

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION, CULTURAL SERVICES BOARD AND DISABILITIES ADVISORY COMMISSION
1. A Motion to Appoint John Case to the Citizens' Finance Advisory Commission for a Full Term Effective until December 31, 2017
 2. A Motion to Reappoint Jan Desjardin to the Cultural Services Board for a Term Effective until December 31, 2018
 3. A Motion to Appoint Dr. Dierdre Cook and Desiree Eremondi to the Cultural Services Board, Each for a Term Effective until December 31, 2018
 4. A Motion to appoint Karlee Keller to the Disabilities Advisory Commission for a Term Effective until June 30, 2017

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Cultural Services Board and the Disabilities Advisory Commission.

3. **PUBLIC WORKS** (presenter: Lorna Holmes)
SUPPLEMENTAL APPROPRIATION FOR FAB BUILDING REMODEL
A Motion to Approve and Order Published on Second 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 second 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. 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

4. **PUBLIC WORKS** (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR RAILROAD AVENUE FLOOD REPAIRS
A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Flood Related Transportation Repairs on 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. The ordinance was approved unanimously by Council at the March 3, 2015 regular meeting.

5. **PUBLIC WORKS** (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR BOISE AVENUE EXTENSION PROJECT
A Motion to Approve and Order Published on Second 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

6. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
VACATION OF RIGHT-OF-WAY WITHIN THE ORIGINAL TOWN OF LOVELAND
A Motion to Approve and Order Published on Second 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 second 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.
7. **CITY CLERK** (presenter: Terry Andrews)
SPECIAL MEETING REGARDING SALES TAX ON FOOD FOR HOME CONSUMPTION
A Motion calling for a Special Meeting to be held at 6:30 p.m., in the Council Chambers on March 24, 2015, Immediately Following the Study Session. The purpose of the special meeting is to discuss and give Staff direction regarding sales tax on food for home consumption. This meeting may include action, including consideration of ordinances and/or resolutions relative to sales tax on food for home consumption. Council agrees to waive their right for notice delivered to their homes.
 This is an administrative action. At the regular meeting on February 17, 2015, City Council directed Staff to schedule adequate time and provide information for discussion regarding the sales tax on food for home consumption "(sales tax on food)", within the City of Loveland. Staff has been asked to prepare ordinances for Council consideration at the meeting. The City Charter requires Council to receive notice at their place of residence, unless they waive the requirement.
8. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)
IGA FOR THE COLORADO PRO CHALLENGE (CYCLING) ORGANIZING COMMITTEE
A Motion to Adopt Resolution #R-22-2015 Approving an Intergovernmental Agreement for the Creation of the Northern Colorado Pro Challenge Local Organizing Committee
 This is an administrative action to approve a resolution establishing the Northern Colorado USA Pro Challenge (Cycling) Local Organizing Committee (LOC) which is the public entity responsible for planning, funding, promoting and conducting the Loveland-Windsor-Fort Collins stage of the August 2015 bike race. This IGA is very similar to the IGA approved in 2013. The changes in this agreement include in-kind contributions from the Town of

Windsor and Estes Park is no longer a partner in the event.

9. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
SUPPLEMENTAL APPROPRIATION FOR LFRA FOR 2015
A Motion to Adopt Resolution #R-23-2015 Approving a Supplemental Budget and Appropriation for the Loveland Fire Rescue Authority 2015 Budget
 This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2015 Budget to reappropriate operational expenses not spent in 2014 and add new projects. The Council approval of the budget is required for the Authority's budget to be in effect. Implementation of the resolution requires an additional contribution from the City of \$419,826 to be appropriated from reserves, available due to 2014 savings in the budgeted contribution to LFRA. At year end the contribution from the City had a balance of \$576,933, the LFRA Board approved \$419,826 of that 2014 balance to be reappropriated in 2015, leaving \$157,107 to be retained in the City's General Fund.
10. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
REVISED SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES
A Motion to Adopt Resolution #R-24-2015 Approving the 2015 Revised Schedule of Rates, Charges and Fees for Services Provided by the Loveland Fire Rescue Authority
 This is an administrative action to approve a resolution to revise the 2015 schedule of fire related fees for the Loveland Fire Rescue Authority, originally approved by City Council on October 14, 2014 to be effective January 1, 2015. The LFRA Board approved the revised fees on February 25, 2015 for a May 1, 2015 effective date. The increase in activity expected in 2015 is anticipated to cover the elimination of the inspection permits.
11. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
PUBLIC HEARING
AMENDMENT TO FIRE CODE APPEALS TITLE 15.04
A Motion to Approve and Order Published on First Reading an Ordinance Amending Title 15.04 Concerning Fire Code Appeals
 This is an administrative action to consider an ordinance on first reading. The Loveland Fire Rescue Authority (LFRA) Board at their meeting on February 25, 2015 voted to recommend to City Council that a new fire code board of appeals be established with LFRA Board members. The Fire Rescue Advisory Commission currently serves in this capacity (per Loveland Municipal Code 15.04.150). The Fire Authority Board recommends that Appeals Board be comprised of at least three LFRA Board members, provided that one of the members present is from the Rural District.
12. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
PUBLIC HEARING
AMENDMENT TO THE CODE TO APPOINT MEMBERS TO THE LOVELAND FIRE RESCUE AUTHORITY AND DISSOLVE THE FIRE RESCUE ADVISORY COMMISSION
A Motion to Approve and Order Published on First Reading an Ordinance Amending the City Code to Appoint the Current Members of the Loveland Fire Rescue Advisory Commission to the Loveland Fire Rescue Authority and Dissolve the City Commission
 This in an administrative action to dissolve the Fire Rescue Advisory Commission. The Commission over the years has played an important role in strategic planning and policy considerations. Since Loveland Fire Rescue Authority (LFRA) Board is responsible for setting policy of the Authority, the citizen advisory board that is responsible for bringing the citizen's perspective to policy considerations should be aligned with the decision-making authority. Therefore the LFRA Board voted at their meeting on January 28, 2015

to make a recommendation to the Loveland City Council to dissolve the commission as a City Commission. If the City Council approves that action, then the LFRA Board would reinstate the existing members as an ad hoc commission and the LFRA Bylaws would be amended.

**13. CITY ATTORNEY (presenter: Tami Yellico)
PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION FOR PULLIAM BUILDING QUIET TITLE
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 Payment of Legal Fees and Costs in Connection with the Quiet Title Action on the Pulliam Building**

This is an administrative action to consider an ordinance on first reading making a supplemental appropriation in the amount of \$30,000 to fund the quiet title action pertaining to the Pulliam Community Building. The funding for the appropriation of \$30,000 is from fund balance in the General Fund. The General Fund balance is \$5,791,750.

**14. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR JANUARY 2015**

This is an information only item. The budget projection for investment earnings for 2015 is \$1,759,080. The portfolio's January beginning balance equates to an annual interest rate of 0.84%. For January, earnings of \$155,823 were offset by the maturity of a premium bond, leading to the net posting of \$54,055. Because of the huge drop in interest rates, the unrealized loss position switched to a gain of \$254,219. Based on the monthly statement, the estimated annualized yield in January on the securities held by US Bank was 1.05%. Due to draws from fund balances to pay for the cost of scheduled capital projects, flood response, and project repair, the portfolio is about \$8.5 million lower than December 2013 and \$19.5 million lower than the pre-flood peak.

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

**15. CITY MANAGER (presenter: Bill Cahill)
SUPPLEMENTAL APPROPRIATION FOR LINCOLN HOTEL SETTLEMENT AGREEMENT**

A Motion to Approve and Order Published on Second 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 second 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. This ordinance was approved unanimously on first reading by Council (2 Councilors recused themselves) at the March 3, 2015 regular meeting. The recusal is the only reason this is not placed on the consent agenda.

**16. CITY ATTORNEY (presenter: Vince Junglas)
TEEN COURT PROGRAM IGA WITH THOMPSON SCHOOL DISTRICT**

A Motion to Adopt Resolution #R-25-2015 Approving an Intergovernmental Agreement between the City of Loveland, a Home Rule Municipality, and the Thompson School District R-2J for Operation of the Loveland Municipal Teen Court Program

This is an administrative action to consider a resolution approving an Intergovernmental Agreement ("IGA") for operation of a municipal "Teen Court" program. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson Valley School District. The IGA between the City and the School District includes operational provisions and provides funding for the program, the City will contribute an amount not to exceed \$3,000 for the operation of the program in 2015. The funds will cover a portion of the District's administrative, operational, and personnel costs incurred in connection with the program. The School District has approved the IGA. Funds for this purpose are included in the 2015 Municipal Court Budget. Funds in the amount of \$3,000 per year have been appropriated as part of the 2015 Municipal Court Budget.

**17. ECONOMIC DEVELOPMENT (presenter: Marcie Erion)
PUBLIC HEARING**

ESTABLISHMENT OF DDA AND NUMBER OF MEMBERS

1. A Motion to Approve and Order Published on First Reading an Ordinance Creating and Establishing the Loveland Downtown Development Authority in the City of Loveland, Colorado

2. A Motion to Approve Resolution #R-26-2015 Establishing the Number of Members of the Board and Appointing a Councilmember to the Board of the Loveland Downtown Development Authority (the "DDA")

These are administrative actions. On February 10, 2015 an election was held to determine if downtown residents, property owners, business operators and other eligible persons supported the formation of a Downtown Development Authority. The voters approved the establishment of such an entity. This formation action will be supplemented by an ordinance adopted by Council, to formally establish a Loveland Downtown Development Authority. The resolution will set the number of members on the DDA Board and appoint a member of the City Council to the DDA Board.

**18. CITY ATTORNEY (presenter: Tami Yellico)
EXECUTIVE SESSION REGARDING PANHANDLING CODE PROVISIONS AND
COMMERCIAL SOLICITATION CODE PROVISIONS**

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



PROCLAMATION

WHEREAS, the memory of Annie Hall and her love for children will forever be remembered; and

WHEREAS, the light that shines so brightly in Colorado is best reflected in the faces of the children of Colorado; and

WHEREAS, every child in Colorado brings joy and reflects our bright and prosperous future in Colorado; and

WHEREAS, nothing in the parenting experience is more joyful than the birth and development of a child; and

WHEREAS, every community celebrates, honors, and has influence which contributes to the success of the children of Colorado; and

WHEREAS, as parents, teachers, mentors, and leaders, we shall share the responsibility for modeling positive behavior to the children of Colorado; and

WHEREAS, it is appropriate that we reserve a specific day each year to celebrate and honor our children and the significant accomplishments our children have made in their schools, churches, daycare centers and in the community; and

WHEREAS, reserving a specific day each year to reflect on the children of Colorado will help to ensure that we remember our collective and individual obligations to the children of Colorado, and that we acknowledge the importance of these children to our future, and we celebrate their triumphs and accomplishments.

