Until December 31, 2017 was approved.**

**3. A Motion to Appoint Julie Bender and to Reappoint Nancy Jakobsson and Mary Jo Morgan to the Visual Arts Commission, each for a Term Effective Until December 31, 2017 was approved.**

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Open Lands Advisory Commission, Parks and Recreation Commission, Senior Advisory Board and Visual Arts Commission.

**3. CITY CLERKS (presenter: Terry Andrews)  
SPECIAL MEETING ON FEBRUARY 10, 2015**

**A Motion Calling for a Special Meeting to be Held at 6:30 p.m. in the Council Chambers, Following the Regularly Scheduled Study session on February 10, 2015. The purpose of the Special Meeting is to Discuss Three Items; 1) RTA (Regional Tourism Act) Application; 2) Discussion and Possible Direction Regarding the Presiding Municipal Judge Position Description; (Item 3.3- moved to Regular Agenda after Item 7.) This Meeting may Include Executive Sessions on Any or All of These Three Items. Council Agrees to Waive Their Right for Notice Delivered to Their Homes was approved.**

This is an administrative action to call for a Special Meeting, which may include Executive Sessions per 24-6-402 C.R.S. The purpose of this Special Meeting is to discuss an application submittal to the State of Colorado under the Regional Tourism Act (RTA) and for a report on the information evaluated by consultants Jo Mattoon and John Hartman regarding the Presiding Municipal Judge Position as requested by City Council.

**4. DEVELOPMENT SERVICES (presenter: Noreen Smyth)  
FOX POINTE FIRST SUBDIVISION EMERGENCY ACCESS EASEMENT VACATION**

**A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating an Emergency Access Easement across Tract F of the Fox Pointe First Subdivision, City of Loveland, County of Larimer, State of Colorado was approved.**

This is a legislative action to consider adoption of an ordinance on first reading vacating an emergency access easement. The 24 ft. wide by 18 ft. long easement is located on vacant land in the Fox Pointe First Subdivision, north of the Orchards commercial development. The applicant, Traditions at Loveland LLC, has also submitted a site

development plan application to construct a 161,176 sq. ft., 155 unit independent senior housing development on the property and an accompanying amended plat application. The amended plat includes new emergency access easements in locations suitable for the development, making the existing emergency access easement established with the Fox Pointe First Subdivision unnecessary.

**5. WATER & POWER (presenter: Greg Dewey)**

**CONVERSION OF COLORADO BIG THOMPSON UNITS**

**A Motion to Approve Resolution #R-12-2015 of the Loveland City Council Authorizing an Application to, and Contract with, the Northern Colorado Water Conservancy District for Beneficial Use of 10 Acre-Feet of Colorado Big Thompson Project Water was approved.**

This is an administrative action to adopt a resolution approving the conversion of 10 Colorado Big Thompson ("C-BT") units acquired during 2014 from a Temporary Use Permit to a Permanent Section 131 Contract. The units were purchased in 2014. No additional costs are associated with the conversion.

**END OF CONSENT AGENDA**

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

**PUBLIC COMMENT**

*Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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**

**6. MUNICIPAL COURT (presenter: Bill Starks)**

**IGA FOR TEEN COURT WITH THOMPSON R-2J**

City Council voted unanimously to postpone this item to a future date yet to be determined.

**7. CULTURAL SERVICES (presenters: Susan Ison, Rich Harris)**

**RIALTO THEATER CENTER AMENDMENTS TO RATES, CHARGES AND FEES**

Museum Director, Susan Ison and Museum Manager, Rich Harris introduced this item to Council. This is an administrative action. The Rialto Theater Center (RTC) Business Plan was presented to City Council August 19, 2014. It was determined that the increase in Rates & Fees required to reach the Sustainability Goals were unacceptable to many of the community groups who rent the RTC. Subsequently, we have had six meetings with representatives from the user groups: September 23rd, October 15th, October 24th, November 14th, December 1st and January 8th. Representatives from the Loveland Choral Society, Loveland Opera Theater, Moon Theater Company, Thompson Education Foundation and Lifetree Film Festival attended some or all of the meetings. At the last meeting, in January 2015, the Rates & Fees were reviewed. After considerable discussion between RTC staff and representatives from the performing arts community, this proposal was prepared for consideration. Adoption of new Rates and Fees should increase the



amount of revenue collected. Mayor Gutierrez opened public comment at 7:07 p.m. Robert Hutch, at 1314 E 18<sup>th</sup> Street, Loveland Opera Theater spoke in support of the resolution. With no further comment, the public comment was closed at 7:17 p.m.

**Councilor Shaffer moved to Approve Resolution #R-14-2015 Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise with Respect only to the Rialto Theater Center Rates, Charges and Fees. This motion was seconded by Councilor Farley.**

**Councilor Krenning moved to amend the motion to accept less ticketing fee portion as proposed. The motion to amend was seconded by Councilor Fogle which carried unanimously with all councilors present voting in favor.**

**The original motion as amended carried with all councilors present voting in favor. Consensus of Council was to come back with an increase to cover real cost and some form of reduction for the School District.**

**3.3 CITY CLERKS (presenter: Terry Andrews)  
SPECIAL MEETING ON FEBRUARY 10, 2015**

This is an administrative action to call for a Special Meeting, which may include Executive Sessions per 24-6-402 C.R.S., regarding the appointment of one or more Deputy Judges to this meeting for City Council consideration. Councilor Krenning suggested that Council appoint Geri R. Joneson to serve as the Deputy Municipal Judge. Councilor Krenning indicated he had requested the City Attorney prepare Resolutions appointing deputy municipal judges, should Council decide they would like to consider appointments this evening. Discussion Ensued. The Mayor opened the public comment. Hearing none, Mayor Gutierrez closed public comment.

**Councilor Krenning moved to that the City Council Approve Resolution #R-13-2015 Appointing Geri R Joneson to the position of Deputy Municipal Judge, with the conditions that she will: 1) be a part-time non-benefit eligible employee of the City of Loveland; 2) be paid at a rate of \$60 per hour; 3) shall act as the Deputy Municipal Judge for all judicial municipal court functions and liquor licensing authority functions; 4) shall serve in such capacity in an on-call and as needed basis; 5) shall serve in such capacity for a term of two years, to commence on February 4, 2015 and expire on February 3, 2017; 6) her appointment is subject to the requirements of section 9-2 of the Loveland City Charter; and 7) her appointment is contingent upon her signing a Letter of Commitment in a form substantially the same as the attached. Councilor Shaffer seconded the motion which carried with all councilors present voting in favor.**

**Councilor Shaffer moved to approve a Motion Calling for a Special Meeting to be Held at 6:30 p.m. in the Council Chambers, Following the Regularly Scheduled Study session on February 10, 2015. The purpose of the Special Meeting is to Discuss Consideration of a Motion Regarding the Appointment of One or More Deputy Municipal Judges. This Meeting may Include Executive Session. Council Agrees to Waive Their Right for Notice Delivered to Their Homes. Councilor Farley seconded the motion which carried with all councilors present voting in favor.**

**8. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)  
REGIONAL TOURISM ACT APPLICATION SUPPORT**

Economic Development Director, Betsey Hale introduced this item to Council. Nicole Yost was present for this item. This is an administrative action to approve a resolution granting authorization to the non-profit Go NoCo to submit an application to the Colorado Office of

Economic Development for a Northern Colorado Regional Tourism project(s). The application is due on February 17, 2015. It is anticipated that awards will be announced in November 2015. The Larimer County Board of Commissioners approved a resolution of support on December 30, 2014. The Town of Windsor Council approved a resolution of support on January 26, 2015. Mayor Gutierrez asked for Public Comment.

**Councilor Shaffer moved to Approve Resolution #R-15-2015 Authorizing the Submission of an Application to the Colorado Office of Economic Development for the Approval of a Regional Tourism Project within the City of Loveland and the Surrounding Vicinity. The motion was seconded by Councilor McKean which carried with all councilors present voting in favor.**

**9. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)  
PUBLIC UPDATE ON REGIONAL TOURISM ACT APPLICATION AND EXECUTIVE SESSION**

Economic Development Director, Betsey Hale introduced this item to Council. This is an administrative action. Since July of 2014, the City of Loveland, Town of Windsor and Larimer County have been developing an application to the State of Colorado Economic Development Commission for the award of a Regional Tourism Act Grant. This session will update the public on the status of the application and potential projects. The application is due February 17, 2015. Councilor Krenning left at 8:50 p.m.

**Councilor Shaffer moved that City Council to go into Executive Session discuss proposed Regional Tourism Act projects as authorized by the following sections of the Colorado Open Meetings Law and the City Charter: These matters include the presentation of confidential commercial and financial information as authorized by C.R.S. Section 24-72-204(3)(a)(IV) and Charter Section 4-4(c)(6); Since these matters may be subject to future negotiations, to received reports concerning negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions an strategies as authorized by C.R.S. 24-6-402(4)(e) and Charter Section 4-4(c)(1); and As needed, to receive legal advice from the City Attorney's Office as authorized in C.R.S. Section 24-6-402(4)(b) and Charter Section 4-4(c)(3) at 8:50 p.m. Councilor Taylor seconded the motion which carried with all councilors voting in favor. Council returned at 9:58 p.m.**

**Councilor Shaffer moved that the City Council direct staff to bring a resolution approving letters with regard to the Regional Tourism Act projects back to City Council for consideration at the February 10, 2015 Special Meeting. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.**

**BUSINESS FROM CITY 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.*

Farley:	Attended the Community Foundation Destination Downtown with nearly 200 participants.
Trenary:	Attended the Community Foundation Destination; Announced Estes Park decision regarding Broadband.
Fogle:	Attended the State Historical Conference.
Shaffer:	Announced the North I-25 meeting at the Weld County Service Center, Wednesday, February 4, 2015 and MPO Meeting on Thursday, February 5, 2015.
Gutierrez:	Announced Open House for Action Staffing in Forbes magazine; Announced Valentine's Day Weekend with the Fire & Ice Festival.

**CITY MANAGER REPORT:** Discussed possible dates for extended budget meeting.

**CITY ATTORNEY REPORT:** None.

**ADJOURNMENT**

**With no more business to come before this Council, Mayor Gutierrez adjourned the February 3, 2015 meeting at 10:05 p.m.**

**Respectively Submitted,**

---

**Teresa G. Andrews, City clerk**

---

**Cecil A. Gutierrez, Mayor**

**MINUTES**  
**LOVELAND CITY COUNCIL SPECIAL MEETING**  
**TUESDAY, FEBRUARY 10, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**6:30 P.M. SPECIAL MEETING - City Council Chambers**  
**SPECIAL MEETING AGENDA**

**CALL TO ORDER:** The meeting was called to order at 6:30 pm.

**ROLL CALL** was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Taylor and Krenning. Councilor Shaffer arrived at 6:34 pm. Councilor Fogle was absent.

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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**

1. **ECONOMIC DEVELOPMENT** (presenters: Betsey Hale, Rick Raesz)  
**REGIONAL TOURISM ACT PROJECTS**  
 Economic Development Director, Betsey Hale introduced this item to Council. City Council has been asked by the Go NoCo Board to consider a resolution supporting economic incentive packages for three regional tourism act application projects. This item will include a public update on the RTA application process, an Executive Session to present confidential commercial and financial information on the three projects and may include Council action following the Executive Session.  
**Councilor Shaffer moved to Approve Resolution #R-16-2015 Authorizing Conditional Letters of Commitment for Future Business Assistance Agreement for Three Regional Tourism Projects within the City of Loveland. Any business agreements will be formally considered and approved by a future City Council. Councilor Farley seconded the motion which carried unanimously with all councilors present voting in favor.**
  
2. **HUMAN RESOURCES** (presenter: Julia Holland)  
**POSSIBLE APPOINTMENT OF DEPUTY MUNICIPAL JUDGE(S)**  
**Council consensus was to discuss Item 2 after discussion of Item 3.**
  
3. **HUMAN RESOURCES** (presenter: Julia Holland)  
**REVIEW OF PRESIDING MUNICIPAL JUDGE JOB ANALYSIS**  
 Consultant, Jo Matoon and Human Resources Director, Julia Holland introduced this item to Council. Captain Klinger of the Loveland Police Department spoke as well. This is an administrative action to review and discuss the report from the position evaluation of the Presiding Municipal Judge and determine appropriate steps in defining the position and posting the position for recruitment. Mayor Gutierrez opened public comment at 7:50 pm and with no comment, closed it at 7:50 p.m.

Councilor Shaffer moved to Direct Staff to Prepare a Job Description for Part time Municipal Judge, 30+ Hours, as needed, in a Non-Supervisory Role and 2 year term. Councilor Clark seconded the motion.

Councilor Dave Clark moved to amend the motion adding to post this position for a minimum of 5 days. Councilor Shaffer seconded the motion. The motion carried unanimously with all councilors present voting in favor of the motion to amend.

The original motion as amended carried with 7 councilors voting in favor and Councilor Krenning voting against.

- 2. **HUMAN RESOURCES** (presenter: Julia Holland)  
**POSSIBLE APPOINTMENT OF DEPUTY MUNICIPAL JUDGE(S)**  
 Human Resources Director, Julia Holland introduced this item to Council.  
**Consensus of Council was to not appoint any additional Deputy Municipal Judges at this time.**

**Council Business**

Shaffer: Announced the North 1-25 Focus meeting in Longmont.

City Manager: Announced availability for a Special Budget Meeting.

City Attorney: None.

**ADJOURNMENT**

With no more business to come before Council, Mayor Gutierrez adjourned the February 10, 2015 Special Meeting at 8:17 p.m.

Respectively Submitted,

\_\_\_\_\_  
Teresa G. Andrews, City clerk

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



**AGENDA ITEM:** 2  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Julia Holland, Human Resources  
**PRESENTER:** Julia Holland, HR Director

**TITLE:**

A Motion Setting a Special Meeting of City Council on March 20, 2015, at 8:30 a.m. in the City Manager's Conference Room and to Conduct an Executive Session at that Meeting for the Purposes of Interviews for the Presiding Municipal Judge and Personnel Discussions Related to the Recruitment of the Position. Council may consider direction to Staff in open session. Council waives the requirement of notice of the meeting delivery to their homes.

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the motion.

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)

**SUMMARY:**

This is an administrative action to set a Special Meeting and to conduct an Executive Session for the purposes of interviews and personnel related discussion for the Presiding Municipal Judge position.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

This is an administrative action to call a special meeting and conduct an executive session on March 20, 2015, starting at 8:30 am in the City Manager's Conference Room for the purposes of interviews and personnel related discussion for the Presiding Municipal Judge position.

---

**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

---

**LIST OF ATTACHMENTS:**

None



**AGENDA ITEM:** 3  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Elizabeth Anderson, Parks & Recreation  
**PRESENTER:** Janet Meisel-Burns, Senior Parks Planner

**TITLE:**

A Motion to Award a Construction Contract for the River's Edge Natural Area Reconstruction Project to Territory Unlimited in an Amount not to Exceed \$696,918 and to Authorize the City Manager to Execute the Contract on Behalf of the City

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the motion.