NOW, THEREFORE, we, the Loveland City Council do hereby proclaim Thursday, March 19, 2015, as;

COLORADO'S CHILDREN'S DAY

In the City of Loveland and encourage each adult citizen of Colorado to set aside a special time to support, embrace, and listen to a child of Colorado.

Signed this 17th day of March, 2015

Cecil A. Gutierrez, Mayor

January 30, 2015 Special Meeting.

2. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
FOX POINTE FIRST SUBDIVISION EMERGENCY ACCESS EASEMENT VACATION
A Motion to Approve and Order Published on Second Reading an Ordinance #5915 Vacating an Emergency Access Easement across Tract F of the Fox Pointe Subdivision, City of Loveland, County of Larimer, State of Colorado was approved.
 This is a legislative action to consider adoption of an ordinance on second 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. This item was approved unanimously by Council at the February 3, 2015 regular meeting.

3. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
CODE AMENDMENT CONCERNING FIRE CODE APPEALS
This item was removed from the agenda.

4. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
DISSOLUTION OF THE FIRE RESCUE ADVISORY COMMISSION
This item was removed from the agenda.

5. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
IGA MUTUAL AID AGREEMENT WITH POUUDRE FIRE AUTHORITY
A Motion to Approve Resolution #R-17-2015 Approving an Intergovernmental Mutual Aid Response Agreement Between the Loveland Fire Rescue Authority and the Poudre Fire Authority was approved.
 This is an administrative action to consider a resolution approving an intergovernmental automatic mutual aid agreement between the Loveland Fire Rescue Authority (LFRA) and the Poudre Fire Authority. It was approved by the LFRA Board on January 28, 2015.

6. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
SECOND AMENDMENT TO IGA FOR LFRA OPERATIONS
A Motion to Adopt Resolution #R-18-2015 Approving a Second Amendment to the Intergovernmental Agreement Between the City of Loveland and the Loveland Rural Fire Protection District for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity Concerning Section 1.9(H) Mutual Aid and Automatic Aid Agreements was approved.
 This is an administrative action to allow the LFRA Board to approve mutual and auto aid agreements without also needing City Council approval. The Loveland Fire Rescue Authority (LFRA) Board on January 28, 2015 unanimously voted to recommend to City Council and the Rural Fire Protection District that a second amendment to the intergovernmental agreement that established the Loveland Fire Rescue Authority as a separate legal entity be approved.

7. **PUBLIC WORKS** (presenter: Dave Klockeman)
CHANGE ORDER FOR CONCRETE REPAIR
A Motion to Approve a Change Order Request to Existing Street Rehabilitation Concrete Repair Contract Purchase Order was approved.
 This is an administrative action. It adds a Second Change Order of \$150,000 to the initial \$800,000 contract with JAG's Enterprises, Inc. for concrete repair. The original contract

has previously been amended by the first Change Order of \$137,500. This Change Order is brought to Council because the contract and changes exceed the administrative approval limit of \$500,000. The Street Rehabilitation Concrete Repair Contract is available through March 18, 2015 and funding for this Change Order request is available in the 2015 Street Rehabilitation Program Budget. Expanding the concrete repair work that is currently underway given the favorable weather, would enhance the overall project delivery related to this year's Annual Asphalt Paving Program.

8. FINANCE (presenter: Brent Worthington)
FINANCIAL REPORT FOR DECEMBER 2014

This is an information only 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 December 31, 2014.

9. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR DECEMBER 2014

This is an information only item. The 2014 budget projection for investment earnings for 2014 was \$2,025,920. On the portfolio's January beginning balance this equates to an annual interest rate of 0.94%. For December, the amount posted to the investment account is \$201,852. For the year-to-date, the amount posted is \$1,968,423. Actual earnings are below the year-to-date budget projection by 1.63%. In addition to the interest received, the City also received a services credit on banking services of \$66,000, putting the combined total over the annual target. Based on the monthly statement, the estimated annualized yield in December on the securities held by US Bank was 1.08%. Due to draws from fund balances to pay for the cost scheduled capital projects and flood response and project repair, the portfolio is about \$6 million lower than December 2013 and \$17 million lower than the pre-flood peak.

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

10. DEVELOPMENT SERVICES (presenter: Alison Hade)
LOVELAND HOUSING AUTHORITY FEE WAIVER

Cultural Partnership Administrator, Alison Hade introduced this item to Council. This is an administrative action. The Loveland Housing Authority is requesting a waiver of fees for the construction of 70 multi-family dwelling units for people living between 30% and 60% of the Area Median Income. Ten of these units will house homeless veterans. The total fee waiver request for the project is \$1,247,170.30, of which \$402,099 would be required

to be backfilled by City Council. The \$1.247 million fee waiver request consists of \$643,771.84 in permit and capital expansion fees that do not need to be backfilled, but would constitute a potential revenue loss to the City. Enterprise fees in the amount of \$402,099 would require backfilling from the unassigned General Fund balance, which has sufficient balance to fund the request. Sam Betters, Lisa Gossant from the Veterans Administration, Amy Irvin from HACOL, Phyllis Cain, Case Manager for Long Term Flood and Fire Recovery Group spoke. Mayor Gutierrez opened up the public comment at 8:25 p.m. Jackie Marsh, 243 E 4th Street spoke regarding Veterans in a multi-family environment. Gary Force from the American Legion of Northern Colorado supported the program. Kevin Boyle from the Vet & Department of Veteran Affairs supported the program. Jason Sadoriak, Ft Collins resident supported the program. Jackie Marsh clarified her supportive position for the program. Sam Betters clarified the screening process. With no further public comment, the public comment was closed at 8:50 p.m.

Councilor Shaffer moved to Approve Resolution #R-19-2015 Granting an Exemption from Certain Capital Expansion Fees and Other Development Fees for Qualified Affordable Housing to be Constructed by the Loveland Housing Authority. Councilor Farley seconded the motion which carried with five councilors voting in favor and Councilors Clark and McKean voting against.

11. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
A PROPOSED ECONOMIC INCENTIVE AGREEMENT WITH ESH’S SURPLUS MARKET, LLC.

Economic Development Manager, Mike Scholl introduced this item to Council. This is an informational item. Under the City’s approved Economic Incentive Policy, any proposed agreement over \$20,000 must go before the City Council as an information item before full consideration. The Economic Incentive Agreement with Esh’s Surplus Market, LLC would be for a deferral of fees not to exceed \$200,000 for a 33,000 square foot store and warehouse on 71st Street off of Highway 287. Esh’s currently operates in Larimer County outside of City limits west of the City on Highway 34. The location on 71st would help make the store more accessible to residents in Fort Collins and Loveland. An appropriation from the Economic Incentive Fund will be required to backfill the Capital Expansion Fees that will be deferred under the proposed agreement. The agreement would defer \$200,000 in building permit fees and capital expansion fees to be repaid through collection of normal sales tax over 18 months. Discussion ensued. Mayor Gutierrez opened the public comment at 10:46 p.m. With no further discussion, the public comment was closed at 10:46 p.m. **Consensus was for Staff to come back with an agreement to pay back waived fees over a period of time, for council consideration.**

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.

Trenary: Attended successful show at the Rialto; Attended CML legislative workshop last Thursday included the topic of Municipal Broadband.

Krenning: Requested a list of the councilors attending the budget meetings in 2014.

Councilor Krenning moved that the City of Loveland Abolish Its Sales tax on All Groceries Effective January 1, 2016. “Groceries” Shall be Defined as 39-26-102.4.5 C.R.S. and Consistent with 39-26-707 C.R.S. Councilor McKean seconded the motion. The motion failed with three councilors voting in favor and Councilors Farley, Shaffer, Trenary and Gutierrez voting against.

Clark: Commended Cindy Mackin from Economic Development for her efforts in promoting the City of Loveland.

McKean: Discussed the existing City Master Plans and the future with an emphasis of the Capital Expansion Fee reduction. Suggested Council hold a discussion regarding sales tax on food at the March 24, 2015 study session, instead of combining it with the Budget discussion on March 27, 2015.

Gutierrez: Agreed with the suggestion to discuss sales tax on food at the March 24, 2015 study session; Announced a Senate Bill on affordable housing encouraging Council to take a position; Consensus was to write a letter of support for Condominium Bill SB-15-177; Attended Valentine Volunteers luncheon; Announced over 150,000 Valentines mailed through Loveland for 2015.

Shaffer: Announced 3 additional councilors to support the railroad noise discussion and the hope to develop better relationships with the Railroad operators; Announced meeting with Longmont Realtors at February 19, 2015 at 8:30 a.m. at the Ranch on I-25.

CITY MANAGER REPORT Boards & Commissions Summit on Thursday, February 19, 2015 at the Rialto at 5 p.m., (dinner) and program at 6:30 p.m.

CITY ATTORNEY REPORT None.

ADJOURNMENT

With no more business to come before this Council, Mayor Gutierrez adjourned the February 17, 2015 meeting at 11:17 p.m.

Respectively Submitted,

Teresa G. Andrews, City clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, FEBRUARY 24, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. STUDY SESSION - City Council Chambers
STUDY SESSION AGENDA

Councilors present: Gutierrez, Clark, Trenary, Shaffer, Farley, Fogle, and Krenning. City Manager, Bill Cahill was also present. Councilors Taylor and McKean were absent.

STUDY SESSION AGENDA

1. ECONOMIC DEVELOPMENT (presenter: Mike Scholl; 60 min)

MICHAELS DEVELOPMENT COMPANY

Review of the Progress and the Possible Extension of the Exclusive Right to Negotiate with the Michaels Development Company for the South Catalyst Project
Economic Development Manager Mike Scholl presented this item to Council. Whitney Weller and Joseph Weatherly of the Michaels Development Company were present to address Council and answer questions. In February of 2014, the City Council entered into an Exclusive Right to Negotiate ("ERN") with the Michaels Development Company to be the developer of the South Catalyst Project in Downtown Loveland. Since the agreement was signed, the City has engaged in negotiations to acquire property to facilitate the development. The Michaels Development Company has completed significant design work and has been actively negotiating with a large private tenant that will bring between 300 to 400 jobs to Downtown. In addition, the Michaels team has engaged in negotiations with a movie theater company to include a theater in the design of the Downtown project. In addition, they have engaged in discussions with representatives from Larimer County on the design and coordination of the proposed County Building. Discussion ensued. Council directed staff to extend the Exclusive Right to Negotiate for 90 days. At the regular meeting on March 3, 2015, Council is scheduled to hold an executive session on the acquisition of real property in Downtown Loveland for the South Catalyst Project and related negotiations with the potential developer, The Michaels Corporation, and negotiations with Larimer County concerning a potential agreement for the disposal and redevelopment of a portion of said real property. Council thanked the group for the presentation.

2. CITY MANAGER (presenters: Betsey Hale, Alison Hade, Rick Anderson, Pat Mialy, Chris Carlson, and Rod Wensing)

URBAN LAND INSTITUTE FLOOD RESILIENCY REPORT & RECOMMENDATIONS

City Manager, Bill Cahill introduced this item to Council. Assistant City Manager, Rod Wensing spoke briefly about using the incident command structure for flood recovery and how this report will update Council on those efforts. In June 2014, an Urban Land Institute Advisory Panel was convened in Northern Colorado to review and advise on the topic of community resiliency in the face of the 2013 Flood (and possibly other community emergencies). The ULI panel issued a report which was published late in 2014. The report has been previously distributed to the Council, but this study session item provides an opportunity to become familiar with the report and its findings and recommendations, which cut across a broad variety of public policy issues to better prepare the communities for recovering from disasters and emergencies. Panel members: Betsey Hale, Alison Hade, Rick Anderson, Pat Mialy, and Chris Carlson reviewed a section of the report. Discussion concerned affordable housing for emergency responders and being proactive

The password to the public access wireless network (colquest) is accesswifi

to prevent the same building mistakes in floodplain areas. Council thanked the group for the presentation.

ADJOURNMENT

With no more business to come before this Council, Mayor Gutierrez adjourned the February 24, 2015 Study Session at 9:20 p.m.

Respectively Submitted,

Jeannie M. Weaver, Deputy City Clerk

Cecil A. Gutierrez, Mayor



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: 2
MEETING DATE: 3/17/2015
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill, City Manager

TITLE:

Appointments to the Citizens' Finance Advisory Commission, Cultural Services Board and Disabilities Advisory Commission

RECOMMENDED CITY COUNCIL ACTION:

1. A motion to appoint John Case to the Citizens' Finance Advisory Commission for a full term effective until December 31, 2017
2. A motion to reappoint Jan Desjardin to the Cultural Services Board for a term effective until December 31, 2018
3. A motion to appoint Dr. Dierdre Cook and Desiree Eremondi to the Cultural Services Board, each for a term effective until December 31, 2018
4. A motion to appoint Karlee Keller to the Disabilities Advisory Commission for a term effective until June 30, 2017

OPTIONS:

1. Adopt the action as recommended
2. Deny the action

SUMMARY:

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, the Cultural Services Board and the Disabilities Advisory Commission.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

Frank Kolodziej, a recently appointed member to the **Citizens' Finance Advisory Commission**, resigned due to his work/travel schedule. John Case submitted an application and was

interviewed March 3, 2015. The committee recommends the appointment of John Case to the Citizens' Finance Advisory Commission for a full term effective until December 31, 2017.

During the Fall 2015 recruiting cycle, the **Cultural Services Board** had three term vacancies. Three applications were received and interviews were conducted. The committee recommends reappointing Jan Desjardin and appointing Dr. Dierdre Cook and Desiree Eremondi to the Cultural Services Board, each for a term effective until December 31, 2018.

The **Disabilities Advisory Commission** has several vacancies. An applicant was recently interviewed and the committee recommends appointing Karlee Keller to the Disabilities Advisory Commission for a term effective until June 30, 2017. Three vacancies remain.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None



AGENDA ITEM: 3
MEETING DATE: 3/17/2015
TO: City Council
FROM: Leah Browder, Public Works Department
PRESENTER: Lorna Holmes, Facilities Management Planner

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget Appropriation to the 2015 City of Loveland Budget for Design Services and Construction for the Fire & Administration Building Remodel

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

- OPTIONS:**
1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration

SUMMARY:
This is an administrative action. The ordinance on second reading appropriates funds for design and construction of the Fire & Administration Building Remodel Project to create a Development Center in the amount of \$1,200,000. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

- 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 March 17, 2015

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

**Supplemental Budget
General Government CEF - 268**

Revenues		
Fund Balance		84,000
Total Revenue		84,000
Appropriations		
268-91-902-0000-47120	Transfer to Capital Fund	84,000
Total Appropriations		84,000

**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
Total Revenue		1,200,000
Appropriations		
120-23-250-1799-49355	GF1417 Design/Architect	100,000
120-23-250-1799-49360	GF1417 Construction	1,100,000
Total Appropriations		1,200,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. 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: 4
MEETING DATE: 3/17/2015
TO: City Council
FROM: Leah Browder, Public Works Director
PRESENTER: Dave Klockeman, City Engineer

TITLE:

An Ordinance on Second 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:

Approve the ordinance on second 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.

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 second 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 ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

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 D. Cahill

LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING March 3, 2015

SECOND READING March 17, 2015

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
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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
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: 3/17/2015
TO: City Council
FROM: Leah Browder, Public Works Director
PRESENTER: Dave Klockeman, City Engineer

TITLE:

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

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

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

FIRST READING March 3, 2015

SECOND READING March 17, 2015

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**

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

**Supplemental Budget
Transportation Fund 211**

Revenues			
211-23-232-1701-37269	Transfers From Streets CEF		400,000
Total Revenue			400,000
Appropriations			
211-23-232-1701-49360 EN1501	Construction		400,000
Total Appropriations			400,000

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

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Jami Yalton". The signature is written in black ink and is positioned above a horizontal line.

City Attorney



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

AGENDA ITEM: 6
MEETING DATE: 3/17/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Troy Bliss, Senior Planner

TITLE:

An Ordinance on Second 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:

Adopt the ordinance on second reading as presented. City staff has determined that the small portion (6") of the 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 second reading vacating a small portion (6") of a 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 the 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

BUDGET IMPACT:

- Positive
 - Negative
 - Neutral or negligible
-

BACKGROUND:

The applicant proposes to vacate a small portion of an E. 4th Street right-of-way to accommodate needed repairs stabilizing the building foundation and addressing 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.

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. Complete first reading packet from March 3, 2015 can be accessed at:
<http://www.cityofloveland.org/index.aspx?page=20&recordid=64003>

FIRST READING: March 3, 2015

SECOND READING: March 17, 2015

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


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: 7
MEETING DATE: 3/17/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews, City Clerk

TITLE:

A Motion calling for a Special Meeting to be held at 6:30 p.m., in the Council Chambers on March 24, 2015, Immediately Following the Study Session. The purpose of the special meeting is to discuss and give staff direction regarding sales tax on food for home consumption. This meeting may include action, including consideration of ordinances and/or resolutions relative to sales tax on food. Council agrees to waive their right for notice delivered to their homes.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the motion.

OPTIONS:

1. Adopt the motion as presented
2. Deny the motion
3. Adopt an amended motion*
 - A. An information only item with no direction
 - B. List items to be considered i.e. ordinance with a specified direction, etc...

SUMMARY:

This is an administrative action. At the regular meeting on February 17, 2015, City Council directed Staff to schedule adequate time and provide information for discussion regarding the sales tax on food for home consumption "(sales tax on food)", within the City of Loveland. Staff has been asked to prepare ordinances for Council consideration at the meeting. The City Charter requires Council to receive notice at their place of residence, unless they waive the requirement.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

On February 17, 2015, City Council considered a motion to abolish the collection of sales tax on “groceries” as defined in the State Statute. The motion failed four to three. Council directed Staff to schedule a block of time devoted to the discussion of sales tax on food. Staff was asked to bring ordinances for consideration to the meeting for discussion and possible action. The City Charter provides in section 4-2 (c) “That the Council shall not take action on any item of business at any special meeting of the Council unless it has been stated in the notice of the meeting.” Should Council wish to take action at this meeting, the notice must include the consideration of such action.

*Council may exercise the options identified above when considering this item.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None.



CITY OF LOVELAND
 ECONOMIC DEVELOPMENT OFFICE
 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 3/17/2015
TO: City Council
FROM: Cindy Mackin, Economic Development Department
PRESENTER: Cindy Mackin, Visitor Services Coordinator

TITLE:

A Resolution Approving an Intergovernmental Agreement for the Creation of the Northern Colorado Pro Challenge Local Organizing Committee

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolution as submitted.

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 approve a resolution establishing the Northern Colorado USA Pro Challenge Local Organizing Committee (LOC) which is the public entity responsible for planning, funding, promoting and conducting the Loveland-Windsor-Fort Collins stage of the August 2015 bike race. This IGA is very similar to the IGA approved in 2013. The changes in this agreement include in-kind contributions from the Town of Windsor and Estes Park is no longer a partner in the event.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

A supplemental appropriation in the amount of \$100,000, from the Lodging Tax Fund for costs associated with hosting a stage of the USA Pro Challenge was approved by City Council on January 20, 2015.

BACKGROUND:

The City of Loveland made history the summer of 2013 as the United States of America Pro Challenge (USAPC) rolled through town. It one of the largest events ever hosted by the City of Loveland.

The Pro Challenge, known as America's Race, is a world-class professional bicycle race that drew national and international attention to Northern Colorado and Loveland.

The communities of Loveland, Fort Collins, Windsor and Larimer County submitted a bid for Stage Six of the 2015 USA Pro Challenge. In December 2014, these Northern Colorado communities were awarded the bid for the sixth stage of the race which will come through Loveland on Saturday, August 22, 2015. Historically the Saturday stage has yielded the highest attendance. This event will create a positive economic impact and a local spending benefit, but more importantly, this event provides media exposure on a statewide, national and international scale.

The event is consistent with the Destination Loveland Strategic Plan, which calls for promoting Loveland as a destination and partnering with regional and state tourism organizations on marketing and promotion efforts.

This Intergovernmental Agreement is similar in nature to the IGA for the first time that the race was hosted in Northern Colorado.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution

RESOLUTION #R-22-2015**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE CREATION OF THE NORTHERN COLORADO PRO CHALLENGE LOCAL ORGANIZING COMMITTEE**

WHEREAS, Northern Colorado has recently been selected as the location for the sixth stage of the professional cycling race known as the 2015 USA Pro Challenge (the "Event"); and

WHEREAS, the Event is owned by Classic Bicycle Racing, LLC ("CBR"); and

WHEREAS, the Event will include a route through the City of Loveland to begin at the Ranch and through the town of Windsor, through unincorporated Larimer County, and through and ending in the City of Fort Collins; and

WHEREAS, in order for the Event to be held in Northern Colorado, CBR requires that the host communities enter into a "Host Organizer Participation Agreement" (the "Host Agreement") with CBR; and

WHEREAS, the cities of Loveland and Fort Collins, the town of Windsor, and Larimer County have determined that the most efficient and economical way for this to be accomplished is to enter into an intergovernmental agreement, as authorized in C.R.S. §29-1-203, to create a "local organizing committee" as a separate governmental entity for the sole purpose of being the host organizer for the Loveland-Fort Collins stage of the Event, with this entity to be known as the Northern Colorado Pro Challenge Local Organizing Committee ("LOC"); and

WHEREAS, to accomplish this, staff from Loveland, Fort Collins, Windsor, and Larimer County have negotiated the "Agreement for the Establishment of the Northern Colorado Pro Challenge Local Organizing Committee" attached as **Exhibit A** (the "IGA"); and

WHEREAS, under the IGA the Local Organizing Committee ("LOC") is authorized to enter into the Host Agreement with CBR for the purposes of promoting, managing and conducting the Loveland-Fort Collins stage of the Event; and

WHEREAS, the Event will serve the public purposes of bringing to Loveland the economic benefits of tourism and increased sales and lodging taxes.