**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

**SUMMARY:**

This is an administrative action seeking approval of a motion to award a construction contract to Territory Unlimited for a total cost of \$696,918.00, and authorize the City Manager to sign the contract. This contract would retain the services of Territory Unlimited as the general contractor to complete the construction of the River's Edge Natural Area Project. The contract cost is the base bid amount of \$666,632.50 along with the addition of \$30,285.50, due to an increase in the amount of hazardous mitigation work included in the request for bids as an add alternate. The additional work is due to the severe flood damage from the September 2013 Flood event.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Funding for the construction is fully appropriated in the 2015 Open Lands Fund 202 Budget. Full reimbursement of all costs is anticipated. The City anticipates a 75% FEMA reimbursement and a 12.5% State of Colorado reimbursement for the project from Public Assistance grants. In addition, the City received \$148,718 from CIRSA and a GOCO grant was awarded in April, 2014 to assist with the additional 12.5% remaining to cover the City's share of the construction costs.



The City will be fronting the initial costs of construction and will file for reimbursement once the project is completed.

**BACKGROUND:**

Using the City's standard bidding process, eight bids were received on February 12, 2015. The bids ranged from the high end of \$1,020,546.64 to the low end of \$666,632.50. Summary of the eight bids:

Company	Base Bid	Location
Territory Unlimited	\$666,632.50	Berthoud, CO
Osmun Inc.	\$683,226.59	Craig, CO
Taylor Kohrs	\$717,267.83	Denver, CO
JAGS Enterprises	\$733,998.61	Greeley, CO
Colt and Steel Corporation	\$764,419.70	Boulder, CO
L&M Enterprises	\$801,476.81	Berthoud, CO
ECI	\$814,476.81	Loveland, CO
Crossfire, LLC	\$1,020,546.64	Greeley, CO

Staff evaluated the bids based on the contractors' unit pricing and overall base bid amount. The construction bids are on file with the City Clerk for review. The engineers estimate the reconstruction of River's Edge Natural Area was \$844,832. The project will also carry an additional \$84,483, approximately 10%, as a City controlled contingency that is not part of this award. The project is scheduled to start construction in April and will be completed in August 2015. A formal reopening of the natural area will occur in late August once all final work is completed by the contractor.

**REVIEWED BY CITY MANAGER:**



**LIST OF ATTACHMENTS:**

None



**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:** 4  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Leah Browder, Public Works Department  
**PRESENTER:** Lorna Holmes, Facilities Management Planner

**TITLE:**

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Fire Administration Building (Fab) Remodel

**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

**SUMMARY:**

This is an administrative action. The ordinance on first reading appropriates funds for design and construction on the Fire & Administration Building remodel project to create a Development Center in the amount of \$1,200,000. City Council discussed this topic at a study session on January 27, 2015.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The project will be funded by reserves in the amount of \$1,116,000 from Fund Balance in the General Fund and \$84,000 from the Fund Balance in the General Government Capital Expansion Fee Fund. Both funds have adequate balances. Current balance in the General Fund is \$5,828,741 and in the General Government CEFs is \$6,963,658.

**BACKGROUND:**

Conceptual design concepts for the Fire & Administration Building remodel project were presented to City Council at the January 27, 2015 City Council Study Session. City Council supported moving forward with the design and construction of the FAB remodel to create a Development Center with a budget, not to exceed \$1,200,000. This request is to appropriate the funding to move the project forward.

Completion of the Service Center Expansion project in late 2014, allowed for the Public Works employees previously located at the Fire & Administration Building (FAB) to relocate to the new facility. With this relocation, space at the FAB is open providing an opportunity to remodel the facility to improve the working environment of the long-term building occupants and better meet the needs of the City's Development Services customers.

The potential to create a Development Center at the FAB to allow for customers to interact with development review staff was included in the Facilities Master Planning process completed in 2014. City Council prioritized this project at its Council Workshop in early 2014.

Belford Watkins Group (BWG) was selected to develop conceptual design options for the remodel. Options were developed to meet the needs for the Development Center along with the Loveland Fire and Rescue Authority staff currently located in the facility.

While the FAB remodel is not included in the current 10-year Capital Plan, it is a priority for the City because it will create a Development Center at one City facility, house public meetings (such as neighborhood meetings and small commission meetings), and create a vibrant, welcoming environment for customers and staff. If this request is approved, the project team desires to move forward with final design and bid the construction for the remodel project in 2015. Construction and occupancy is anticipated to be completed in early 2016.

---

**REVIEWED BY CITY MANAGER:**



---

**LIST OF ATTACHMENTS:**

1. Ordinance

**FIRST READING**                    March 03, 2015  
**SECOND READING**                    \_\_\_\_\_

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR FIRE ADMINISTRATION BUILDING (FAB) REMODEL**

**WHEREAS**, the City has received and/or reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2015; 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 Fire Administration Building (FAB) Remodel, 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 \$1,116,000 from Fund Balance in the General Fund and \$84,000 from the Fund Balance in the General Governments Capital Expansion Fee Fund are available for appropriation. Such reserves in the total amount of \$1,200,000 are hereby appropriated for Fire Administration Building (FAB) remodel. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
General Fund - 100**

**Revenues**

Fund Balance		1,116,000
--------------	--	-----------

<b>Total Revenue</b>		<b>1,116,000</b>
----------------------	--	------------------

**Appropriations**

100-91-902-0000-47120	Transfer to Capital Fund	1,116,000
-----------------------	--------------------------	-----------

<b>Total Appropriations</b>		<b>1,116,000</b>
-----------------------------	--	------------------

**Supplemental Budget  
General Government CEF - 268**

**Revenues**

Fund Balance		84,000
--------------	--	--------

<b>Total Revenue</b>		<b>84,000</b>
----------------------	--	---------------

**Appropriations**

268-91-902-0000-47120	Transfer to Capital Fund	84,000
-----------------------	--------------------------	--------

<b>Total Appropriations</b>		<b>84,000</b>
-----------------------------	--	---------------

**Supplemental Budget  
Capital Fund - 120**

**Revenues**

120-91-902-0000-37100	Transfer from General Fund	1,116,000
-----------------------	----------------------------	-----------

120-91-902-0000-37268	Transfer from General Government CEF	84,000
-----------------------	--------------------------------------	--------

<b>Total Revenue</b>		<b>1,200,000</b>
----------------------	--	------------------

**Appropriations**

120-23-250-1799-49355	GF1417 Design/Architect	100,000
-----------------------	-------------------------	---------

120-23-250-1799-49360	GF1417 Construction	1,100,000
-----------------------	---------------------	-----------

<b>Total Appropriations</b>		<b>1,200,000</b>
-----------------------------	--	------------------

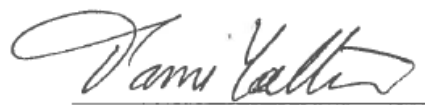
**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. 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 March, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
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:** 5  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Leah Browder, Public Works Director  
**PRESENTER:** Dave Klockeman, City Engineer

**TITLE:**

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Flood Related Transportation Repairs for Railroad Avenue

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and approve the Ordinance on first reading.

**OPTIONS:**

1. Adopt the action as recommended, which will keep the project moving.
2. Deny the action, which would stop the project and leave Railroad Avenue as is, with a temporary fix, and turn down up to \$4.3 million in grant money.
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

**SUMMARY:**

This is an administrative action. The City has received a federal grant through the Colorado Department of Transportation (CDOT) in the amount up to \$4,311,935.00 to fund flood related transportation repairs in the City of Loveland. This item consists of consideration of the first reading of an ordinance to appropriate the federal funds for the Railroad Avenue project included in the intergovernmental agreement previously approved by City Council.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The project is funded from federal funds, State matching funds in the amount of \$448,172.50 and City of Loveland local match funds in the amount of \$448,172.50. The City funds are included within the approved 2014 Budget for the Public Works Department for Street Rehabilitation Projects, anticipated to be included in the rollovers at a future City Council meeting.

**BACKGROUND:**

A number of federal aid roads were damaged by the September 2013 Flood, including Railroad Avenue, resulting in the need for emergency and permanent repairs. As a result, Federal funding was made available through CDOT in order to complete these repairs (82.79% of cost). In addition, the State of Colorado has committed to provide half of the local match with the City providing the other half (8.605% each).

The design process, subject to approval by CDOT and the Federal Highway Administration, will look at improving the roadway section to current City standards and evaluating options for improved resiliency to future floods. The proposed improvements for Railroad Avenue will consist of widening the roadway to a major collector classification per City standards, potentially raising the section of roadway between the bridge over the Big Thompson River and the Burlington Northern Railroad track crossing to the elevation of the railroad tracks that the roadway parallels, realigning the roadway across the railroad crossing, and transitioning back to the existing rural cross-section with the addition of bike lanes. The overall length of the proposed project is approximately 2,200 feet. Included in the section south of the railroad crossing will be the potential of a bridge designed to replace the existing culvert. The existing culvert is approximately 230 feet south of the railroad track crossing.

The Railroad Avenue project is currently in the early planning stage with design to be completed by late 2015. Construction is planned to commence in the spring of 2016 and is anticipated to take approximately 7 months.

Funding Summary:

Federal Funds		\$4,311,935.00
Local Agency Match Funds - City*	\$ 448,172.50	
Local Agency Match Funds - State**	\$ 448,172.50	
Local Over-Matching Funds***	\$ 0.00	
Subtotal Local Funds	\$ 896,345.00	\$ 896,345.00
TOTAL PROJECT FUNDS:		\$5,208,280.00

\* Local Agency Match Funds – City: Defined as funding required to be provided by a local entity as part of the Federal process.

\*\* Local Agency Match Funds – State: Defined as funding committed by the State of Colorado to provide half of the required local match as part of the Federal process.

\*\*\* Local Over-Matching Funds: Defined as funding provided by a local entity above the required amount, if necessary, of Local Agency Match Funds in order to complete a project. FHWA requires that this amount be shown in the documents to identify all of the funding anticipated for a project, and Overmatch Funds are encouraged. Note: There is a possibility of additional funding being required by the City for improvements between Railroad Avenue and the Big Thompson River. If this funding is required, the City will seek additional grants to offset these costs.

An ordinance is required to appropriate the Federal Funds as the award of this project occurred after the 2015 Budget was adopted.



---

**REVIEWED BY CITY MANAGER:**

*William A. Cavill*

---

**LIST OF ATTACHMENTS:**

1. Ordinance

FIRST READING March 3, 2015

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

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR FLOOD RELATED TRANSPORTATION REPAIRS ON RAILROAD AVENUE**

**WHEREAS**, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2015; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for flood related transportation repairs on Railroad Avenue, 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 in the amount of \$4,311,935 from a Federal Grant and revenues in the amount of \$448,173 from a State Grant in the Transportation Fund are available for appropriation. Such revenues in the total amount of \$4,760,108 are hereby appropriated for flood related transportation repairs on Railroad Avenue. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Transportation Fund 211**

**Revenues**

211-23-232-1701-32000	Federal Grant	4,311,935
211-23-232-1701-32100	State Grant	448,173

**Total Revenue** **4,760,108**

**Appropriations**

211-23-232-1701-49360	FLEN01 Construction	4,760,108
-----------------------	---------------------	-----------

**Total Appropriations** **4,760,108**

**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 \_\_\_\_ day of March, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**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:** 6  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** William D. Cahill, City Manager  
**PRESENTER:** William D. Cahill, City Manager

**TITLE:**

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Lincoln Hotel Settlement Agreement

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and adopt the ordinance on first reading.

**OPTIONS:**

1. Adopt the action as recommended. This fulfills the obligation to pay on the approved settlement agreement.
2. Deny the action. This fails to meet the condition of the agreement.

**SUMMARY:**

This is an administrative action to consider on first reading an ordinance appropriating \$220,000 to fund the City's contribution to the cost of fire sprinkler improvements to the Lincoln Hotel as contemplated by a Settlement Agreement with Lincoln Hotel, LLC. The Settlement Agreement was entered into on October 21, 2014 to resolve an appeal to City Council of the Fire Marshall's Order to Correct significant fire code violations in the building.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

The Lincoln Hotel Apartments, 365 North Lincoln Avenue, was cited for various fire code violations during a fire inspection conducted on October 9, 2013. On November 19, 2013, the Fire Marshal issued an Order to Correct the violations. The property owner appealed the Fire Marshal's Order, first to the Fire Chief, then to the Fire Rescue Advisory Commission (FRAC). Both the Fire Chief and the FRAC upheld the Order with respect to the two primary fire code violations. The matter was appealed to the City Council and set for hearing on October 21,

2014. Prior to the City Council meeting, the property owner and the City resolved the violation pursuant to a Settlement Agreement dated October 21, 2014 (the "Settlement Agreement").

Under the Settlement Agreement the property owner agreed to install specified "Fire Safety Improvements", including a fire sprinkler system for the building, and to deed restrict eight apartment units in the building for 15 years limiting rental to households with income no greater than 80% of the Area Median Income. In return for the 8 newly deed restricted units and the owners' agreement to install the Fire Safety Improvements, the City agreed to fund such Fire Safety Improvements in an amount not to exceed \$220,000.

The property owner is proceeding with design of the necessary improvements under the Settlement Agreement and this ordinance is presented to fund the City's payment.

The settlement agreement is already approved. Appropriation is needed in 2015 to fund the agreement and complete the City's obligation. Other actions may reopen the matter, possibly resulting in litigation.

---

**REVIEWED BY CITY MANAGER:**



---

**LIST OF ATTACHMENTS:**

1. Ordinance

**FIRST READING**                      March 3, 2015  
**SECOND READING**                      \_\_\_\_\_

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR THE LINCOLN HOTEL SETTLEMENT AGREEMENT**

**WHEREAS**, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the Lincoln Hotel Settlement Agreement; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for the Lincoln Hotel Settlement Agreement, 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 \$220,000 from Council Reserves in the General Fund are available for appropriation. Such reserves in the total amount of \$220,000 are hereby appropriated for the Lincoln Hotel Settlement Agreement. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

<b>Supplemental Budget</b>		
<b>General Fund 100</b>		
<b>Revenues</b>		
Fund Balance		220,000
<b>Total Revenue</b>		<b>220,000</b>
<b>Appropriations</b>		
100-19-195-0000-43190	Legal Agreements & Settlements	220,000
<b>Total Appropriations</b>		<b>220,000</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. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 3rd day of March, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**AGENDA ITEM:** 7  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Troy Bliss, Senior Planner

**TITLE:**

An Ordinance on First Reading Vacating a Portion of a Public Right-of-Way Located within the Original Town of Loveland, City of Loveland, County of Larimer, State of Colorado

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and adopt the ordinance as presented. City staff has determined that the small portion (6") of right-of-way being vacated will not be required for future right-of-way purposes.