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

Section 1. That the IGA is hereby approved and the City Manager and the City Clerk are authorized to execute the IGA on behalf of the City.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to agree to modifications to the form or substance of the IGA as he deems necessary to effectuate the purposes of this Resolution or to protect the City's interests.

Section 3. That Cindy Mackin, the City's Visitor Services Coordinator, is hereby designated as the City's appointed member to serve on the LOC's Executive Committee as provided in Section III. of the IGA.

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

ADOPTED this day of 3rd day of March, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

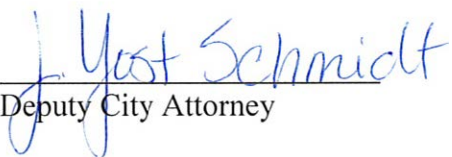

Deputy City Attorney

EXHIBIT A

**AGREEMENT FOR THE ESTABLISHMENT OF THE NORTHERN COLORADO
PRO CHALLENGE LOCAL ORGANIZING COMMITTEE**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this _____
_____ among the following public entities which shall collectively be referred to as the “Parties”, or individually as a “Contracting Party”: County of Larimer, the City of Fort Collins, the City of Loveland, and the Town of Windsor.

WITNESSETH:

WHEREAS, the Colorado Constitution, Article XIV, Section §18 and §29-1-201, C.R.S., *et seq.* provide for and encourage political subdivisions of the State of Colorado to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with each other; and

WHEREAS, §29-1-203, C.R.S., as amended, authorizes any political subdivisions or agency of the State of Colorado to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting entities, including the sharing of costs, imposition of taxes, or incurring of debt; and

WHEREAS, §29-1-203(4) permits the establishment of a separate governmental entity by agreement; and,

WHEREAS, the Parties agree that it is in the best interests of the Parties and their citizens to promote and conduct the August 22, 2015, Loveland-Fort Collins Stage of the USA Pro Cycling Challenge (The Event) to be conducted by Classic Bicycle Racing, LLC (CBR); and,

WHEREAS, the Parties desire to enter into this Intergovernmental Agreement for the purposes of establishing a separate Public Entity (Public Entity) to promote and conduct The Event and to define the purpose of such Entity and to state the manner in which each of the Parties hereto will participate; and,

WHEREAS, the Parties intend that the Public Entity shall fall within the definition of a “public entity” under the Colorado Governmental Immunity Act, §24-10-101, C.R.S; and,

WHEREAS, the Parties intend that those individuals providing services to the Public Entity, either as employees or volunteers are Public Employees within the scope of §24-10-103 C.R.S.; and,

WHEREAS, the Parties intend that the Public Entity created by this Agreement is an Enterprise within the meaning of Article X, §20 of the Constitution of the State of Colorado; and,

WHEREAS, the Parties intend that the Public Entity is not subject to the revenue and spending limitations imposed by Article X, §20(2)(d) of the Colorado Constitution; and,

WHEREAS, the Parties intend that the Public Entity and its activities all be in furtherance of a public purpose;

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the Parties agree as follows:

I. PREAMBLE

The Parties agree that the recitals set forth above are true and correct and those recitals are hereby incorporated in the body of this Agreement as operative provisions.

II. ESTABLISHMENT OF THE NORTHERN COLORADO PRO CHALLENGE LOCAL ORGANIZING COMMITTEE

1. The Parties hereby establish the Public Entity to be known as the Northern Colorado Pro Challenge Local Organizing Committee (“LOC”) which shall be responsible for planning funding, promoting, and conducting The Event.
2. The LOC is hereby created as a Colorado public entity established pursuant to §29-1-203, C.R.S. *et seq.* and pursuant to the Colorado Governmental Immunity Act, §24-10-101, C.R.S., *et seq.*
3. The LOC is an independent legal entity, separate and distinct from the Parties, but subject to their ownership and control.

III. ESTABLISHMENT OF THE LOC BOARD

1. **Governing Board.** The LOC shall be governed by an Executive Committee (EC) which shall have the power to perform all acts necessary, whether express or implied, to fulfill the purpose, and to provide the functions, services and facilities, for which the LOC was created.
2. **Composition of the Executive Committee.** The EC shall consist of seven (7) members. The members of the EC shall be appointed as follows:
 - a. One member shall be appointed by each of the parties for a total of four (4) members.
 - b. The four members so appointed shall appoint three (3) additional members using whatever process and criteria the four members deem advisable keeping in mind the fundraising, public relations, and technical expertise needed to put on the Event.
 - c. Members shall serve until this Agreement terminates.
 - d. Vacancies to the EC shall be filled either by the parties or members making the original appointment.
 - e. Members shall serve without compensation.

3. **Voting and Quorum.** Each member of the EC shall have one (1) vote. A quorum of the EC shall consist of four members. No official action may be taken by the EC on any matter unless a quorum is present. The affirmative vote of a majority of the EC members present at the time of the vote shall be required for the EC to take action. The EC may meet, vote and act through electronic means. The EC is subject to the Colorado Open Meetings Law.

4. **Bylaws.** The EC may either adopt bylaws or it may adopt an organizing resolution or rules establishing officers and detailing all matters in connection therewith, including the election, duties and terms of officers and the filling of any officer vacancies, the establishment and responsibilities of committees, scheduling of meetings, and standing operating and fiscal procedures, as it deems necessary, provided the bylaws or rules are in compliance with Articles I and II of Title 29, C.R.S., as amended, and this Agreement.

IV. POWERS OF THE LOC

1. **Plenary Powers.** Except as otherwise limited by this Agreement, the LOC, in its own name and as provided herein, shall have and may exercise all powers lawfully authorized to any of the Parties and may exercise such powers pursuant to §29-1-203, this Agreement, as amended, including all incidental, implied, expressed or such other powers as necessary to execute the purposes of this Agreement. These powers include the authority to receive and expend funds from any source, to apportion costs and obligations to the Parties as stated herein or as may from time to time be agreed to, and to enter into contracts. The LOC shall act through the EC, officers and agents as authorized by this Agreement, the bylaws or other resolution of the EC. The LOC shall not have the power to levy taxes on its own behalf or on behalf of any Contracting Party or to bind any Party to a debt or obligation without the specific consent of the Party, nor shall the LOC have the power of eminent domain.

2. **Enumerated Powers.** The LOC is authorized to undertake all actions reasonably necessary to planning, funding, promoting, and conducting the Event, and to carry out the intent and purpose of this Agreement, including but not limited to:

a. Negotiate, enter into and perform contracts, agreements and other obligations with the USA Pro Cycling Challenge for the purpose of promoting and conducting The Event.

b. Collect, hold, and spend funds from any source including donations, sponsorships, advertising, product sales, fees, ancillary events, and other spectator charges.

c. Acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any legal or equitable interest in personal property in connection with The Event.

d. Enter into, make and perform contracts and agreements with other governmental, non-profit, and private entities which are reasonably necessary to stage The Event.

- e. Employ individuals, engage in employee borrowing arrangements, and contract with others as the EC deems necessary for the promotion and staging The Event or to otherwise perform the obligations of agreements related to The Event.
- f. Conduct the business and affairs of the LOC.
- g. Incur debts, liabilities or obligations to the extent and in the manner permitted by law. However, the LOC shall not incur debt in excess of Twenty-Five Thousand Dollars (\$25,000.00) without agreement of the Parties.
- h. Sue and to be sued in its own name.
- i. Receive contributions, gifts, bequests, grants, cash, equipment or services from the Parties or any other public or private individual or entity for the furtherance of the intent and purpose of this Agreement, and the LOC's performance of its obligations under this Agreement.
- j. Undertake any other actions or services that the LOC believes are reasonably necessary for the exercise of its powers and the performance of its obligations under this Agreement.

V. RULES AND REGULATIONS

The EC may promulgate and adopt rules, regulations, policies and procedures which the EC deems necessary to carry out the intent and purposes of this Agreement, and to exercise the LOC's powers and perform the LOC's obligations. After their initial adoption, the rules, regulations, policies and procedures may be modified or amended, provided any such modification or amendment: (a) is approved by a majority vote of the EC; (b) is consistent with the purpose and intent of this Agreement; (c) is not in conflict with any of the provisions of this Agreement; and (d) is in compliance with any and all applicable state and federal laws.

VI. FINANCIAL COMMITMENT OF THE PARTIES

1. **Funding.** The Parties agree to provide initial funding, which funds may be in cash transfers or in-kind services to the LOC as follows:

- The City of Fort Collins: Fifty-thousand dollars (\$50,000.00) in-kind only.
- The City of Loveland: Fifty-thousand dollars (\$50,000.00) plus \$50,000 in-kind.
- The Town of Windsor: Ten-thousand dollars (\$10,000.00) plus \$10,000 in-kind.
- Larimer County: In-kind only.

2. **Future Funding.** It is understood that the LOC's budget is continuing to evolve. It is the goal of the EC to manage the event on a zero-based budget, where no profit is gained and expenses do not exceed revenue. To provide accountability, the EC shall meet on May 15, June

15, and July 15 to review the budget. If on these dates the LOC's budget is not accomplishing this goal, then the LOC will take the following actions:

- a. Refine the budget by reducing expenses or seek additional private funding so the goal may be attained; and
- b. Offset expenses by increasing the in-kind services being provided by the Parties.

In the event that these actions are not sufficient to provide adequate funding for the LOC's necessary expenses, each of the Parties agrees to return to their respected governing bodies to request supplemental funding.

VII. USE OF FUNDS – CONTRIBUTIONS

The LOC shall use the funds generated in connection with contributions, sponsorships, advertising revenue, ticket sales and any revenue from any source solely for the purpose of promoting and conducting The Event and LOC operations including any expense obligated to CBR.

VIII. BOOKS AND RECORDS

The LOC shall provide for the keeping of accurate and correct books of account showing in detail the revenue and expenses in connection with The Event. The LOC's books of account shall correctly show any and all revenues, costs, or charges paid to or to be paid by each of the Parties, and all funds received by, and all funds expended by the LOC. The LOC's books and records shall be open to inspection during normal business hours upon reasonable notice by the Parties. The books and records of the LOC shall also be made available to the public in accordance with the provisions of §24-72-201, C.R.S., *et seq.* (the "Open Records Act").

The LOC shall cause an audit to be conducted by an independent Certified Public Accountant licensed to practice in the State of Colorado. The LOC shall comply with the provisions of §29-1-601, C.R.S. *et seq.*, The Local Government Audit Law, as may be amended from time to time. The LOC shall comply with all federal and state financial reporting requirements.

IX. REPORTS TO PARTIES

On a monthly basis, the LOC shall submit a comprehensive financial report to the Parties summarizing the, revenue, expenses, obligations and other activities of the LOC starting the end of the month following approval of this Agreement.

X. ASSETS OF THE LOC

1. **Assets.** Any assets purchased or received by the LOC subsequent to the formation of the LOC shall be owned by the LOC for the mutual benefit of the Parties. Assets purchased with

funds of the LOC and one or more Parties shall be owned jointly in proportion to the amounts contributed.

2. **Asset Inventory Schedules.** The LOC shall maintain an asset inventory list for any and all real and personal property acquired by the LOC.

XI. OTHER REPRESENTATIONS AND OBLIGATIONS OF THE PARTIES

1. The Parties have read and understand the agreements, obligations, and undertakings of the LOC with respect to CBR. The Parties agree to use their best efforts and to participate in good faith for the LOC to comply with such agreements, obligations and undertakings.

2. The Parties understand and agree that individual agreements, obligations and undertakings of each of them for its portion of the Event will be required. The parties shall use their best efforts and to participate in good faith for themselves individually and for the LOC to comply with those agreements, obligations and undertakings.

3. The Parties understand and agree that the CBR will issue an Event Handbook that contains additional obligations and conditions for promoting and staging the Event. The parties agree to use their best efforts and to participate in good faith for the LOC and the Parties to comply with the terms and conditions of the Handbook.

4. The Parties waive all claims for indemnification and damages against each other for any claims arising out of the performance of this Agreement or the performance of any agreement or undertaking with CBR.

XII. DEFAULT OF PERFORMANCE

1. In the event any Contracting Party fails to perform any of its covenants and undertakings under this Agreement, the LOC may terminate this Agreement as to such Contracting Party. The LOC shall cause written notice of the LOC's intention to terminate said Agreement as to such Contracting Party to be given to that party's governing body identifying the matter in default. Upon failure to cure any such default within thirty (30) days after such notice is given, the membership in the LOC of the defaulting party shall thereupon terminate and said Contracting Party shall thereafter have no voting rights as a member of the LOC, nor be entitled to representation on the EC, and said Contracting Party may thereafter be denied service by the LOC. Furthermore, any Contracting Party whose participation is terminated under the provisions of this article of the Agreement shall forfeit all right, title and interest in and to any property of or within the LOC to which it may otherwise be entitled upon the dissolution of the LOC. Subject to Section XI (4), this article is not intended to limit the right of the LOC or any Contracting Party under this Agreement to pursue any and all other remedies it may have for breach of this Agreement.

2. In the event of litigation between any of the Parties hereto concerning this Agreement (or between the LOC and any Contracting Party), the prevailing party may recover its costs and reasonable attorney fees incurred therein.

XIII. DURATION OF AGREEMENT

This Agreement shall be in effect from the time it is fully executed and shall continue December 31, 2015. At that time the Agreement shall terminate, the entity created by this Agreement shall dissolve and financial affairs of the LOC shall be wound up.

XIV. WITHDRAWAL AND DISSOLUTION

1. **Individual Party's Withdrawal.** No Contracting Party may withdraw from this LOC.
2. **Dissolution of LOC.** Upon the termination of this Agreement pursuant to Section XIII above, the LOC Board and the Parties shall take such actions necessary to finalize and conclude the LOC's operations and effect the orderly dissolution of the LOC.
3. **Distribution of Assets.** All contributions of real and personal property, all net cash proceeds received by the LOC and existing on December 31, 2015, and all assets of the LOC shall be distributed on a proportional basis in accordance with the original contributions of the parties under Section VI, taking into consideration supplemental and additional contributions if any have been made. No consideration shall be given for in-kind services provided to the LOC for purposes of this distribution. The EC shall be responsible for inventorying the revenues, property and assets of the LOC, making distributions to the Parties and concluding the affairs of the LOC. A Contracting Party which has made a contribution toward a jointly owned asset (as defined in Section X) would be entitled to retain ownership of the asset upon termination; however, the Contracting Party must account to the LOC for the amount of the LOC's contribution toward purchase of the asset upon distribution of the other assets of the LOC.

XV. LIABILITY OF THE BOARD OF DIRECTORS, OFFICERS AND EMPLOYEES OF THE LOC

As a public entity, the LOC and its directors, officers and employees shall be immune from civil liability in accordance with, and the extent provided by §24-10-101, C.R.S., *et seq.* (the Governmental Immunity Act) and any other applicable law. In addition, and pursuant to the Governmental Immunity Act, the LOC will defend, indemnify, and hold harmless all officers, directors, and employees for claims arising from activities within the scope of their duties of such individuals. The LOC may purchase insurance for this purpose.

XVI. AMENDMENTS

This Agreement may be amended upon the affirmative vote of three Parties.

XVII. SEVERABILITY

In the event any provision of this Agreement is determined to be illegal or invalid for any reason, all other provisions of this Agreement shall remain in full force and effect unless and until otherwise determined. The illegality of any provision of this Agreement shall in no way affect the legality and enforceability of any other provision of this Agreement.

XVIII. SUCCESSORS AND THIRD PARTIES

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties. This Agreement is not intended to, and does not, inure to the benefit any individual or entity who is not a Party.

XIX. ASSIGNMENT AND DELEGATION

No Contracting Party shall assign any of the rights nor delegate any of the duties created by this Agreement without the written approval of three quarters (3/4) of the other Parties to this Agreement, and any assignment without said approval is void.

XX. INTERPRETATION

a. This document represents the entire agreement of the parties and is deemed prepared by all of the parties.

b. Performance of this Agreement is subject to the Constitution and laws of the State of Colorado and the charters of the municipal parties. Venue for any judicial action under this Agreement shall be in Larimer County District Court.

c. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. Signatures may be delivered by electronic copy. Electronic signatures are binding on the parties as if they were originals

IN WITNESS WHEREOF, the Parties hereto have caused their representatives to affix their respective signatures hereto, as of the day and year hereinafter set forth.

**COUNTY OF LARIMER,
STATE OF COLORADO**

By: _____
Insert name & Title

Date: _____

ATTEST:

By: _____
Insert Title

CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF FORT COLLINS, COLORADO

By _____
Darin Atteberry, City Manager

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Asst. City Attorney

TOWN OF WINDSOR, COLORADO

By _____
Insert name & Title

Date: _____

ATTEST:

Insert Title



CITY OF LOVELAND
LOVELAND FIRE RESCUE AUTHORITY
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
 (970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 3/17/2015
TO: City Council
FROM: Mark Miller, Fire Chief
PRESENTER: Mark Miller, Fire Chief

TITLE:

A Resolution Approving a Supplemental Budget and Appropriation to the Loveland Fire Rescue Authority 2015 Budget

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution.

OPTIONS:

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

SUMMARY:

This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2015 Budget to reappropriate operational expenses not spent in 2014 and add new projects. The Council approval of the budget is required for the Authority's budget to be in effect.

BUDGET IMPACT:

- Positive
- Negative (in that it is an appropriation of resources; however, it is well within the 2014 Appropriation)
- Neutral or negligible

Implementation of the resolution requires an additional contribution from the City of \$419,826 to be appropriated from reserves, available due to 2014 savings in the budgeted contribution to LFRA. At year end the contribution from the City had a balance of \$576,933, the LFRA Board approved \$419,826 of that 2014 balance to be re-appropriated in 2015, leaving \$157,107 to be retained in the City's General Fund.

BACKGROUND:

The Loveland Fire Rescue Authority was created through the Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity (IGA). At the February 25, 2015 meeting the Authority approved a resolution amending the budget by \$511,983 for projects approved but not completed and new projects.

REVIEWED BY CITY MANAGER:



William A. Cahill

LIST OF ATTACHMENTS:

1. Resolution
2. Attachment A - Fire Authority Resolution #R-043
3. LFRA Staff Memo

RESOLUTION #R-23-2015

**A RESOLUTION APPROVING SUPPLEMENTAL BUDGET AND
APPROPRIATION FOR THE LOVELAND FIRE RESCUE AUTHORITY
2015 BUDGET**

WHEREAS, the Loveland Fire Rescue Authority (“Fire Authority”) is established pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity dated August 18, 2011 (the “Authority IGA”) between the City of Loveland, a Colorado home rule municipality (“City”) and the Loveland Rural Fire Protection District, a Colorado Special District (“District”); and

WHEREAS, the Fire Authority is authorized under Section 4.1 of the Authority IGA to adopt an annual budget and to supplement such budget from time to time, provided that the annual budget and any supplemental appropriations shall become effective upon the approval of the governing bodies of the City and the District; and

WHEREAS, the Fire Authority, by adoption of Resolution #R-043, approved a supplemental appropriation for its 2015 Budget for projects approved but not completed and new projects; and

WHEREAS, the Fire Authority Board of Directors has also submitted the Fire Authority’s Resolution enacting a supplemental budget and appropriation to the 2015 Budget, which is attached hereto as **Exhibit A** and incorporated herein by reference, to the City and the District for approval as required by Section 4.1 of the Authority IGA; and

WHEREAS, the City Council desires to approve the Fire Authority’s 2015 Supplemental Budget and Appropriation as reflected on **Exhibit A**.

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

Section 1. That the 2015 Loveland Fire Rescue Authority Supplemental Budget and Appropriation, attached hereto as **Exhibit A** and which has been filed with the Fire Authority Administrative Office in its entirety, for the fiscal year beginning January 1, 2015 and ending December 31, 2015, with revenues in the amount of \$511,983, and expenditures of \$511,983 for operations, is hereby approved.

Section 2. That this Resolution shall take effect as of the date of its adoption.

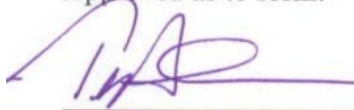
ADOPTED this ___ day of March, 2015.