**OPTIONS:**

1. Approve the recommended action.
2. Deny the action: If the right-of-way is not vacated, the only other option to allow stabilization of the building foundation and façade improvements would be for the City to grant an irrevocable encroachment permit. This option is not being recommended by City staff because the improvements proposed are considered permanent. Irrevocable encroachment permits are typically used to allow temporary objects, such as patio furniture and rails, within the public right of way. Due to the permanent nature of the proposed improvements, it would be impracticable to revoke the permit and require the encroachment to be removed.
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration. Given the nature of the project, the only other alternative that City staff could potentially offer in-lieu of the vacation would be issuance of an irrevocable encroachment permit.
5. Adopt a motion continuing the item to a future Council meeting. Continuing the item will delay the applicant's ability to proceed with building foundation stabilization or façade improvements. Funding for the project has been awarded and the building owner is eager to get started on the project.

**SUMMARY:**

This is a legislative action to consider adoption of an ordinance on first reading vacating a small portion (6") of public right-of-way within the Original Town of Loveland Addition. The right-of-way to be vacated is on E. 4th Street, adjacent to the front of the Arcadia Hotel. The purpose of the vacation is to accommodate stabilization of the building foundation and the addition of a new brick



façade. The subject portion of right-of-way does not include any public utilities and is so negligible in scope that there will be no impacts to the sidewalk along E. 4th Street for pedestrian movement.

**BUDGET IMPACT:**

- Positive
- Negative
- Neutral or negligible

---

**BACKGROUND:**

The applicant proposes to vacate a small portion of E. 4th Street right-of-way to accommodate needed repairs to stabilize the building foundation and address the deterioration of exterior brick. The approach is to restore the exterior appearance of the building by replacing the façade with all new brick and add underpinning piles that will support the new brick façade creating a concrete sister wall for making the building more structurally sound. City staff has determined that the small portion (6") of right-of-way being vacated will not be required for future right-of-way purposes.

On February 9, 2014, the proposed vacation of right-of-way was presented to the Planning Commission at a public hearing. The application was placed on the consent agenda and was unanimously recommended for approval.

---

**REVIEWED BY CITY MANAGER:**

---

**LIST OF ATTACHMENTS:**

1. Ordinance
2. Staff Memorandum, dated March 3, 2015

**FIRST READING:** March 3, 2015  
**SECOND READING:** \_\_\_\_\_

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

**AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY  
 LOCATED WITHIN THE ORIGINAL TOWN OF LOVELAND, CITY OF LOVELAND,  
 COUNTY OF LARIMER, STATE OF COLORADO**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the public right-of-way described below, located within the Original Town of Loveland, City of Loveland, County of Larimer, Sate of Colorado; and

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

**WHEREAS**, the City Council finds and determines that the public right-of-way 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 City's Current Planning Division was signed by the owners of more than fifty percent of property abutting the right-of-way 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 such findings, the following described portion of public right-of-way be and the same is hereby vacated:

Beginning at the NE corner of Lot 1, Block 17, thence N89°49'27"W 50.37 feet along the North Line of Block 17 to the NW corner of Lot 2, Block 17, thence North 0.5 feet to a point, thence East 50.37 feet to a point, thence South 0.65 feet to the Point of Beginning, a tract of 0.0007 acres (29 sf), more or less, in the ORIGINAL TOWN OF LOVELAND, Situate in the Southwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., City of Loveland, County of Larimer, State of Colorado.

**Section 3.** 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 4.** That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Records after its effective date in accordance with State Statutes

ADOPTED this \_\_\_\_ day of March, 2015.

**CITY OF LOVELAND, COLORADO:**

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

**ATTEST:**

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

APPROVED AS TO FORM:

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

AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE ORIGINAL TOWN OF LOVELAND, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



**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

## M E M O R A N D U M

**TO:** City Council

**FROM:** Troy Bliss, Senior Planner, Current Planning Division

**DATE:** March 3, 2015

**SUBJECT:** Original Town of Loveland Addition – Vacation of Public Right-of-Way (PZ#14-00183)

### **I. EXHIBITS**

- A. February 9, 2015, Planning Commission packet

### **II. KEY ISSUES**

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. As required by the Municipal Code when vacating public right-of-ways, a majority of the property owners abutting the right-of-ways have agreed to and are in support of the request. Additionally, the Planning Commission unanimously recommends approval of the vacation as proposed.

### **III. BACKGROUND**

The Arcadia Hotel, located at the southwest corner of N. Cleveland Avenue and E. 4<sup>th</sup> Street, has been a prominent building in Loveland's downtown since it was originally constructed in 1884. Due to the age of the structure, the building has been continually deteriorating. Of great importance, the foundation is in need of re-stabilization. It has also been determined that in concert with this effort, replacement of the façade with all new brick would not only help make the building more structurally sound but also restore the building back to its original appearance. To achieve this, it is necessary to vacate a small portion of right-of-way (approximately 6 inches wide) along E. 4<sup>th</sup> Street. As with most buildings in Downtown Loveland, they were built to the property lines. Consequently, it is inevitable small slivers or right-of-way will need to be vacated when considering restoration improvements to existing buildings.

#### **IV. VACATION**

An ordinance has been prepared for approval of the vacation request. Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy were referred this vacation request. No concerns have been voiced by these agencies.

#### **V. PLANNING COMMISSION REVIEW**

The vacation was reviewed by the Planning Commission at a public hearing on February 9, 2015. The item was placed on the consent agenda. No discussion was held and the Planning Commission unanimously recommended approval of the vacation.

#### **VI. RECOMMENDATION**

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



## 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

### Planning Commission Staff Report

February 9, 2015

**Agenda #:** Consent Agenda - 1  
**Title:** Original Town of Loveland Addition Vacation (PZ #14-00183)  
**Applicant:** Howard Perko  
**Request:** **Vacation of public right-of-way**  
**Location:** Southwest corner of N. Cleveland Avenue and E. 4<sup>th</sup> Street  
**Existing Zoning:** BE - Established Central Business  
**Proposed Use:** Foundation stabilization and façade improvements to existing Arcadia Hotel/Loveland Opera House  
**Staff Planner:** Troy Bliss

#### **Staff Recommendation**

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

#### **Recommended Motions:**

1. Move to make the findings listed in Section VIII of the Planning Commission staff report dated February 9, 2015, and, based on those findings, recommend that City Council approve the requested vacation of public right-of-way.

#### **Summary of Analysis**

This is a public hearing to consider a request for vacating a public right-of-way within the Original Town of Loveland Addition. The right-of-way to be vacated includes a 6-inch wide portion of E. 4<sup>th</sup> Street that is located along the front of the Arcadia Hotel. The purpose of the vacation is to accommodate stabilization of the building foundation and the addition of a new brick façade. The vacation of this strip of right-of-way is necessary because the building cannot extend into the street right-of-way. The subject portion of right-of-way does not include any public utilities and is so negligible in scope that there will be no impacts to the sidewalk along E. 4<sup>th</sup> Street for pedestrian movement.

## I. SUMMARY

The applicant proposes to vacate a portion of E. 4<sup>th</sup> Street to accommodate needed repairs to stabilizing the building foundation and address the deterioration of exterior brick. The approach is to restore the exterior appearance of the building by replacing the façade with all new brick and add underpinning piles that will support the new brick façade creating a concrete sister wall for making the building more structurally sound. To achieve this, a 6-inch encroachment into the right-of-way along E. 4<sup>th</sup> Street is needed – reason for the vacation request. This street to be vacated is illustrated on **Attachment 1**, which is the corresponding legal description and exhibit to the vacation request. Further, please refer to **Attachment 3** that places this street into context of the currently platted subdivision.

This portion of right-of-way proposed for vacation is so minimal, there is no impact to public use. There are no existing utilities within the right-of-way. Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy were referred this vacation request. No concerns have been voiced by these agencies.

## II. ATTACHMENTS

1. Vacation of Right-of-Way Legal Description and Exhibit
2. Draft Vacation Ordinance (for reference only)
3. Original Town of Loveland Addition

## III. VICINITY MAP



The above aerial image is oriented with north directed to the bottom, highlighting the southwest corner of N. Cleveland Avenue and E. 4<sup>th</sup> Street – known as the Arcadia Hotel.

#### IV. SITE DATA

ACREAGE OF SITE: ..... APPROXIMATELY 25 SQUARE FEET (AREA OF RIGHT-  
..... OF-WAY TO BE VACATED)

PROPERTY ZONING / USE ..... BE-ESTABLISHED CENTRAL BUSINESS/ARCADIA HOTEL

EXISTING ZONING / USE - NORTH ..... BE-ESTABLISHED CENTRAL BUSINESS/RESTAURANT

EXISTING ZONING / USE - SOUTH ..... BE-ESTABLISHED CENTRAL BUSINESS/LIGHTING  
HYBRIDS

EXISTING ZONING / USE - EAST ..... BE-ESTABLISHED CENTRAL BUSINESS/RETAIL

EXISTING ZONING / USE - WEST ..... BE-ESTABLISHED CENTRAL BUSINESS/RESTAURANT

#### V. KEY ISSUES

There are no key issues regarding this vacation request. All City Divisions and all applicable outside City utility providers have no objection to the vacation.

#### VI. BACKGROUND

The Arcadia Hotel was originally constructed in 1884 as the Bartholf Opera House with seating for 400 people on the second floor opera house. The opera house closed in 1925 and the building was remodeled and converted to apartments. The building was remodeled once again in 1938 at which time the façade was stuccoed. In October 2014, a new owner purchased the building and applied for a Façade Incentive Grant from the City. In December 2014, the Loveland Urban Renewal Authority awarded a \$47,490.00 grant for the purpose of renovating and reconstructing the façade to be similar to the appearance of the building in 1884. In addition, the City also committed \$125,000.00 in an incentive package for the redevelopment project and another \$125,000.00 is expected to be awarded from the Loveland Downtown Partnership.

#### VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

**A. Notification:** Confirmation was received from Howard Perko, certifying that notice was posted in a prominent location (i.e. window of building facing E. 4<sup>th</sup> Street) on January 24, 2015. In addition, a notice was published in the Reporter Herald on January 24, 2015.

**B. Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to vacate public right-of-way. At least 50% of owners abutting the right-of-way must be party to the application. Given these requirements and the configuration of the property, this requirement was met through the applicant only.

#### VIII. FINDINGS AND ANALYSIS

Chapter 16.36, Section 16.36.010.B

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 reestablished public or private right-of-way:*

Due to the negligible nature of the vacation request, public right-of-way along E. 4<sup>th</sup> Street will remain connected.



2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

Because the vacation represents such a small portion of right-of-way, 6-inches is not going to be a discernible amount of right-of-way removed for serving a public use or providing convenience.

### Development Review Team Analysis

#### Current Planning

The portion of right-of-way to be vacated currently serves no purpose and in fact would benefit the character of downtown and overall public use by creating the opportunity to revitalize a prominent historic structure in Loveland.

#### Transportation Development Review

The proposed vacation of the 6 inch wide portion of street right-of-way next to the existing building, to allow for foundation repairs and facade improvements to be installed and remain for the existing building, will not leave land without access to the existing public street/alley system.

The vacation of the 6 inch wide portion of street right-of-way next to the existing building, is not necessary for the existing public use and convenience. (Slightly more than 11 feet of existing street sidewalk width will remain in street right-of-way).

In light of the above the Transportation Development Review Division has no objection to the approval of the 6 inch wide right-of-way vacation at this time.

#### Fire

Fire: Staff believes that this finding can be met, due to the following:

- The projection of the brick veneer 6” into the public way (sidewalk) will not affect response distance requirements from the first due Engine Company.
- The projection of the brick veneer 6” into the public way (sidewalk) will not negatively impact fire protection for the subject building or surrounding properties.

#### Water/Wastewater

The subject area to be vacated is the City’s current service area for both water and wastewater. There are no existing water mains and/or wastewater mains in the area to be vacated.

The Department finds that:

- The existing right-of-way to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.
- The existing right-of-way to be vacated is no longer necessary for public use and convenience.

#### Stormwater

The existing right-of-way of which is proposed to be vacated is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

#### Power

There are no electric lines located in the area to be vacated on the east and north sides of the building. Currently, this site is served with overhead service drops coming from power poles in the alley to the southwest of the building. A three phase overhead transformer bank serves this building and others. The right-of-way to be vacated is no longer necessary for the public use and convenience.

**IX. RECOMMENDED CONDITIONS**

No conditions are being recommended by City staff in regards to this vacation request.

**Legal Description of Property to be Vacated**

Beginning at the NE corner of Lot 1, Block 17, thence N89°49'27"W 50.37 feet along the North Line of Block 17 to the NW corner of Lot 2, Block 17, thence North 0.5 feet to a point, thence East 50.37 feet to a point, thence South 0.65 feet to the Point of Beginning, a tract of 0.0007 acres (29 sf), more or less, in the ORIGINAL TOWN OF LOVELAND, Situate in the Southwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., City of Loveland, County of Larimer, State of Colorado.



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

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

**AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY  
LOCATED WITHIN THE ORIGINAL TOWN OF LOVELAND, CITY OF LOVELAND,  
COUNTY OF LARIMER, STATE OF COLORADO**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the public right-of-way described below, located within the Original Town of Loveland, City of Loveland, County of Larimer, Sate of Colorado; and

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

**WHEREAS**, the City Council finds and determines that the public right-of-way 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 City's Current Planning Division was signed by the owners of more than fifty percent of property abutting the right-of-way 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 such findings, the following described portion of public right-of-way be and the same is hereby vacated:

Beginning at the NE corner of Lot 1, Block 17, thence N89°49'27"W 50.37 feet along the North Line of Block 17 to the NW corner of Lot 2, Block 17, thence North 0.5 feet to a point, thence East 50.37 feet to a point, thence South 0.65 feet to the Point of Beginning, a tract of 0.0007 acres (29 sf), more or less, in the ORIGINAL TOWN OF LOVELAND, Situate in the Southwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., City of Loveland, County of Larimer, State of Colorado.

**Section 3.** 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).

**EXHIBIT A**

**Section 4.** That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Records after its effective date in accordance with State Statutes

ADOPTED this 3<sup>rd</sup> day of March, 2015.

**CITY OF LOVELAND, COLORADO:**

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

**ATTEST:**

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

APPROVED AS TO FORM:

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

AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE ORIGINAL TOWN OF LOVELAND, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

State of Colorado  
County of Larimer

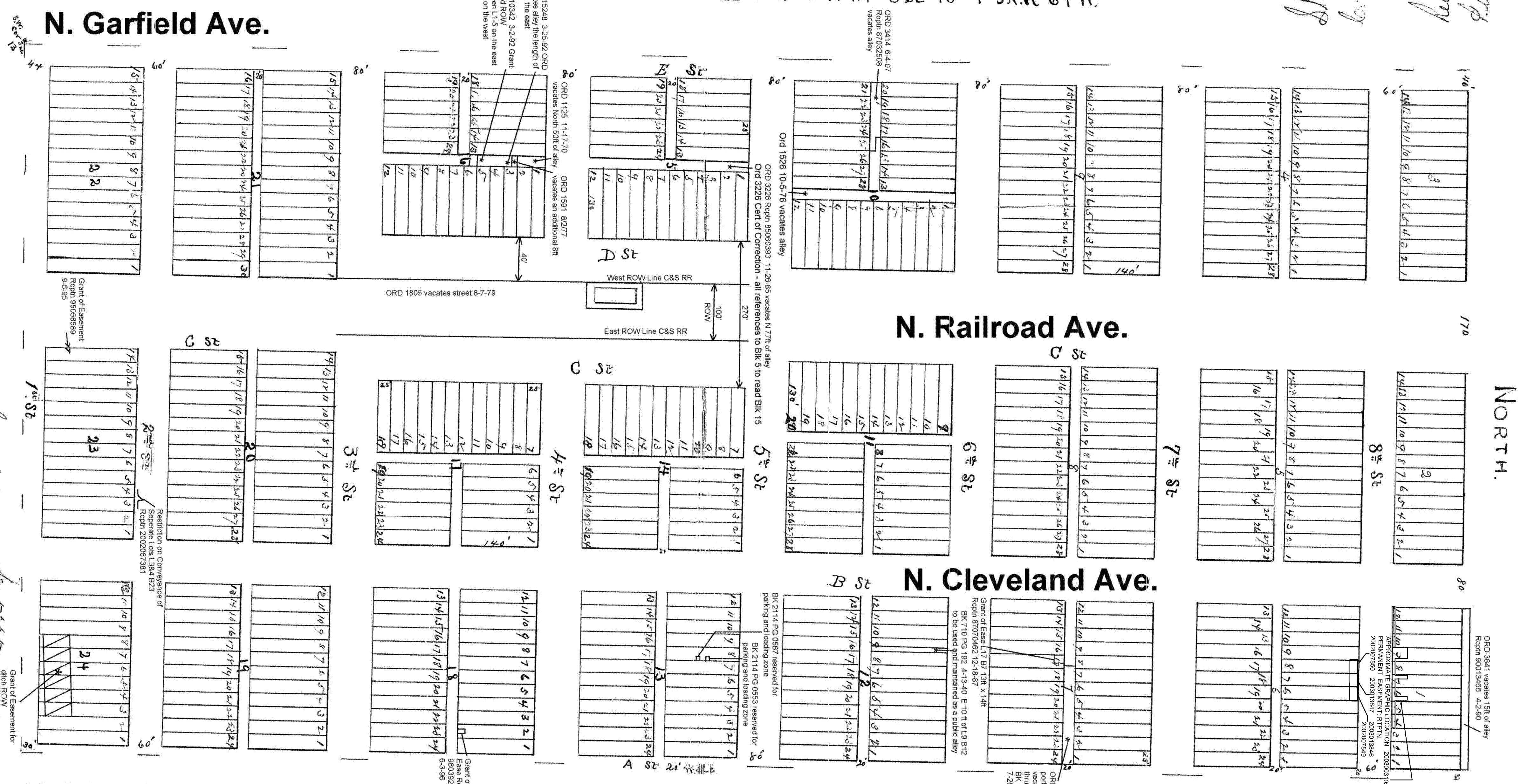
Note:  
Any additional information  
added to plat is intended for  
reference purposes only

# LOVELAND

## LARIMER CO. COLO.

Side of  $W\frac{1}{2}$  SW  $\frac{1}{4}$  Sec 13 T 5N R 69W

No 5280  
State of Colorado  
County of Larimer  
This instrument was filed for  
Record October 15<sup>th</sup> 2001 01577 at 01:15:00  
d.l.l.  
Chad Smith  
Recorder



SOUTH

NORTH

State of Colorado  
County of Larimer  
Record Number 01577 at 01:15:00  
Chad Smith 10/15/01  
#0

N. Lincoln

Auto Match to South 25' x 140'

East of West Lots 25' x 130'

except Bks 1, 2, 3 which are 25' x 120' and 22, 23 & 24 which are 170' x 25'

SCALE 1/8" = 1 foot



**CITY OF LOVELAND**  
 CULTURAL SERVICES DEPARTMENT/RIALTO THEATER  
 228 East Fourth Street • Loveland, Colorado 80537  
 (970) 962-2120 • FAX (970) 962-2422 • TDD (970) 962-2620

**AGENDA ITEM:** 8  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Susan Ison, Cultural Services Director  
**PRESENTER:** Rich Harris, Rialto Theater Director

**TITLE:**

A Resolution Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise with Respect Only to the Rialto Theater Box Office Ticket Fees

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the action as recommended.

**SUMMARY:**

This is an administrative action. The resolution addresses the fees for the Rialto Theater Center Box Office.

**BUDGET IMPACT:**

- Positive
- Negative
- Neutral or negligible

The Fee change is for direct costs.

**BACKGROUND:**

At the February 3, 2015, City Council meeting, Councilors directed Cultural Services to return with a modified fee structure for the Box Office that covers direct costs, but does not function as a profit-making enterprise.

When the RTC sells tickets online or over the telephone we incur a charge of \$1.50 per ticket paid to our software vendor, TicketForce. We also pay an estimated 3% of the cost of the ticket as a credit card fee. Other costs include: ticket stock, ticket envelopes and mailing costs.

Ticket service charge rates for cash or check Rialto box office window sales will be \$1.00 per ticket.

As normal and customary, the total cost is dependent upon the price of the ticket and the method of purchase, as delineated in the following example:



Customer buying two tickets priced at \$28.00 each and purchased with credit card:

- **Online and Telephone Ticket Sale**

- Direct costs include \$3.00 to TicketForce and \$1.68 credit card fee. Additional costs (estimated at \$0.79) include ticket card stock, ticket envelope and one printed City of Loveland stationery envelope and first class postage if the ticket is mailed to the patron. Total cost with mailing would be \$5.47 and without mailing would be \$4.91. Rounding up, the RTC will collect \$6.00 in ticketing fees for this transaction.

As a comparison, the same transaction above would have incurred a cost of \$8.00 in total ticket fees under the fee structure proposed to City Council at the February 3, 2015 meeting.

We believe the proposed fees will now cover the direct costs of ticketing going forward.

---

**REVIEWED BY CITY MANAGER:**



---

**LIST OF ATTACHMENTS:**

1. Resolution
2. Proposed Box Office Fees

**RESOLUTION # R-20-2015**

**A RESOLUTION AMENDING THE 2015 SCHEDULE OF RATES, CHARGES AND FEES FOR CITY SERVICES, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE WITH RESPECT ONLY TO THE RIALTO THEATER CENTER BOX OFFICE TICKET FEES**

**WHEREAS**, on October 7, 2014, City Council adopted Resolution #R-68-2014 setting the rates, charges and fees for services provided by the City of Loveland (the “City”), other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, for calendar year 2015; and

**WHEREAS**, on August 19, 2014, the City’s Cultural Services Department presented City Council with a formal business plan for the Rialto Theater Center (“Rialto”) that identified strategies for increasing the sustainability of the Rialto, including adjustments to rates, charges and fees for services offered, programming diversification and marketing; and

**WHEREAS**, Council approved proposed changes to the Rialto rates, charges and fees on February 3, 2015 Resolution # R-14-2015, except for the fee pertaining to the box office charges; and

**WHEREAS**, Council directed Rialto staff to modify the fee structure for Box Office fees to cover direct costs;

**WHEREAS**, this Resolution is intended to amend Resolution # R-14-2015 to modify the rates, charges, and fees for services provided by the Rialto to include the box office fees.

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

**Section 1.** This Resolution amends the rates, charges, and fees for 2015 adopted by Resolution R#-14-2015 for Rialto Theater Center services and Resolution #R-68-2014 for all City services, other than services of the Water and Power Department and the Storm Water Enterprise, provided on or after January 1, 2015 as set forth in Exhibit A, attached hereto and incorporated by reference.

**Section 2.** This Resolution shall take effect as 60 days after its adoption.

ADOPTED this \_\_\_\_\_ day of March, 2015.

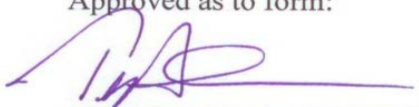
\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

---

City Clerk

Approved as to form:

A handwritten signature in purple ink, appearing to read 'T. Ablao', written over a horizontal line.

---

Teresa Ablao  
Assistant City Attorney

**RIALTO THEATER CENTER**

	Box Office: Phone Transaction Fee AND Online sales  Rialto Box Office (walk up)	\$ Tickets priced \$0.00-\$19.99: \$2.00 per ticket; tickets priced \$20.00- \$39.99: \$3.00 per ticket; tickets priced \$40.00 and above: \$4.00 per ticket.  \$1.00 per ticket.
--	--	--


**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:** 9  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Brent Worthington, Finance  
**PRESENTER:** Marc Kahn, Budget Manager

**TITLE:**

A Resolution Amending Resolution #R-68-2014 and the 2015 Schedule of Rates, Charges and Fees for City Services with Regard to the Development Services, Library, and Public Works Rates, Charges and Fees

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the resolution as presented.

**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

**SUMMARY:**

This is an administrative action to adopt a resolution amending the 2015 Schedule of Rates, Charges, and Fees for City services, other than services provided by the Water and Power Department and the Stormwater Enterprise. The amendment would correct five errors.

Development Services had three fees that were inadvertently left off the initial 2015 Schedule of Rates, Charges, and Fees. The resolution would correct Major Amendment Fee (\$500) and Minor Amendment Fee (\$300) to the Conceptual Master Plan and add the Major Home Occupation Fee (\$50). The resolution would also remove the \$2.00 Library Department Fee for Temporary Internet Use Library Card Fee. Furthermore, the resolution would correct the Public Works Fees for Inspection of Streets for a Single Family Unit from \$150 to the correct amount currently being charged of \$75.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

The original resolution #R-68-2014 contained a total of seven inaccuracies of which two were corrected in the resolution brought to Council on 1/6/2015. This proposed resolution will correct the remaining five.

---

**REVIEWED BY CITY MANAGER:**

---

**LIST OF ATTACHMENTS:**

1. Resolution

**RESOLUTION # R-21-2015**

**A RESOLUTION AMENDING RESOLUTION #R-68-2014 AND THE 2015 SCHEDULE OF RATES, CHARGES AND FEES FOR CITY SERVICES WITH REGARD TO THE DEVELOPMENT SERVICES, LIBRARY, AND PUBLIC WORKS RATES, CHARGES, AND FEES**

**WHEREAS**, on October 7, 2014, City Council adopted Resolution #R-68-2014 setting the rates, charges and fees for services provided by the City of Loveland (the “City”), other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, for calendar year 2015; and

**WHEREAS**, Resolution #R-68-2014 included an incorrect rate for the 2015 Street Maintenance Fees for Inspection of Streets Single Family Unit, a fee for Library Temporary Internet Use Library Card Fee that should have been eliminated, and inadvertently omitted the fees for Development Services, Planning Filing Fees for Conceptual Master Plan – Major Amendment Fee and Minor Amendment Fee and Major Home Occupation Fee; and

**WHEREAS**, this resolution is intended to amend Resolution #R-68-2014 to correct these specific rates, charges and fees.

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

**Section 1.** That the 2015 schedule of rates, charges and fees for City services, other than services of the Water and Power Department and the Storm Water Enterprise, adopted by Resolution #R-68-2014 is hereby amended as shown below:

	Original Fee	New Fee
<b>DEVELOPMENT SERVICES</b>		
<u>Planning Filing Fees</u>		
Conceptual Master Plan		
Major Amendment Fee	Missing	\$ 500.00
Minor Amendment Fee	Missing	\$ 300.00
Major Home Occupation Fee	Missing	\$ 50.00
 <b>LIBRARY</b>		
Temporary Internet Use Library Card Fee	\$ 2.00	Eliminated
 <b>PUBLIC WORKS DEPARTMENT</b>		
<u>Street Maintenance Fee</u>		
Fees for Inspection of Streets		
Single Family Unit	\$ 150.00	\$ 75.00

**Section 2.** This Resolution amends the rates, charges, and fees for 2015 adopted by Resolution R#-68-2014 for all City services, other than services of the Water and Power Department and the Storm Water Enterprise, provided on or after January 1, 2015.

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

ADOPTED this \_\_\_\_ day of March, 2015.

CITY OF LOVELAND, COLORADO

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

ATTEST:

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

APPROVED AS TO FORM:

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





**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:** 10  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Brent Worthington, Finance  
**PRESENTER:** Brent Worthington, Director of Finance

**TITLE:**

January 2015 Financial Report

**RECOMMENDED CITY COUNCIL ACTION:**

This is an information only item. No action is required.

**SUMMARY:**

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending January 31, 2015.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

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 and health claims as of January 31, 2015. Citywide Revenue (excluding internal transfers) of \$20,391,384 is 93.1% of year to date (YTD) budget or \$1,507,417 under the budget. Sales Tax collections are 100.4% of the YTD budget or \$16,864 over budget. Building Material Use Tax is 70.9% of YTD budget, or \$47,016 under budget. Sales and Use Tax collections combined were 101% of YTD budget or \$50,287 over budget. When the combined sales and use tax for the current year are compared to 2013 for the same period last year, they are higher by 2.2% or \$107,084.

Citywide total expenditures of \$13,694,348 (excluding internal transfers) are 79.8% of the YTD budget or \$3,467,442 under the budget.

Please note: this report is for one month only, so looking at it for trends so early in the year is of limited use.

---

**REVIEWED BY CITY MANAGER:**

---

**LIST OF ATTACHMENTS:**

1. January Snapshot Presentation
2. Snapshot report for January 2015

# Snapshot

59



# January 2015

**Brent Worthington**  
Finance Director

**Presented**  
March 3, 2015

# January 2015 Snapshot

- Citywide Revenue
  - \$20.4 million, excluding transfers
  - 6.9% below budget projections
  
- Citywide Expenditures
  - \$13.7 million, excluding transfers
  - 20.2% below budget projections
  
- Citywide revenues exceed expenditures by \$6.7 million.