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

RESOLUTION NO. R-043**A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET TO THE 2015 LOVELAND FIRE RESCUE AUTHORITY BUDGET FOR ADDITIONAL FUNDING FROM THE CITY OF LOVELAND AND FROM LOVELAND RURAL FIRE PROTECTION DISTRICT FROM REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2014 AND NEW PROJECTS**

WHEREAS, the City's 2014 budget included appropriations for projects not completed or closed out by the end of 2014, when the 2014 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring reappropriation in 2015 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the Rural District's 2015 budget included appropriations for contingency, and approval of specific expenditure in 2015 with respect to ongoing projects; and

WHEREAS, the City and the Rural District have also received or have reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2014; 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 2015, as authorized by Section 11-6(a) of the Loveland City Charter; and

WHEREAS, the Rural District Board desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Rural District budget for 2015, as authorized by state law; and

WHEREAS, the Authority has requested that City and Rural District reserve funds be appropriated to fund the operations expenditures identified below, according to the provisions of the Intergovernmental Agreement creating the Authority, which provide for allocating the payment of costs and expenses of the Authority between the City at 82% and the Loveland Rural Fire Protection District at 18%; and

WHEREAS, the Loveland Fire Rescue Authority Board desires to authorize the expenditure of these funds from the City of Loveland and the Loveland Rural Fire Protection District for operating expenditures in 2015 as identified below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOVELAND FIRE RESCUE AUTHORITY, STATE OF COLORADO, AS FOLLOWS:

Section 1. That the City of Loveland at \$419,826 and the Loveland Rural Fire Protection District at \$92,157 not appropriated at the time of adoption of the budget for 2015 have resulted from expenditures that were budgeted in the 2014 budget but not made. Reappropriation of \$511,983 is necessary to permit expenditure of the funds in 2015 for purposes previously approved by Council and the Rural Board and new projects. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

2014 Rollover/Carryover Money for 2015 Appropriation

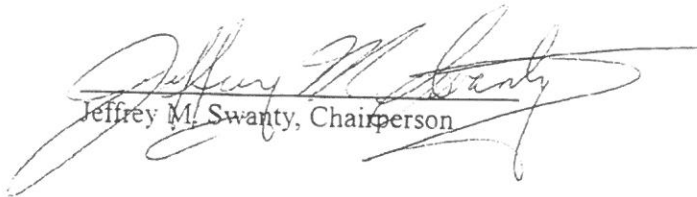
Account Title	Account Number	Amount	Description
Sources of Funds:			
Contribution from the City	604-22-227-1601-38600	\$419,826	82% of the operations fund; re-appropriated 2014 \$'s
Contribution from the Rural District	604-22-227-1601-32402	92,157	18% of the operations fund; approved use of contingency appropriated in 2014 Budget
Total Resources		\$511,983	
Uses of Funds:			
Other Services	604-22-227-1601-43899	50,000	Outside Legal Counsel
Other Services	604-22-227-1600-43899	5,000	Emergency Operations Center Modifications
Tools & Equip	604-22-227-1600-42033	31,750	Emergency Operations Center Modifications
Other Supplies	604-22-227-1600-42899	8,450	Emergency Operations Center Modifications
Other Capital	604-22-227-1600-49399	35,110	Emergency Management Performance Grant Collected in 2014
Other Supplies	604-22-227-1600-42899	2,040	Emergency Management Performance Grant in 2013
Other Services	604-22-227-1600-43899	23,550	Emergency Management Performance Grant in 2013
Other Capital	604-22-227-1600-49399	9,000	Emergency Management Performance Grant in 2013
Medical Leave Payout	604-22-224-0000-XXXXX	23,650	Medical Leave Payout
Repair & Maint.	604-22-224-0000-43569	20,000	Facilities Projects Station 3 & 5
Repair & Maint	604-22-224-0000-43569	20,000	Fiber Project to Station 5
Fleet Maintenance	604-22-226-1647-43562	5,000	Chief Vehicle purchased end of 2014
Fleet Replacement	604-22-226-1647-43654	4,830	Chief Vehicle purchased end of 2014
Training	604-22-223-1654-43270	8,750	Development Review Team Training
Safety Equip	604-22-225-1603-42097 FRDIVE	4,034	PO – Rescue Communications Equip
Other Services	604-22-227-1601-43899 GF1407	3,705	PO – Fire Adm Building Remodel Design
Computer Supplies	604-22-226-1646-42015	7,124	Replacement Copiers Stations 2, 3, 5, & 6
Computer Supplies	604-22-227-1601-42015	5,300	OMEGA Advanced Reporting Module
Retirement	604-22-224-0000-41547	5,300	Old Hire Pension Fund Contribution
Supplies	604-22-223-1651-42078	5,000	Smoke & CO Detectors
Other Capital	604-22-224-0000-49399	164,100	Station Alerting
Other Services	604-22-224-1605-43899 FRTRAIN	16,330	Leadership Development Program - Lts
Other Services	604-22-224-0000-43899	9,250	Opticom Maintenance
Tools & Equip	604-22-225-1603-42033 FRUSAR	8,400	Rescue Tool Hose Replacements
Other Supplies	604-22-226-1641-42899	7,200	Headsets
Outsourced Fleet Maint	604-22-226-1647-43562	7,350	Replace seat with gear storage in three engines
Other Services	604-22-227-1601-43899	5,000	Fire Adm Building Remodel/Admin office moves
Training	604-22-225-1603-43270 FRUASR	4,740	Rigging for Rescue Course
Other Services	604-22-227-1601-43899	4,500	Surveying and other related services to rezone and sell Rossum Drive Property
Uniforms	604-22-225-1608-42025	4,000	Body Armor for new TacFire Team member
Employ. Screening/ Drug Testing	604-22-224-0000-43449	2,020	Random Drug Testing Program Reinstatement
Other Services	604-22-227-1601-43899	1,500	Leadership Development – Command Staff

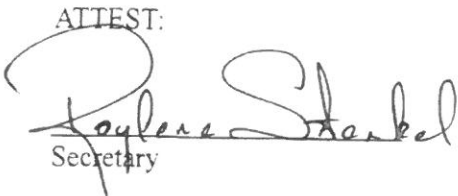
Account Title	Account Number	Amount	Description
Total Uses of Funds:		\$511,983	

Section 2. That as provided in Article IV: Section 4.1 of the Intergovernmental agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity, this Resolution shall be published in full by the Board Secretary.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 25th day of February, 2015.


 Jeffrey M. Swanty, Chairperson

ATTEST:

 Secretary



Loveland Fire Rescue Authority
 410 East 5th Street
 Loveland, Colorado 80537
 (970) 962-2471 Fax (970) 962-2922 TDD (970) 663-5144
www.cityofloveland.org

Date: February 18, 2015

TO: LFRA Board

FROM: Mark Miller, Fire Chief
 Renee Wheeler, PS Administrative Director

RE: **Request to Appropriate 2014 Budget Savings in 2015 for Incomplete Projects and High Priority Needs**

Request to Appropriate 2014 Budget Savings in 2015 for Incomplete Projects

The following table is used to calculate the amount of money that remains in the 2014 budget. The partner contributions have been excluded so that the calculation is limited to the revenue that LFRA is expected to generate and expenditure savings.

<i>Calculation of Amount Available for Incomplete Projects/Equipment Purchases Operations Fund (604)</i>		
Revenue Expected to be Generated by LFRA:		
Budget (less budgeted contributions by City and Rural District)	\$173,420	
Revenue Collected (less actual contributions by City and Rural District)	433,293	
Actual Collected in Excess of Budget (excluding partner contributions)	\$259,873	
Revenues Considered Ineligible for Carryover: Flood Reimbursements:		
FEMA (Fed & State) and Insurance	175,836	
Revenue in Excess of Budget Eligible for Carryover		\$84,037
Expenditures:		
Budget	\$11,210,290	
Actual (as of 2/17/15)	10,771,100	
Allowance for 12/31/15 transaction postings through the end February	10,960	
Budget Exceeds Actual		\$428,230
Total Available for Incomplete Projects		\$512,267
Requests		\$511,983

Summary of Requests

LFRA Operations Fund

Carryover

Several projects that were planned for 2014 budget that were unable to be completed. The table below is the listing of carryover requests. The Exhibit that follows the memorandum provides detailed descriptions of each of the requests.

2015 Request	Operations (Fund 604)
Estimate of Amount Available	\$512,267
Existing Projects/Commitments:	
Outside Legal Counsel	50,000
EOC Modifications (2014 carryover projects that are incomplete)	45,200
EMPG Grant money collected in 2014	35,110
EMPG Grant money 2013 carryover in 2014 related to incomplete projects	34,590
Medical Leave Payout	23,650
Facilities Projects from 2013 Carryover into 2014	20,000
Fiber for Station 5	20,000
Maintenance/Fuel/Amortization for the Chief's Vehicle	9,830
DRT Team Training (LFRA share of program)	8,750
Purchase orders outstanding (link to second sheet)	7,739
Extra cost of the copiers in Stations 2, 3, 5, 6	7,124
OMEGA Advanced Reporting Module	5,300
Old Hire Retirement Plan Contribution	5,300
Smoke and CO detector inventory (100 CO/160 Smoke)	5,000
Subtotal of Existing Projects	\$277,593
New Projects:	
Alerting Systems	164,100
Leadership Development Program for Lieutenants	16,330
Opticom Maintenance	9,250
Rescue Tools Holmatro Hose Replacements	8,400
Communications Headsets	7,200
Replace Extra Seats in Engines 1, 5, & 6 with storage cabinets for gear bags	7,350
Development Review Center/Fire Admin	5,000
Rigging for Rescue Course	4,740
Survey and related work on the Rossum Drive Property for rezoning	4,500
Body armor for the person to replace Eric as he moves up to the strategic level	4,000
Random Drug Testing	2,020
Leadership Retreat/Leadership Program	1,500

2015 Request	Operations (Fund 604)
Subtotal of New Projects	\$234,390
Total Requests	\$511,983
Estimate of Remaining Funds Available	\$284

City Share 82% \$419,826
 Rural District Share 18% \$92,157

Both organizations retain savings in their fund balance. The table below illustrates that the amount requested is less than the remaining budget for contributions from each organization.

Organization	Remaining 2014 Budget	Request Above	Difference Retained in Each Organization's Fund Balance
City of Loveland	\$576,933	\$419,826	\$157,107
Loveland Rural Fire Protection District	\$126,648	\$92,157	\$34,491

The savings to the Rural District could be considered toward the replacement of one of their engines due for replacement.

FUND 120 City Capital Replacement Fund

We were not able to take delivery of the Pierce Manufacturing aerial tower truck on purchase order 14-0261 because the construction took longer than we anticipated. The Apparatus Committee found issues that needed to be resolved when they were conducting the final inspection. The balance of the purchase order, \$803,182.12, needs to be brought forward for payment. We're also requesting that the balance of the budget for the truck be brought forward \$121,912.84 for the electrical work that was done to install all the lighting, radios, and other systems and purchase the rest of the small equipment necessary to make the truck service ready. **This will require an additional appropriation from the General Fund to transfer the City Capital Replacement Fund, unless the total budgeted for this project was transferred in at year end.**

<i>Calculation of Amount Available in the City Capital Replacement Fund</i>		
Expenditures:		
Budget Related to the Aerial Platform Truck	\$1,458,610	
Actual	533,515	
Total Available		\$925,095

FUND 264 City Capital Expansion Fee Fund

There has been no funding identified for designing or developing the new training center property. When the requests for the 2015 capital improvement plan were submitted, LFRA submitted \$295,000 to begin the design process. It was not retained in the capital improvement program. This will be necessary to identify needs, incorporate those needs into the capital improvement plan going forward, and develop potential revenue solutions.

Calculation of Amount Available in the City Capital Replacement Fund		
Revenue:		
Budget (less budgeted transfers handled through balance sheet accts)	\$332,700	
Revenue Collected	441,345	
Actual Collected in Excess of Budget (excluding transfers)		\$108,645
Expenditures:		
Budget Related to Station 2 and the Training Center Property Purchase	\$4,586,740	
Actual	4,374,817	
Budget Exceeds Actual		\$211,923
Total Available		\$320,568
Requests		\$295,000

The LFRA objectives related to carryover requests are to complete projects in progress at year end and meet current high priority needs, focusing on requesting items that are not recurring in nature. The carryover funding is based on revenues collected in excess of the budget and expenditures that were less than the budget in 2014. Since this is generally considered funds available on a one time basis, the commitments related to those funds should not have a multiple year commitment. However, in this year's requests there are \$76,400 or 18% of the total requests that have impacts on future year budgets.