# January 2015 Snapshot

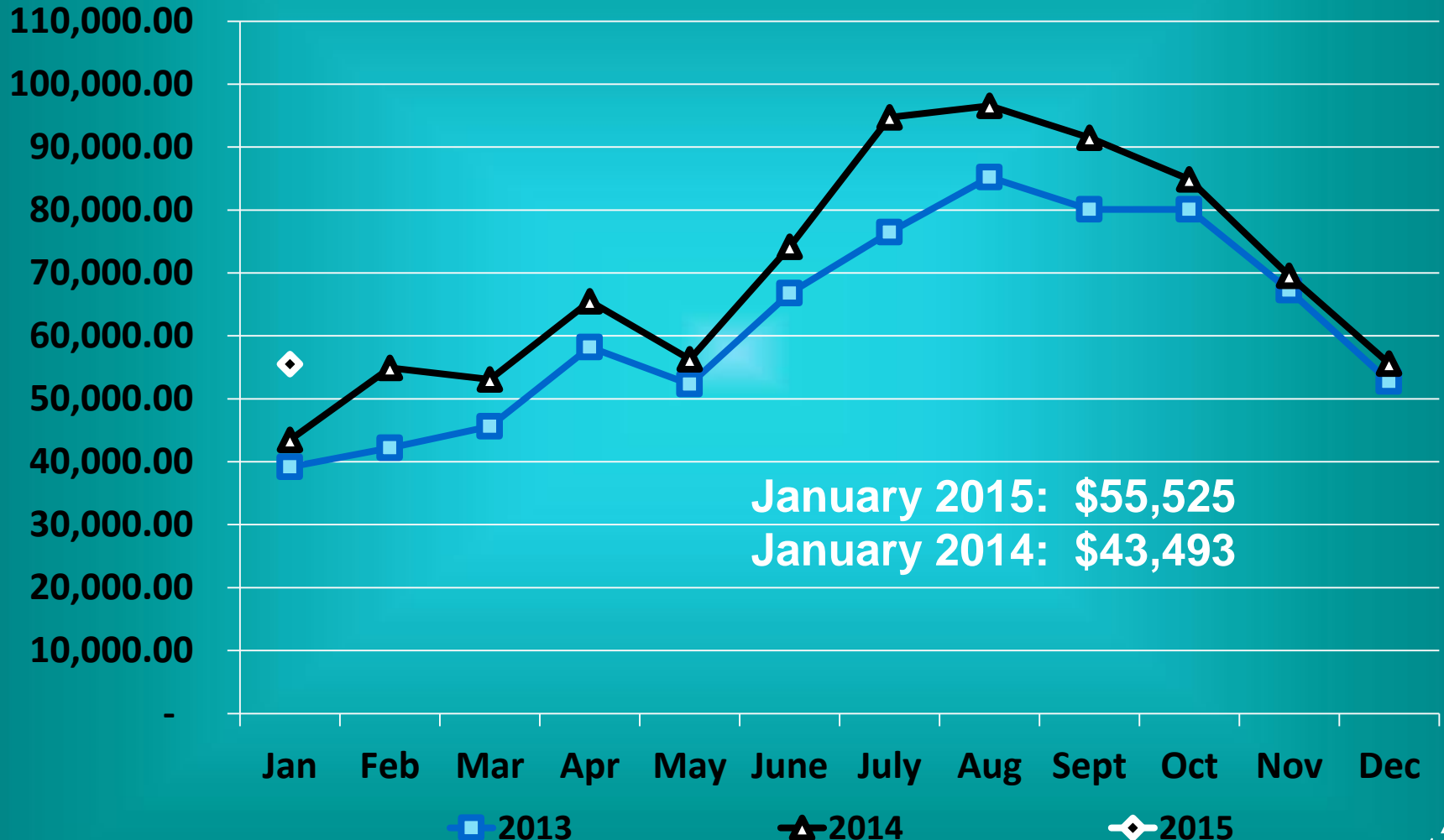
- General Fund Revenue
  - \$7.1 million YTD, excluding transfers
  - 2.9% below YTD Budget
  - 0.9% above same period last year
  
- Sales and Use Tax Revenue
  - \$4.9 million YTD
  - 1.0% above budget projections
  - 2.2% above same period as last year
  
- Sales Tax only
  - \$4.5 million YTD
  - 0.4% above budget projections
  - 0.1% above same period last year

# January 2015 Snapshot

- General Fund Expenditures
  - \$5.8 million YTD, excluding transfers
  - 7.5% above budget projections
  
- General Fund Revenues Exceed Expenditures by \$1.0 million
  
- Health Claims
  - January Claims \$987k
  - 2015 YTD decreased from \$1.0mil to \$987k mil from same time as last year (-4.1%)

# January 2015 Snapshot

## Lodging Tax



January 2015: \$55,525  
January 2014: \$43,493

➤ Lodging tax YTD is \$55,525 (27.7% higher than 2014 YTD).



# Flood Report

<b>Cost Estimates</b>		
Emergency Response	\$2,000,000	
Business Assistance	600,000	
Capital	23,100,000	
<b>Total</b>	<b>\$25,700,000</b>	

<b>Actual Expenditures</b>		
	<u>January</u>	<u>To Date</u>
<b>Total</b>	<b>74,685</b>	<b>16,886,107</b>

<b>Reimbursements Applied For</b>		
	<u>January</u>	<u>To Date</u>
FEMA	\$ 128,428	\$ 9,396,008
CIRSA	-	6,920,480
Other	-	247,471
<b>Total</b>	<b>\$ 128,428</b>	<b>\$ 16,563,959</b>

<b>Reimbursements Received</b>		
	<u>January</u>	<u>To Date</u>
FEMA	\$ 240,263	\$ 4,429,727
CIRSA	-	6,920,480
Other	-	247,471
<b>Total</b>	<b>\$ 240,263</b>	<b>\$ 11,597,679</b>



# January 2015 Snapshot<sup>65</sup>



Questions?

**Brent Worthington**  
Finance Director

**Presented**  
March 3, 2015

# SnapShot

January 2015



## A Snapshot In Time

Citywide Revenues & Expenditures 2-3

General Fund Revenues & Expenditures 4-5

Capital Projects 5

Tax Totals & Comparison 6-7

Flood Update 8-9

Geo Codes & Sales Tax SIC 10-12

Health Care Claims 13

Activity Measures 14

- ◆ Citywide Revenue, excluding transfers between funds, \$20.4 million (6.9% below budget projections)
- ◆ Sales & Use Tax Collection, \$4.9 million (1.0% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$13.7 million (20.2% below budget projections)
- ◆ Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$6.7 million
- ◆ General Fund Revenue, excluding transfers between funds, \$7.1 million (2.9% below budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$5.8 million, (7.5% above budget projections)
- ◆ General Fund Revenues exceed Expenditures by \$1.0 million



## Sales / Use Tax Basics

January 2015	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2015	\$ 4,518,690	\$ 178,080	\$ 161,460	\$ 4,858,230
Actual 2015	4,535,554	258,519	114,444	4,908,517
% of Budget	100.4%	145.2%	70.9%	101.0%
Actual 2014	\$ 4,531,650	\$ 211,841	\$ 57,942	\$ 4,801,433
Change from prior yr	0.1%	22.0%	97.5%	2.2%

*"Loveland: a vibrant community...surrounded by natural beauty... where you belong."*



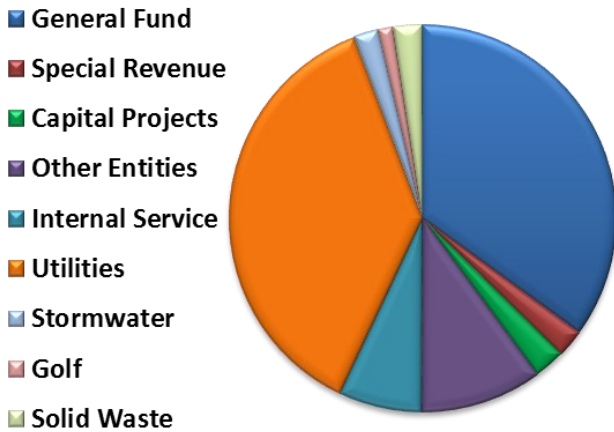
Combined Statement of Revenues and Expenditures January 2015					
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget	
<b>General Governmental</b>					
1 General Fund	\$ 7,141,800	\$ 7,141,800	\$ 7,354,990	97.1%	
2 Special Revenue	475,477	475,477	484,390	98.2%	
3 Other Entities	2,072,511	2,072,511	1,524,820	135.9%	
4 Internal Service	1,417,351	1,417,351	1,483,690	95.5%	
5 <i>Subtotal General Govt Operations</i>	<i>11,107,139</i>	<i>11,107,139</i>	<i>10,847,890</i>	<i>102.4%</i>	
6 Capital Projects	523,317	523,317	680,920	76.9%	
<b>Enterprise Fund</b>					
7 Water & Power	7,585,241	7,585,241	9,179,410	82.6%	
8 Stormwater	426,062	426,062	436,170	97.7%	
9 Golf	251,941	251,941	204,940	122.9%	
10 Solid Waste	497,684	497,684	549,470	90.6%	
11 <i>Subtotal Enterprise</i>	<i>8,760,927</i>	<i>8,760,927</i>	<i>10,369,990</i>	<i>84.5%</i>	
<b>12 Total Revenue</b>	<b>\$ 20,391,384</b>	<b>\$ 20,391,384</b>	<b>\$ 21,898,800</b>	<b>93.1%</b>	
<i>Prior Year External Revenue</i>		<i>19,391,190</i>			
<i>Increase From Prior Year</i>		<i>5.2%</i>			
13 Internal Transfers	426,505	426,505	3,315,640	12.9%	
<b>14 Grand Total Revenues</b>	<b>\$ 20,817,889</b>	<b>\$ 20,817,889</b>	<b>\$ 25,214,440</b>	<b>82.6%</b>	
<b>EXPENDITURES</b>					
<b>General Governmental</b>					
15 General Fund	5,759,803	5,759,803	5,321,130	108.2%	
16 Special Revenue	801,819	801,819	3,284,570	24.4%	
17 Other Entities	991,755	991,755	774,610	128.0%	
18 Internal Services	619,066	619,066	1,716,477	36.1%	
19 <i>Subtotal General Gov't Operations</i>	<i>8,172,443</i>	<i>8,172,443</i>	<i>11,096,787</i>	<i>73.6%</i>	
20 Capital	437,327	437,327	607,593	72.0%	
<b>Enterprise Fund</b>					
21 Water & Power	4,506,671	4,506,671	4,735,540	95.2%	
22 Stormwater	172,424	172,424	179,410	96.1%	
23 Golf	133,797	133,797	142,570	93.8%	
24 Solid Waste	271,687	271,687	399,890	67.9%	
25 <i>Subtotal Enterprise</i>	<i>5,084,578</i>	<i>5,084,578</i>	<i>5,457,410</i>	<i>93.2%</i>	
<b>26 Total Expenditures</b>	<b>\$ 13,694,348</b>	<b>\$ 13,694,348</b>	<b>\$ 17,161,790</b>	<b>79.8%</b>	
<i>Prior Year External Expenditures</i>		<i>10,662,849</i>			
<i>Increase (-Decrease) From Prior Year</i>		<i>28.4%</i>			
27 Internal Transfers	426,505	426,505	3,944,860	10.8%	
<b>28 Grand Total Expenditures</b>	<b>\$ 14,120,854</b>	<b>\$ 14,120,854</b>	<b>\$ 21,106,650</b>	<b>66.9%</b>	

**Special Revenue Funds:** Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures, Transit, Transportation.

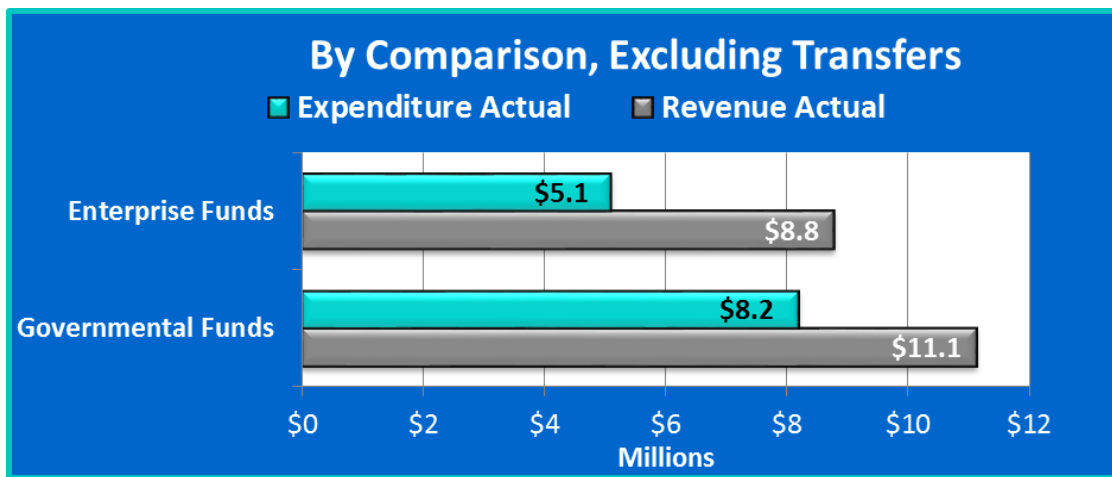
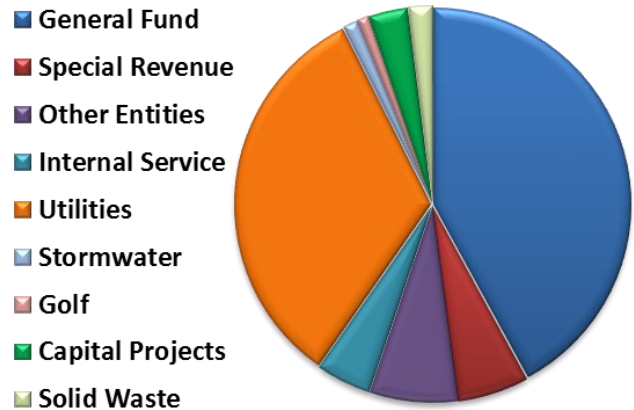
**Other Entities Fund:** Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority, Loveland Fire and Rescue Authority.

**Internal Service Funds:** Risk/Insurance, Fleet, Employee Benefits.

### YTD Operating Revenues of \$20.4 Million



### YTD Operating Expenditures of \$13.7 Million



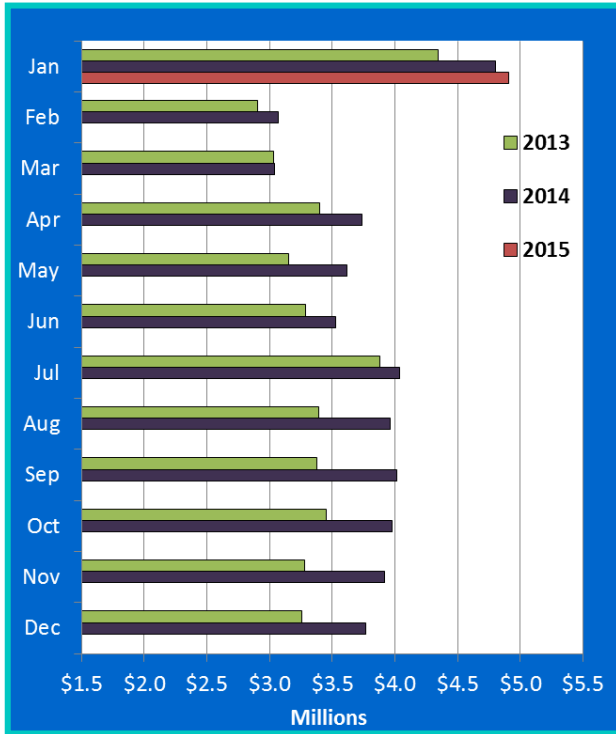
- ◆ General Fund Revenue, excluding transfers between funds, \$7.1 million (2.9% below budget projections)  
\* 0.9% above 2014 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$5.8 million (8.2% above budget projections)  
\* 58.9% above 2014 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$7.6 million (17.4% below budget projections)  
\* 11.9% above 2014 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$4.5 million (4.8% below budget projections)  
\* 2.3% above 2014 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$2.1 million (35.9% above budget projections)  
\* 4.8% above 2014 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$1.0 million (28.0% above budget projections)  
\* 103.3% above 2014 YTD

General Fund Revenue & Expenditures January 2015				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 451	\$ 451	\$ -	N/A
3 Sales tax	4,535,554	4,535,554	4,518,690	100.4%
4 Building use tax	114,444	114,444	161,460	70.9%
5 Auto use tax	258,519	258,519	178,080	145.2%
6 Other taxes	106,485	106,485	165,690	64.3%
7 Intergovernmental	12,094	12,094	60,860	19.9%
8 License & Permits				
9 Building Permits	133,561	133,561	180,970	73.8%
10 Other Permits	30,323	30,323	15,480	195.9%
11 Charges for Services	1,370,480	1,370,480	1,327,720	103.2%
12 Fines & Forfeitures	95,253	95,253	71,750	132.8%
13 Interest Income	12,040	12,040	28,940	41.6%
14 Miscellaneous	74,528	472,597	645,350	73.2%
15 <i>Subtotal</i>	6,743,731	7,141,800	7,354,990	97.1%
16 Interfund Transfers	32,010	32,010	32,030	99.9%
<b>17 Total Revenue</b>	<b>\$ 6,775,741</b>	<b>\$ 7,173,810</b>	<b>\$ 7,387,020</b>	<b>97.1%</b>
<b>EXPENDITURES</b>				
Operating Expenditures				
18 Legislative	11,484	11,484	18,400	62.4%
19 Executive & Legal	157,444	157,444	106,970	147.2%
20 City Clerk & Court Admin	63,312	63,312	59,030	107.3%
21 Economic Development	78,016	78,016	245,530	31.8%
22 Cultural Services	133,582	133,582	124,190	107.6%
23 Development Services	232,443	232,443	229,920	101.1%
24 Finance	366,177	366,177	284,380	128.8%
25 Fire & Rescue	-	-	-	0.0%
26 Human Resources	82,521	82,521	72,690	113.5%
27 Information Technology	609,454	609,454	473,640	128.7%
28 Library	280,186	280,186	264,383	106.0%
29 Parks & Recreation	578,845	578,845	505,380	114.5%
30 Police	1,629,388	1,629,388	1,187,460	137.2%
31 Public Works	328,385	328,385	339,520	96.7%
32 Water/ Waste Operations	-	-	-	N/A
33 Non-Departmental	1,211,429	1,211,429	1,448,587	83.6%
34 <i>Subtotal Operating</i>	5,762,666	5,762,666	5,360,080	107.5%
35 Internal Transfers	394,229	394,229	1,712,850	23.0%
<b>36 Total Expenditures</b>	<b>\$ 6,156,895</b>	<b>\$ 6,156,895</b>	<b>\$ 7,072,930</b>	<b>87.0%</b>

## Capital Projects \$500,000+

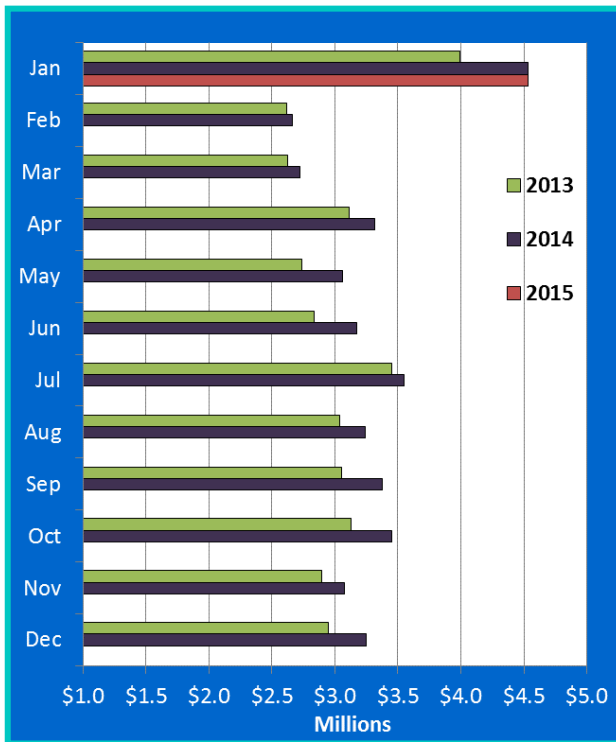
Project Title	2014 Budget	2014 Expenditures	Remaining 2014	% of 2014 Budget
<b>Water Capital</b>				
2015 Water Line Replacement	\$ 1,900,000	\$ -	\$ 1,900,000	0.00%
<b>Raw Water Capital</b>				
Windy Gap Firming Project	1,886,770	190,451	1,696,319	10.09%
<b>Wastewater Utility Capital</b>				
WWTP Digester System Improvements	1,207,600	-	1,207,600	0.00%
Bio Nutrient Removal Facilities	800,000	-	800,000	0.00%
2015 WWTP Improvements	16,000,000	-	16,000,000	0.00%
East Side Lift Station Upgrade	575,000	-	575,000	0.00%
<b>Power Capital</b>				
Security Gates and Fences at Substations	500,000	-	500,000	0.00%
Colorado Renewable Energy Standard Compliance	500,000	-	500,000	0.00%
600 amp OH to UG Conversion	1,300,000	-	1,300,000	0.00%
200 amp OH to UG Conversion	500,000	-	500,000	0.00%
RMCIT - Valley Substation to Campus	650,000	-	650,000	0.00%
Valley Substation - Order new transformer	650,000	-	650,000	0.00%
Install new 750 AL Crossroads 622 on Boyd Lake to Lakes @ Centerra	500,000	-	500,000	0.00%
<b>All Other</b>				
Open Lands Acquisition	4,670,000	-	4,670,000	0.00%
Refurbish Smeal Engine for Reserve	606,240	-	606,240	0.00%
Maintenance Operations Center Remodel	635,730	3,096	632,634	0.49%
Transportation Program	2,398,000	-	2,398,000	0.00%





## Sales & Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 4,345,835	\$ 4,801,433	\$ 4,908,517	\$ 4,858,230	1.0%
Feb	2,906,780	3,066,965		3,289,660	
Mar	3,033,347	3,037,688		3,436,970	
Apr	3,397,074	3,737,255		3,944,650	
May	3,150,201	3,614,459		3,610,170	
Jun	3,284,808	3,525,536		3,759,780	
Jul	3,882,561	4,038,555		4,240,990	
Aug	3,392,757	3,962,915		3,912,830	
Sep	3,379,303	4,014,321		3,924,480	
Oct	3,452,052	3,974,590		4,118,050	
Nov	3,280,666	3,919,205		3,772,070	
Dec	3,259,189	3,763,933		4,095,710	
	\$40,764,573	\$ 45,456,855	\$ 4,908,517	\$46,963,590	
<b>YTD</b>	<b>\$ 4,345,835</b>	<b>\$ 4,801,433</b>	<b>\$ 4,908,517</b>	<b>\$ 4,858,230</b>	<b>1.0%</b>

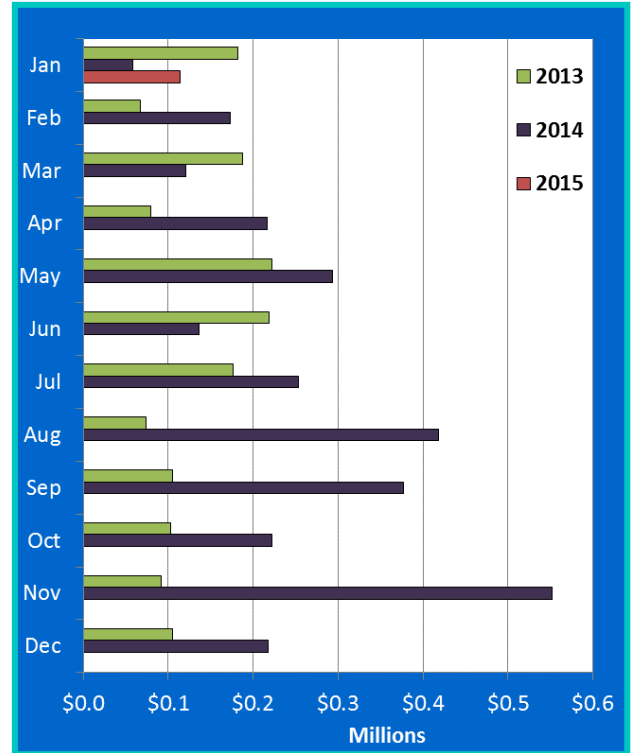


## Retail Sales Tax

	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 3,995,194	\$ 4,531,650	\$ 4,535,554	\$ 4,518,690	0.4%
Feb	2,619,453	2,658,798		2,936,040	
Mar	2,622,808	2,719,254		2,995,350	
Apr	3,109,701	3,317,905		3,528,610	
May	2,733,983	3,059,076		3,188,560	
Jun	2,835,171	3,170,467		3,347,900	
Jul	3,453,149	3,546,945		3,800,880	
Aug	3,039,219	3,241,521		3,475,330	
Sep	3,051,797	3,374,248		3,491,370	
Oct	3,125,566	3,448,473		3,663,760	
Nov	2,892,986	3,077,404		3,360,620	
Dec	2,946,709	3,246,097		3,681,570	
	\$36,427,749	\$ 39,393,852	\$ 4,535,554	\$41,988,680	
<b>YTD</b>	<b>\$ 3,995,194</b>	<b>\$ 4,531,650</b>	<b>\$ 4,535,554</b>	<b>\$ 4,518,690</b>	<b>0.4%</b>

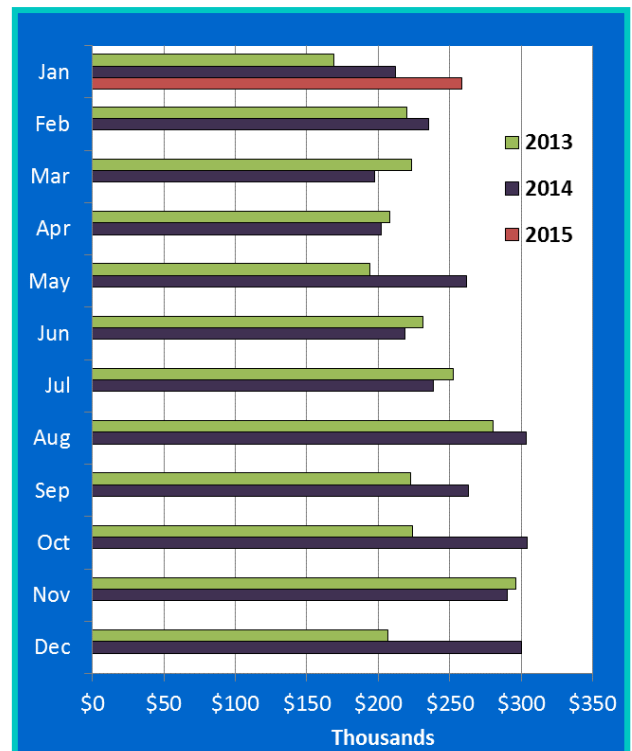
## Building Materials Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 181,907	\$ 57,942	\$ 114,444	\$ 161,460	-29.1%
<b>Feb</b>	67,440	173,295		152,920	
<b>Mar</b>	187,222	120,768		258,330	
<b>Apr</b>	79,229	217,134		211,790	
<b>May</b>	221,834	293,543		209,570	
<b>Jun</b>	218,722	136,432		216,970	
<b>Jul</b>	176,829	253,077		216,210	
<b>Aug</b>	73,524	417,801		205,740	
<b>Sep</b>	105,174	377,319		208,430	
<b>Oct</b>	102,584	222,297		228,800	
<b>Nov</b>	91,453	551,682		188,130	
<b>Dec</b>	105,740	217,712		216,560	
	<b>\$1,611,658</b>	<b>\$3,039,002</b>	<b>\$ 114,444</b>	<b>\$ 2,474,910</b>	
<b>YTD</b>	<b>\$ 181,907</b>	<b>\$ 57,942</b>	<b>\$ 114,444</b>	<b>\$ 161,460</b>	<b>-29.1%</b>



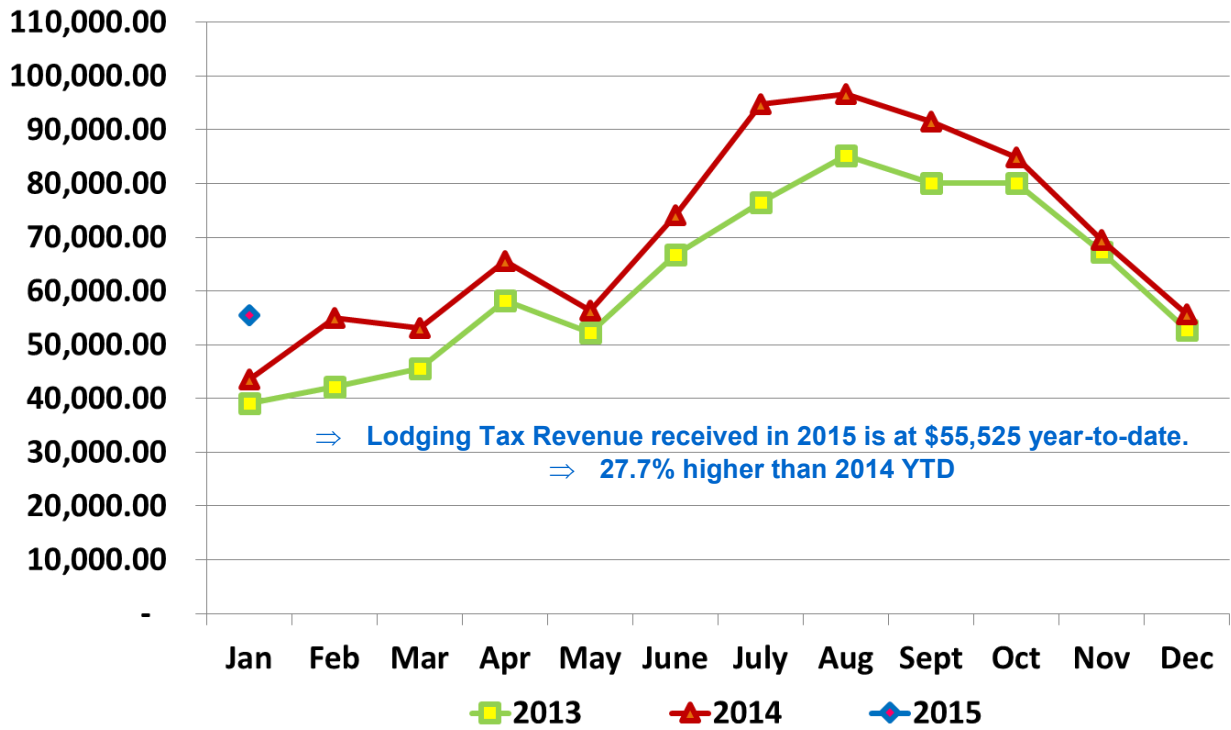
## Motor Vehicle Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 168,734	\$ 211,841	\$ 258,519	\$ 178,080	45.2%
<b>Feb</b>	219,886	234,872		200,700	
<b>Mar</b>	223,317	197,666		183,290	
<b>Apr</b>	208,144	202,216		204,250	
<b>May</b>	194,384	261,840		212,040	
<b>Jun</b>	230,915	218,637		194,910	
<b>Jul</b>	252,583	238,533		223,900	
<b>Aug</b>	280,014	303,593		231,760	
<b>Sep</b>	222,332	262,754		224,680	
<b>Oct</b>	223,902	303,820		225,490	
<b>Nov</b>	296,227	290,119		223,320	
<b>Dec</b>	206,740	300,124		197,580	
	<b>\$2,727,178</b>	<b>\$3,026,015</b>	<b>\$ 258,519</b>	<b>\$2,500,000</b>	
<b>YTD</b>	<b>\$ 168,734</b>	<b>\$ 211,841</b>	<b>\$ 258,519</b>	<b>\$ 178,080</b>	<b>45.2%</b>