- \$50,000 for Outside Special Legal Counsel (estimate of 169 hours)
- \$9,830 Maintenance and Amortization for the Chief's vehicle
- \$5,300 Old Hire Pension Contribution
- \$9,250 Opticom Maintenance
- \$2,020 Random Drug Testing Program

These are all considered important expenditures for all future year budgets.

Several requests were identified and were eliminated from consideration by the command staff so that the alerting systems could be addressed. The revenue collected from FEMA and CIRSA related to the flood expenditures was excluded from the calculation for carryover so that it would be returned to the governing partner fund balances. We believe that our approach is fiscally responsible and honors the valuable support we received from our governing partners.

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	Outside Legal Counsel	Amount of the Request:	\$50,000
Description/Justification:			
<p>The Board has voted to contract with an outside attorney as special counsel. As special counsel, their legal services will be provided only on an as-requested basis as to specific legal matters. The Board has indicated that the transition of employees from City employees to Fire Authority employees is the most immediate project. Other projects will be related to transitioning assets and issues specific to the maturation of the Fire Authority as a separate entity. The \$50,000 is expected to get the Authority around 170 hours of work on this project. If more is necessary another appropriation ordinance will be required.</p>			
Account Number		Account Title	
604-22-227-1601-43899		Other Services	
Amount by Acct No.			\$50,000

Title of Request:	EOC Modifications	Amount of the Request:	\$45,200
Description/Justification:			
<p>This is the remaining amount of the EOC Modification project that was included in last year's carryover memo due to negotiations and specification revisions required after the first quote was received. The first quote was cost prohibitive and the haggling back and forth with vendors to ensure that our objectives were met for a reasonable investment of the citizen's money took significantly longer than anticipated.</p> <p>Recovery Plan \$5,000 The cost of generating the plan with a consultant turned out to be significantly more expensive so a grant has been submitted and the amount that had been appropriated \$5k will be dedicated to the grant match. Account-Other Services</p> <p>Communications Improvements were identified as necessary during the 2013 Flood. \$31,750 acct-Tools & Equip (Control station, 2 APX4500 radios, related equipment for setup for \$18,315 and digital intercom radio, headsets and related equipment for set up for \$7,410, programming and electricians \$6,025)</p> <p>The research started with asking the Motorola and contractor team to give us quotes for a solution to address the problems we experienced during the flood. It was quickly determined that we did not want to afford a duplication of the dispatch center in the EOC. After significant effort and time the solution has been identified. We will use the amount appropriated for 3 mobile radios & antennas, the balance of the electrician, and the tower antenna replacement. The tower antenna replacement has also proven to be cost prohibitive and we are looking for options. One possible option is tripod antennas. This project will be covered by the 2014 EMPG Grant.</p>			

EXHIBIT: CARRYOVER REQUEST DETAIL

Other equipment that didn't get purchased and still needs to be purchased: **\$8,450** acct-Other Supplies

1 Large Screen Television	1,000
8 large monitors or 8 medium televisions	3,750
8 brackets	950
Plexiglas and hooks	350
4 medium white boards	400
8 selector switches--looking for a software solution instead that is more cost effective	2,000

Account Number	Account Title	Amount by Acct No.
604-22-227-1600-43899	Other Services	\$5,000
604-22-227-1600-42033	Tools and Equipment (< \$5k/unit)	\$31,750
604-22-227-1600-42899	Other Supplies	\$8,450

Title of Request:	EMPG Grant Collected in 2014	Amount of the Request:	\$35,110
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Description/Justification:

The Emergency Management Grant application process evaluates the money that has been invested for emergency management purposes by LFRA and provides funding for future investment in emergency management projects from federal funds allocated to the State of Colorado. The State after appropriating for their program needs distributes the remaining funds to emergency management programs throughout the State. The LFRA collections for the 2014 were not budgeted in 2014 because the amount and the timing of the delivery of funds has been slightly unpredictable. The amount included here is intended to cover a contract for developing and running training exercises, as well as communications antenna equipment repair and upgrades.

Account Number	Account Title	Amount by Acct No.
604-22-227-1600-49399	Other Capital	\$35,110

Title of Request:	EMPG Grant Collected in 2013	Amount of the Request:	\$34,590
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Description/Justification:

\$43,000 was collected in 2013 and appropriated in 2014. \$34,587 is the balance remaining.

Mobile Command Vehicle – white board materials and supplies have not been purchased yet \$1,805
Acct: Other Supplies

Backup Emergency Communications-shelving has not been purchases yet \$235 Acct: Other Supplies

Repairs to the 1610 AM Radio – a local radio station has been bleeding over into 1610. An FCC complaint has been filed and we are awaiting outcome of that case. If it is not resolved we plan to move to an AM station which will cost \$16,500. Acct: Other Services

EXHIBIT: CARRYOVER REQUEST DETAIL

Repairs to Emergency Flashing Signs – the new westbound sign for West Highway 34 has not been purchased yet \$9,000 Acct: Other Capital

Training and Exercises—cost of contractor to development and implement training and exercises. That contractor has not been hired yet. \$7,050 Acct: Other Services

Account Number	Account Title	Amount by Acct No.
604-22-227-1600-42899	Other Supplies	\$2,040
604-22-227-1600-43899	Other Services	\$23,550
604-22-227-1600-49399	Other Capital	\$9,000

Title of Request:	Medical Leave Payout	Amount of the Request:	\$23,650
Description/Justification:			
<p>There is a policy that allows for paying out 50% of sick hours accumulated in excess of the maximum allowable by policy. The annual accrual is 112 hours for shift work and 80 hours for administrative employees. The maximum for shift work is 336 hours and for administrative employees is 240, essentially three years of accumulated time if no sick time is taken during that time. These payouts have not been included in salary and benefit projections received from the City’s Budget Office. The first couple of years the payout could be absorbed within turnover savings; however, the amount is growing and we feel that there needs to be a separate budget and accounting for these expenditures. In 2014 the medical leave payout was \$16,032 or .3% of the salaries paid out. The estimate for 2015 is based on .4% of budgeted salaries at the 2015 rates of pay increased by the average raise of 3.5% (because merit raises will have already been awarded when the payout is distributed).</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-224-0000-XXXXX	Medical Leave Payout	\$23,650	

Title of Request:	Facilities Maintenance Projects	Amount of the Request:	\$20,000
Description/Justification:			
<p>Chief Ward and the City’s Facilities Manager surveyed the building maintenance status of all the stations in 2013 to create a plan for projects through 2018. The following projects were identified as necessary for completion in 2013 and 2014; however, Facilities was not able to get to them:</p> <p>LFRA Budget</p> <ul style="list-style-type: none"> Station 3 truck room paint \$8,000 Station 3 dorm room privacy dividers \$12,000 (also identified as an issue by the Facilities Master Plan consultants) <p>Facilities Budget—so included here for documentation purposes only, not included here for appropriation</p> <ul style="list-style-type: none"> Station 5 carpet in the living areas \$12,000 			

EXHIBIT: CARRYOVER REQUEST DETAIL

Account Number	Account Title	Amount by Acct No.
604-22-224-0000-43569	General Stat Oprs Repair & Maint.	\$20,000

Title of Request:	Fiber to Station 5	Amount of the Request:	\$20,000
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Description/Justification:

This is a project we have been trying to get completed for three years to address horrible internet access performance of computers at Station 5. Reports, email, research, payroll tracking, and training were all activities particularly impacted. The project was first delayed because it was associated with a grant that Traffic Management was awarded to get fiber for traffic signals placed along 287. The 29th street project became a higher priority (which included Station 2). It was discovered that IT needed additional equipment on their end of the operation that was not budgeted. Then the flood occurred and all resources in the community and around the Front Range area were dedicated to restoring communities. The middle of December 2014 the IT department sent LFRA information that the quotes they had received to complete this project: boring \$8,660, Fiber Installation \$5,534, and the balance is an estimate of the engineering costs.

Account Number	Account Title	Amount by Acct No.
604-22-224-0000-43899	Other Services Gen Stat Ops	\$20,000

Title of Request:	Maintenance and Replacement Contribution for Chief's Vehicle	Amount of the Request:	\$9,830
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Description/Justification:

When the 2015 budget was developed it was anticipated that the new Chief would have a car allowance like the previous Chief. A vehicle was purchased instead at the end of 2014, and therefore the maintenance and the annual depreciation value for the replacement of the vehicle for a ten year service life needs to be incorporated into the 2015 budget.

Account Number	Account Title	Amount by Acct No.
604-22-226-1647-43562	Maintenance	\$5,000
604-22-226-1647-43654	Replacement	\$4,830

Title of Request:	Development Review Team Training	Amount of the Request:	\$8,750
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Description/Justification:

The City has contracted for a year- long training program to help the Development Review Team to be more effective with collaboration and cooperation to advance development projects through the City process efficiently. This is our allocated share based on the two - three people involved (Carie Dann, Ingrid McMillan-Ernst, Ned Sparks).

Account Number	Account Title	Amount by Acct No.
604-22-223-1654-43270	Develop Review & Permitting Training	\$8,750

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	Purchase Orders Outstanding at Year End	Amount of the Request:	\$7,739
Description/Justification:			
<p>Two purchase orders remained outstanding at year end in our operations fund and one in the City's Capital Replacement Fund due to vendors that could not deliver the product by December 31st or the project could not be completed by year end.</p> <p>PO # 14-1262 Savox Communications – rescue equipment \$4,034</p> <p>PO # 14-1161 Belford Watkins Architects – Fire Administration Building (FAB) Remodel to accommodate the new Permit Center – The allocated of our share of the project is \$3,705.</p> <p>PO # 14- 0261 Pierce Manufacturing – balance remaining on the aerial tower truck \$803,182.12 (which has to be included in the City's carryover appropriation because it is a City Fund acct number 120-22-222-0000-48244 FRPLATFORMTK)</p>			
Account Number		Account Title	Amount by Acct No.
604-22-225-1603-42097 FRDIVE		Safety Equipment	\$4,034
604-22-227-1601-43899 GF1417		Other Services	\$3,705

Title of Request:	Additional Cost for Replacement Copiers at Stations 2, 3, 5, & 6	Amount of the Request:	\$7,124
Description/Justification:			
<p>The copiers for stations 2, 3, 5 & 6 were “up” for replacement. The Information Technology Department budgets for like replacement (LFRA pays for these replacements in the monthly charges for indirect services) and the user department is responsible for budgeting any upgrades. The existing copiers are black and white, slow, needing repair often and expensive to operate. LFRA is trying to standardize all copiers so that toner cartridges are interchangeable and service calls are all addressed by the same company. The LFRA members assigned to each station are responsible for documents, presentations, and reports where the use of color helps to enhance the understanding of the information. Each of the replacement copiers is equipped with the ability to scan and email. They are all set up as network printers. The total cost for each copier is \$4,461 and the LFRA direct share associated with the upgrade cost per copier is \$1,781.</p>			
Account Number		Account Title	Amount by Acct No.
604-22-226-1646-42015		Computer Supplies (<\$5K/unit)	\$7,124