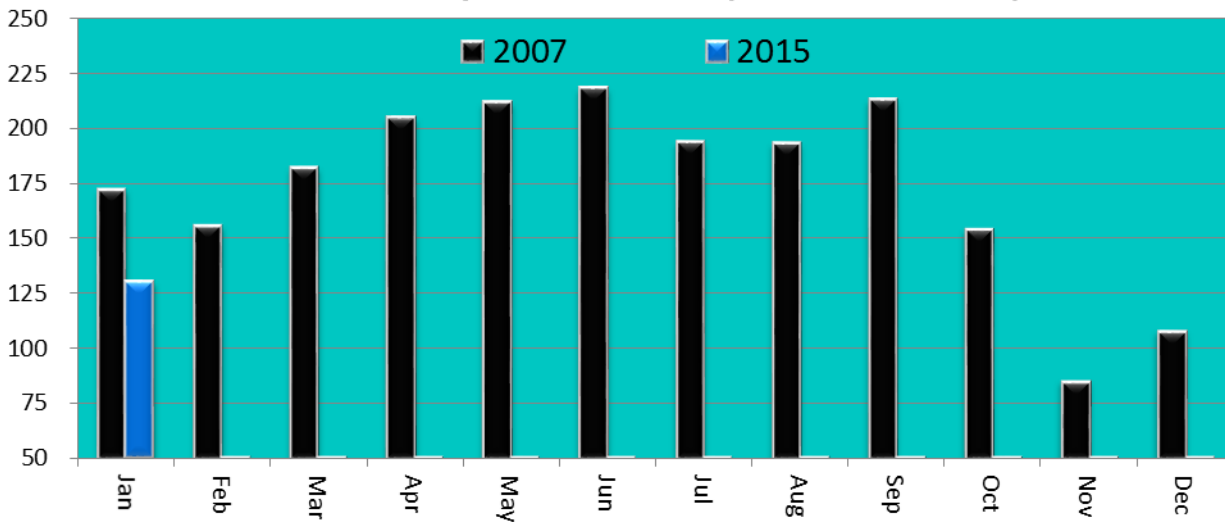




## Lodging Tax



## Building Permit Comparison History



## Cost Estimates

Emergency Response	\$ 2,000,000
Business Assistance	600,000
Capital	23,100,000
<b>Total</b>	<b>\$ 25,700,000</b>

## Actual Expenditures

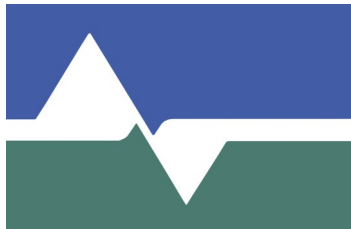
	January	To Date
<b>Total</b>	74,685	16,886,107

## Reimbursements Applied For

	January	To Date
FEMA	\$ 128,428	\$ 9,396,008
CIRSA	-	6,920,480
Other	-	247,471
<b>Total</b>	<b>\$ 128,428</b>	<b>\$16,563,959</b>

## Reimbursements Received

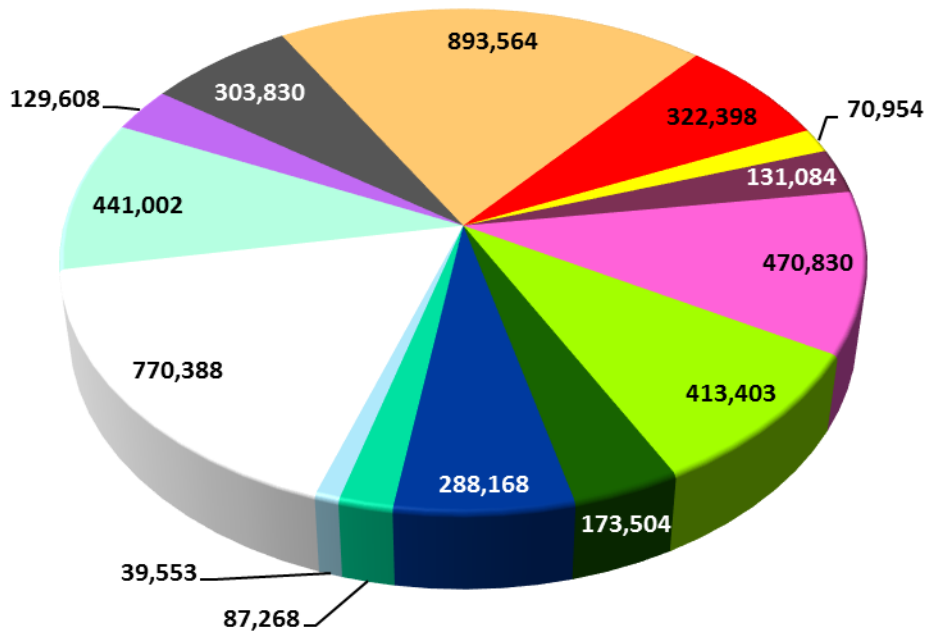
	January	To Date
FEMA	\$ 240,263	\$ 4,429,727
CIRSA	-	6,920,480
Other	-	247,471
<b>Total</b>	<b>\$ 240,263</b>	<b>\$ 11,597,679</b>



Geographical Area	YTD 2015	YTD 2014	Change
South East Loveland	\$ 893,564	\$ 988,701	-9.6%
Centerra	470,830	448,352	5.0%
North West Loveland	441,002	414,577	6.4%
Promenade Shops	413,403	407,403	1.5%
Orchards Shopping Center	322,398	308,392	4.5%
North East Loveland	303,830	284,494	6.8%
Thompson Valley Shopping Center	288,168	257,715	11.8%
Outlet Mall	173,504	190,040	-8.7%
Downtown	131,084	120,252	9.0%
South West Loveland	129,608	119,801	8.2%
The Ranch	87,268	78,405	11.3%
Columbine Shopping Center	70,954	61,656	15.1%
Airport	39,553	38,247	3.4%
All Other Areas (1)	770,388	813,615	-5.3%
<b>Total</b>	<b>\$4,535,554</b>	<b>\$4,531,650</b>	<b>0.1%</b>

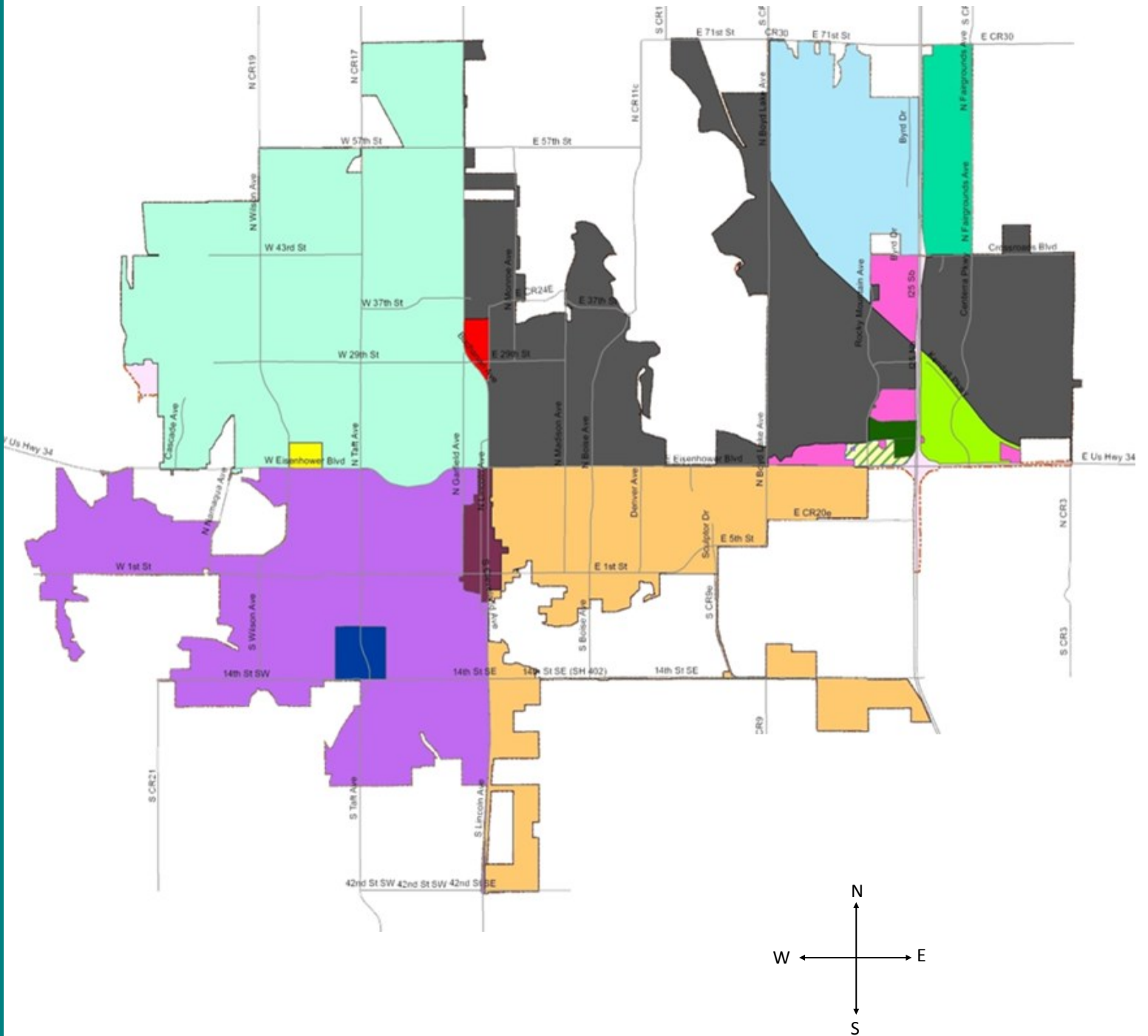
(1) Refers to sales tax remitted by vendors who are located outside of the City but make sales to customers within Loveland.

- North West Loveland
- North East Loveland
- Orchards Shopping Center
- Downtown
- Promenade Shops
- Thompson Valley Shopping Center
- Airport
- South West Loveland
- South East Loveland
- Columbine Shopping Center
- Centerra
- Outlet Mall
- The Ranch
- All Other Areas



*Map* →

# Geographical Codes



# Sales Tax Collections

Description	YTD 2015	YTD 2014	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 920,388	\$ 929,866	\$ (9,478)	-1.0%	20.3%	20.3%
Grocery Stores & Specialty Foods	596,139	511,040	85,099	16.7%	13.1%	33.4%
Restaurants & Bars	460,845	431,129	29,716	6.9%	10.2%	43.6%
Clothing & Clothing Accessories Stores	382,865	376,718	6,147	1.6%	8.4%	52.0%
Motor Vehicle Dealers, Auto Parts & Leasing	282,855	249,473	33,382	13.4%	6.2%	58.3%
Sporting Goods, Hobby, Book & Music Stores	250,269	254,579	4,310)	-1.7%	5.5%	63.8%
Building Material & Lawn & Garden Supplies	228,144	281,577	(53,433)	-19.0%	5.0%	68.8%
Utilities	190,244	196,967	(6,723)	-3.4%	4.2%	73.0%
Used Merchandise Stores	178,574	193,175	(14,601)	-7.6%	3.9%	77.0%
Broadcasting & Telecommunications	133,835	158,457	(24,622)	-15.5%	3.0%	79.9%
Electronic Shopping & Mail-Order Houses	109,544	123,718	(14,174)	-11.5%	2.4%	82.3%
Consumer Goods & Commercial Equipment	108,459	85,989	22,470	26.1%	2.4%	84.7%
Beer, Wine & Liquor Stores	99,785	88,064	11,721	13.3%	2.2%	86.9%
Health & Personal Care Stores	90,201	80,485	9,716	12.1%	2.0%	88.9%
Electronics & Appliance Stores	87,022	85,194	1,828	2.1%	1.9%	90.8%
Hotels, Motels & Other Accommodations	82,259	68,581	13,678	19.9%	1.8%	92.6%
Furniture & Home Furnishing Stores	57,945	61,361	(3,416)	-5.6%	1.3%	93.9%
Gasoline Stations with Convenience Stores	39,978	28,338	11,640	41.1%	0.9%	94.8%
Office Supplies, Stationery & Gift Stores	36,764	44,654	(7,890)	-17.7%	0.8%	95.6%
All Other Categories	199,439	282,285	(82,846)	-29.3%	4.4%	100.0%
<b>Total</b>	<b>\$4,535,554</b>	<b>\$4,531,650</b>	<b>\$ 3,904</b>	<b>0.1%</b>	<b>100.0%</b>	

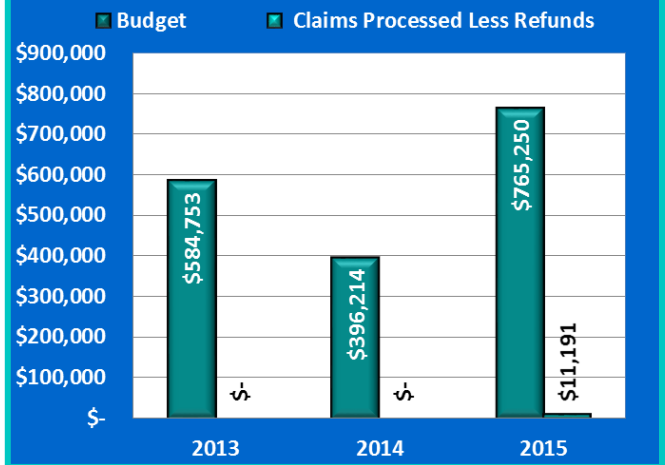
## Claims Incurred

		OAP	HRA	Total
2015	Jan	807,045	179,604	986,649
	YTD	807,045	179,604	986,649
2014	Jan	543,606	485,708	1,029,314
	YTD	543,606	485,708	1,029,314
Change	Jan	263,439	(306,104)	(42,665)
	% Jan	48.5%	-63.0%	-4.1%
	YTD	263,439	(306,104)	(42,665)
	% YTD	48.5%	-63.0%	-4.1%

⇒ HRA—Health Reimbursement Arrangement

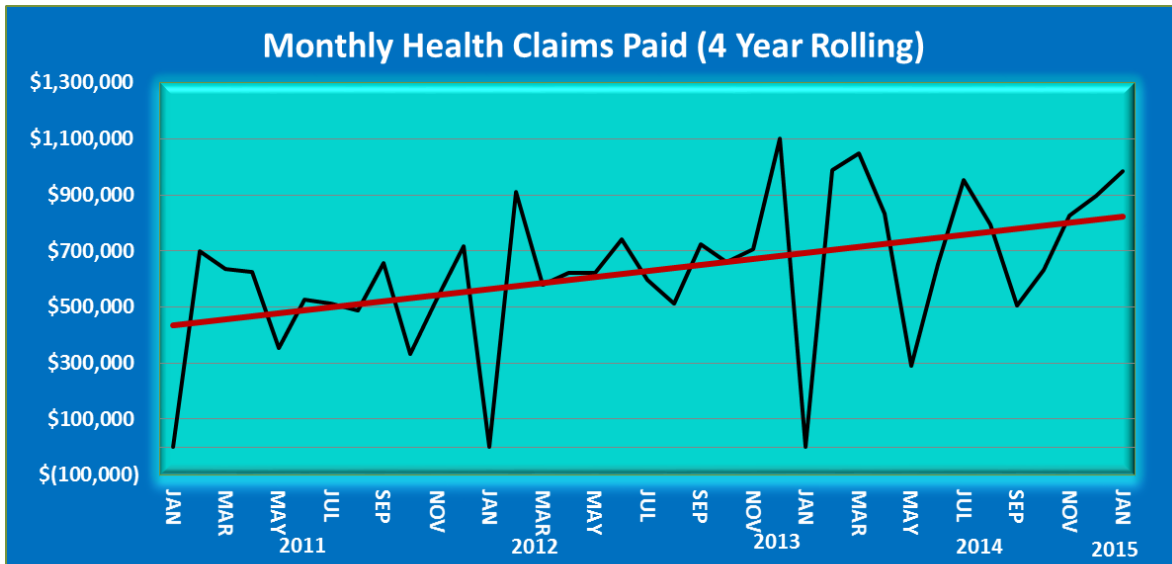
⇒ OAP—Open Access Plan

## YTD Claims Processed Less Refunds vs Budget



Incurred claims are total expenses the City is obligated to pay for claims, including claims paid and unpaid. Paid claims are those claims that have been paid and reconciled through the bank to-date, which may not reflect Stop Loss reimbursements or other refunds.

## Monthly Health Claims Paid (4 Year Rolling)



### Comparison of YTD Claims Over \$25k

January	2012	2013	2014	2015
<b># of claims</b>	5	4	6	8
<b>YTD Cost of high claims</b>	\$233,341	\$158,231	\$525,954	\$389,903

⇒ 2015 # of StopLoss claims: 0

⇒ Projected YTD Reimbursements: \$0  
(claims over \$150k paid by StopLoss Carrier)

# Activity Measures

Measures	Jan 2013	Jan 2014	Jan 2015	2013 YTD	2014 YTD	2015 YTD
# of Building Permits	167	137	130	167	137	130
Building Permit Valuations	\$11,544,017	\$ 5,860,158	\$ 7,240,995	\$11,544,017	\$5,860,158	\$7,240,995
# of Certified Occupancies	16	11	22	16	11	22
Net # of Sales Tax Licenses	(164)	19	(6)	(164)	19	(6)
New Residential Electric Meter Sets	12	82	25	12	82	25
# of Utility Bills Sent	36,413	36,690	37,221	36,413	36,690	37,221
Rounds of Golf	1,511	340	1,750	1,511	340	1,750
\$ Average Health Claim Costs/Emp.	\$ 1,425	\$ 1,571	\$ 1,457	\$ 1,425	\$ 1,571	\$ 1,457
KWH Demand (kH)	98,412	99,852	100,446	98,412	99,852	100,446
KWH Purchased (kwh)	62,563,704	63,250,615	65,844,004	62,563,704	63,250,615	65,844,004
Gallons of Water Sold	150,745,377	168,099,995	161,584,081	150,745,377	168,099,995	161,584,081
# of Workers' Comp Claims 2015	5	5	5	5	5	5
\$ of Workers' Comp Claims Paid 2015	\$ 35,290	\$ 38,842	\$ 63,087	\$35,290	\$38,842	\$63,087
# of Total Open Claims	12	21	13	<i>Not Cumulative</i>		
\$ of Total Open Claims	201,377	474,269	190,511	<i>Not Cumulative</i>		
\$ of Lodging Tax Collected	\$ 39,181	\$ 43,493	\$ 55,525	\$39,181	\$43,493	\$55,525



**Financial Sustainability  
Strategies Can Be  
Found At:  
[CityofLoveland.org](http://CityofLoveland.org)**

- ⇒ **Departments**
- ⇒ **Finance**
- ⇒ **Administration**
- ⇒ **Financial Reports**
- ⇒ **Financial  
Sustainability  
Strategies**

*The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at [bettie.greenberg@cityofloveland.org](mailto:bettie.greenberg@cityofloveland.org) or 970-962-3319*



# SnapShot

January 2015



For more information regarding this report contact:

**Brent Worthington**

**Finance Director**

**970.962.2300 or**

**[brent.worthington@cityofloveland.org](mailto:brent.worthington@cityofloveland.org)**





**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:** 11  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Leah Browder, Public Works Director  
**PRESENTER:** Dave Klockeman, City Engineer

**TITLE:**

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Boise Avenue Extension Project

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and approve the ordinance on first reading.

**OPTIONS:**

1. Adopt the action as recommended, allowing the design and construction project to move forward in 2015
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration

**SUMMARY:**

This is an administrative action. At the January 6, 2015 City Council Meeting, City staff was directed to design and construct interim improvements to the Boise Avenue Extension Project in 2015. This item includes an additional appropriation request of \$400,000 for 2015 from Street Capital Expansion Fee reserves as well as an update on the project status showing the schedule for completing the design and construction in 2015.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The total cost for the interim project is estimated at \$1,600,000. In addition to the approximately \$300,000 available in the 2014 Boise Avenue project budget (planned to be rolled over in March), \$290,000 is appropriated in the Fiscal Year 2015 Budget for starting amount of \$590,000. Funding not yet assigned to specific projects in 2014 due to delays in re-prioritizing the Transportation Capital Improvement Program in the amount of \$610,000 increases the available funding to \$1,200,000. CEF revenue is estimated to have come in at about \$400,000 over budget projections in Fiscal Year 2014. Applied to the Boise Avenue project, total identified funding would be the needed \$1,600,000.

No other currently planned projects are directly impacted by this temporary redirection of capital funding to implement the accelerated schedule for the Boise Avenue Extension Project.

Staff is also in the process of undertaking outreach to State parks, Larimer County, Banner Medical, and/or DOLA to seek additional voluntary funding from these potential partners.

#### **BACKGROUND:**

In reviewing the status of the overall design and the key permits necessary to move forward, Staff has determined that it is possible, barring any currently unforeseeable circumstances, to complete the design and construction of the Boise Avenue Extension Project in 2015. Since City Council's January 6, 2015 direction, staff has confirmed that key permits have been acquired by the City. Concurrence is still needed from the State Engineer's Office (SEO) as a portion of the project is on top of a jurisdictional dam, but that is considered to be a formality.

The survey and design are underway. Staff is anticipating the following key schedule milestones:

- |   |                            |
|---|----------------------------|
| • Complete Preliminary Design                           | April 8, 2015              |
| • Complete Final Design and Easement/ROW Acquisition    | May 22, 2015               |
| • Obtain SEO Approval and Concurrence to Bid            | May 25, 2015               |
| • Open Bids   | July 2, 2015               |
| • City Council Authorization to Award Bid               | July 21, 2015              |
| • Finalize Contract Documents / Issue Notice to Proceed | July 22 to August 10, 2015 |
| • Preconstruction Meeting                               | August 10, 2015            |
| • Commence Construction (75 Calendar Days)              | August 17, 2015            |
| • Complete Construction                                 | October 30, 2015           |

Note: Staff will be working throughout the project to determine opportunities to expedite the schedule.

#### **REVIEWED BY CITY MANAGER:**



#### **LIST OF ATTACHMENTS:**

1. Ordinance
2. PowerPoint

**FIRST READING** March 3, 2015

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

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR THE BOISE AVENUE EXTENSION PROJECT**

**WHEREAS**, the City has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2015; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for the Boise Avenue Extension Project, 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 \$400,000 from fund balance in the Streets Capital Expansion Fee Fund are available for appropriation. Such reserves in the total amount of \$400,000 are hereby appropriated for the Boise Avenue Extension Project. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Streets Capital Expansion Fee Fund 269**

<b>Revenues</b>		
Fund Balance		400,000
<b>Total Revenue</b>		<b>400,000</b>
<b>Appropriations</b>		
269-23-232-1701-47211	Transfer to Transportation Fund	400,000
<b>Total Appropriations</b>		<b>400,000</b>

**Supplemental Budget  
Transportation Fund 211**

<b>Revenues</b>		
211-23-232-1701-37269	Transfers From Streets CEF	400,000
<b>Total Revenue</b>		<b>400,000</b>
<b>Appropriations</b>		
211-23-232-1701-49360 EN0330	Construction	400,000
<b>Total Appropriations</b>		<b>400,000</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. 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 March, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Nami Yalter", written over a horizontal line.

City Attorney

# Boise Avenue Extension - Schedule Update and Budget Supplement

March 3, 2015 City Council

Leah Browder, Public Works Director  
David Klockeman, PE, City Engineer

# Agenda

- ▶ Background / History
- ▶ Schedule / Milestones
- ▶ Funding
- ▶ Council Action



# Background

- ▶ October 7, 2014 Public Comment
  - ▶ Council direction for Staff to return with options
- ▶ January 6, 2015 Council Meeting
  - ▶ Council direction to design and construct in 2015

# History

- ▶ Originally \$3.2 million, single phase project
  - ▶ Drainage culvert, earthwork, roadway approaches, roundabout
- ▶ Was expected to be constructed by now
- ▶ Changed circumstances
  - ▶ Phase I and preliminary design already completed (culvert)
    - ▶ \$600,000
    - ▶ \$2,600,000 remaining
  - ▶ Interim lower cost phasing option could provide long-term relief
  - ▶ 3 Phases remaining
    - ▶ Phase II - Embankment Construction - \$600,000
    - ▶ Phase III - T-Intersection with Interim Roadway Section - \$1,100,000
    - ▶ Phases II and III Combined - \$1,700,000
    - ▶ Phase IV - Roundabout and Ultimate Roadway Section - \$900,000

# Schedule / Milestones

- ▶ Detailed project review completed:
  - ▶ Key permits have been acquired by the City
  - ▶ Concurrence still required from State Engineer's Office.
- ▶ **Result: Can be completed in 2015**
- ▶ Project Team is in place and design is underway
- ▶ Staff is anticipating the following key schedule milestones:
 

▶ Complete Preliminary Design	April 8, 2015
▶ Complete Final Design and Easement/ROW Acquisition	May 22, 2015
▶ Obtain SEO Approval and Concurrence to Bid	May 25, 2015
▶ Open Bids	July 2, 2015
▶ City Council Authorization to Award Bid	July 21, 2015
▶ Finalize Contract/Notice to Proceed	July 22 to August 10, 2015
▶ Preconstruction Meeting	August 10, 2015
▶ Commence Construction (75 Calendar Days)	August 17, 2015
▶ Complete Construction	October 30, 2015
▶ Note: Staff will be working throughout the project to determine opportunities to expedite the schedule.	

# Costs

Original Cost	\$3,200,000
Phase 1 Drainage culvert (complete)	<u>(600,000)</u>
Remaining Project Cost*	\$2,600,000
Cost of Future Phase 4	<u>(900,000)</u>
*Revised cost estimate	
Original Funding Needed for Phases 2 and 3	\$1,700,000
Updated Funding Needed for Phases 2 and 3	\$1,600,000
▶ 2014 fiscal year remaining funds	(300,000)
▶ 2015 project funds already in CIP	<u>(290,000)</u>
Additional funds needed	\$1,010,000
▶ Other Project Savings from CIP	\$610,000
▶ Unassigned due to Flood Recovery efforts in 2014	
▶ 2014 CEF Revenue above budgeted	\$400,000
▶ <u>Supplement Request Tonight</u>	

# Summary

- ▶ Had been considered as single project
- ▶ Can be constructed in several phases
- ▶ Project review indicated critical permits had been acquired
- ▶ Probable to design and construct in 2015
- ▶ Available funds from existing Transportation Capital Improvement Program can be moved to Boise Avenue Extension Project
- ▶ Appropriation of additional \$400,000 from Street Capital Expansion Fees Reserve Funds necessary to fill gap (above revenue anticipated for 2014)
- ▶ Note: Staff is in the process of undertaking outreach to State Parks, Larimer County, Banner Medical, and/or DOLA to seek additional voluntary funding from these potential partners.

# Council Action Tonight

- ▶ Direct staff to:
  - ▶ Complete design of Boise Avenue interim project in 2015
  - ▶ Complete construction in 2015
  - ▶ Appropriate \$400,000 of Street Capital Expansion Fee Reserve Fund toward project to provide necessary funding



**CITY OF LOVELAND**  
CITY CLERKS OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2322 • FAX (970) 962-2901 • TDD (970) 962-2620

**AGENDA ITEM:** 12  
**MEETING DATE:** 3/3/2015  
**TO:** City Council  
**FROM:** Terry Andrews, City Clerk  
**PRESENTER:** Terry Andrews, City Clerk

**TITLE:**

A Motion Directing City Council to go into Executive Session to Discuss (1) the City's Acquisition of Real Property in Downtown Loveland for the South Catalyst Project and Related Negotiations with the Potential Developer, The Michaels Corporation; and (2) Negotiations with Larimer County Concerning a Potential Agreement for the Disposal and Redevelopment of a Portion of Said Real Property, both as Authorized by the Following Sections of the Colorado Open Meetings Law and the City Charter

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the motion.

**OPTIONS:**

1. Adopt the action
2. Deny the action
3. Adopt a modified action (specify in the motion)

**SUMMARY:**

This is an administrative action, calling for an Executive Session per 24-6-402 C.R.S. At the February 24, 2015 Study Session, City Council discussed the Michaels Corporation Development aka the "South Catalyst Project". After the discussion, Council directed staff to come back with a motion calling for an Executive Session on March 3, 2015 for consideration. The purpose of the Executive Session: (1) the City's acquisition of real property in Downtown Loveland for the South Catalyst Project and related negotiations with the potential developer, The Michaels Corporation; and (2) negotiations with Larimer County concerning a potential agreement for the disposal and redevelopment of a portion of said real property.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

---

**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

---

**LIST OF ATTACHMENTS:**

None