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	OMEGA Advanced Reporting Module	Amount of the Request:	\$5,300	
Description/Justification:				
<p>This item was approved in the 2014 budget but the purchase contract was delayed at the vendor and then with the attorney's office. The contract has been approved.</p> <p>LFRA currently uses the OMEGA FireView Dashboard for incident trend analysis. Addition of the OMEGA Advanced Reporting Module will allow for advanced data analysis for apparatus response times, hazard/risk analysis, apparatus utilization and distribution/concentration studies. Data analysis is also used for monthly and annual reporting to stakeholders. Currently, that level of analysis is not readily available. Monthly report data queries typically require several days of staff time and access to numerous sources. City IT staff is able to build custom reports to query data stored in ETI, but results may not be immediately available based on work-load of City IT staff to create the report(s).</p> <p>Benefits:</p> <ul style="list-style-type: none"> • Rapid in-house data analysis capabilities vs. IT request for specialized report queries. • Ability to retrieve timely, accurate information for task completion timeframes and information related to tasks required on actual emergency scene for assessment of field resources management and response plan improvements. • Improved monthly and annual reporting abilities. It is anticipated that it would result in 1 hr for typical end-of-month report query versus an estimated 12 hours for the current creation of custom reports and complicated data retrieval. • Improve management of apparatus and personnel performance. 				
Account Number		Account Title		Amount by Acct No.
604-22-227-1601-42015		Adm Computer Supplies		\$5,300

Title of Request:	Old Hire Retirement Plan Contribution	Amount of the Request:	\$5,300	
Description/Justification:				
<p>Actuarial information was received after the budget development process that indicated contributions were required for the Old Hire Pension Fund for the first time in years. They recommended that we start making contributions in 2014. Therefore, the contribution was made in December, 2014. This request is to ensure we have the budget to make the 2015 contribution. Future contributions will be included in the ten year plan included in the 2016 budget development process.</p>				
Account Number		Account Title		Amount by Acct No.
604-22-224-0000-41547		Retirement		\$5,300

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	Smoke and Carbon Monoxide Detectors	Amount of the Request:	\$5,000
Description/Justification:			
<p>LFRA has had a program for some time of giving away smoke and carbon monoxide detectors to those in need within the community. In 2013, a grant and the partnership with The Lauren Project allowed for the distribution of just over 672 carbon monoxide detectors and 2,000 smoke detectors to a targeted segment of the community deemed to be most in need. Last year we appropriated donations collected for this purpose; however, there aren't donations this year to appropriate. We expect to be able to purchase 100 carbon monoxide detectors for \$17.95 each and 160 smoke detectors for \$19.89 with the requested funding. These detectors are distributed on a request or response basis.</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-223-1651-42078	Supplies	\$5,000	

Title of Request:	Station Alerting Systems	Amount of the Request:	\$164,100
Description/Justification:			
<p>The Loveland Fire Rescue Authority answered 7,005 calls for service in 2014 from 5 fire station locations. Calls for service are overwhelmingly initiated by the Loveland Emergency Communications Center. Current station / company alerting for calls for service are facilitated by analogue alerting technologies. LFRA desires to identify alerting solutions that shorten deployment reflex times and capitalize on technological advances that improve 911 based care interventions simultaneously with deployment of fire responders to emergencies.</p> <p>Problems / needs:</p> <ol style="list-style-type: none"> 1. Alerting system is beyond its serviceable life; and repairs require expertise that is not readily available due to advances in alerting technologies. 2. We want to improve 911 dispatcher and responder reflex times, thereby contributing to enhanced response times, consistent with goal of arriving to problems within 5:59. <p>Benefits:</p> <ol style="list-style-type: none"> 1. Improved alerting technology that is serviceable and consistent in design with other technologies and systems that are paired with station alerting (radios, dispatch center CAD system, etc.). 2. Improved reflex times for responders, supporting the 5:59 mission for the LFRA. 3. Service enhancement to 911 caller; 911 dispatcher can remain in contact with caller for duration of 911 call processing; while responders are simultaneously being assigned to the call for service [industry terms this as 'silent' dispatching]. 4. Improved efficiency for responders, 911 dispatchers - using technology to support and enhance services provided by the LFRA and LECC. <p>When Station 2 was built LFRA researched and installed an alerting system that we believe can be the basis for expansion across the system, including in the communications center for silent dispatching. Ultimately when the alerting system is fully installed across all responding stations (including</p>			

EXHIBIT: CARRYOVER REQUEST DETAIL

Thompson Valley EMS and Berthoud Fire Protection District) is expected to improve response time, more effectively notify specific crews needed by incident, and improve dispatch efficiency.

The estimates are currently at \$50,000 a station and up to \$50,000 for the communications center improvements. Our original plan was to submit this project to the Assistant to Firefighters Grant program. However the program administrators made it clear that the grant program was going to be very competitive. They indicated that funding was unlikely for any projects that were not listed as high priority. Alerting systems were not in the high priority category. Given the unlikely funding award and the labor intensive application process, our objective became saving 2014 budget dollars sufficient to install this system in two to three phases. Phase 1 would be to install the system in all LFRA stations and approach TVEMS and Berthoud for participation in their locations. Phase II would be to work with the Police Department to get the communication center portion of the system. We are still investigating how effective the installation will be using this phased approach.

Phase I is expected to be funded with these 2014 operations savings and savings from the ladder truck refurbish budget. We are expecting to have a savings of \$120,000 based on competitive bids submitted (and assuming nothing crops up during the repair process). Therefore, we would have \$249,100 available for the implementation.

Account Number	Account Title	Amount by Acct No.
604-22-224-0000-49399	Other Capital – Gen Stat Oprs	\$164,100

Title of Request:	Leadership Development Program for Lieutenants	Amount of the Request:	\$16,330
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Description/Justification:

As we transition to enduring greatness and perform the autopsy of success, it appears clear that a couple of the most important factors for LFRA success is a shared sense of values within a strong organizational culture and a clear vision for the future. We have very high expectations related to personal responsibility and accountability for leadership behaviors and technical performance from the Chief to the Reserve Firefighter. There are twenty seven of eighty five staff members that are in new positions or are new to our organization. It is our obligation to ensure that each of these members is appropriately trained and provided the tools they need for peak performance. While all members are responsible for our culture, the Lieutenants are in the best position of accountability on a day to day basis. Therefore it is critical they have a very clear understanding and have all the skills to lead in unity-- consistently and effectively leading their teams on each and every shift. 90% of the LFRA members had participated in the Leadership Journey and in 2014 there was a search for a program that would retain the focus on leadership development and support our culture as our organization grows and matures. The Command Staff participated in the PKL Services program in October 2014 to assess its ability to meet our needs. We were very impressed and we would like to have half of our Lieutenants complete this intense week long course in 2014 and the other half in 2015.

Account Number	Account Title	Amount by Acct No.
604-22-224-1605-43899 FRTRAIN	Other Services	\$16,330

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	Opticom Maintenance	Amount of the Request:	\$9,250
Description/Justification:			
<p>The opticom system sends a signal to the traffic light system to turn the lights red in the opposite direction so that the emergency vehicles can get through intersections quickly and safely. The installation of opticoms at the intersections has been paid for by both the Traffic Division of the City of Loveland Public Works Department and the Fire Department. Bill Henge from Traffic has sent the following information related to the history and status of the opticom feature in the traffic management system.</p> <ul style="list-style-type: none"> • An agreement was completed and put in place in 2000. Under that agreement Thompson Valley Emergency Medical Service (TVEMS) was to purchase 5 intersections worth of equipment and Traffic would install equipment. • In 2004, the last of the 5 units was obtained from TVEMS and installed. • The Fire Department bought Opticom equipment for about a half-dozen intersections. • Traffic Division or its contractor has installed and maintained all equipment over the years. • Traffic changed new intersection design standards and requirements to establish the goal of placing an Opticom at all new (and complete rebuilds) signalized locations about 19 years ago. • Traffic Division and Street Capital Improvements Program signal projects have been buying and installing Opticom intersection equipment as part of each project's cost. • The total number of Opticom intersections added by Traffic in nearly 20 years is over 50 intersections. This includes 44 new signal locations which has almost doubled the number of traffic signals in Loveland. • Funding of the maintenance and replacement of Opticom intersection equipment is very important for the safety of emergency vehicles and the public. This has been a partnership. <p>One funding concept for now would be for LFRA to pay the same amount as TVEMS at \$9,250/year. It is my understanding that the original funding strategy for the system was to share the cost in thirds between Traffic, Fire, and TVEMS.</p>			
Account Number		Account Title	Amount by Acct No.
604-22-224-0000-43899		Other Services-Gen Stat Oprs	\$9,250

Title of Request:	8 Rescue Tool Hose Replacements	Amount of the Request:	\$8,400
Description/Justification:			
<p>We need to replace eight Holmatro ("jaws of life") tool hoses @ \$1,050 each.</p> <p>Each engine is equipped with a pump, hose, and a combination spreader/cutter. Each support company/rescue truck is equipped with a pump, two sets of hoses, spreader, cutter, and ram (cylinder). The manufacturer recommends a 5-7 year life on the hose portion of the equipment because they are often drug across a variety of terrains and surfaces (i.e., sharp edge of broken glass on a wrecked vehicle). We had bundled the hoses in the other scheduled equipment replacement at ten years. They need to be separated out for replacement on the more aggressive timeline. The condition of each hose has been evaluated and eight are in need of immediate replacement. The</p>			

EXHIBIT: CARRYOVER REQUEST DETAIL

condition of hoses are directly related to the performance of the tools and the safety of the firefighter using the tools. Therefore, we deem them to be critical.

Account Number	Account Title	Amount by Acct No.
604-22-225-1603-42033 ? Is this a new account no?FRUSAR	Tools and Equipment for the Urban Search and Rescue Team	\$8,400

Title of Request:	Account Title	Amount of the Request:	Amount
Communications Headsets (12 wired and 6 wireless)			\$7,200
Description/Justification:			
<p>The headsets had not previously been included in the communications replacement schedule. Based on the current age and maintenance issues, we need to replace several (12 wired and 6 wireless). The replacement schedule will be revised to include headsets starting 2016. It is anticipated that 3-5 headsets per year will need to be added to the future budgets.</p> <p>Wired headsets @ \$325 each or \$3,900; Wireless headsets @ \$550 each or \$3,300</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-226-1641-42899	Other Supplies in Communications	\$7,200	

Title of Request:	Account Title	Amount of the Request:	Amount
Replace the extra seats in Engines 1, 5, & 6 with storage compartments for gear bags			\$7,350
Description/Justification:			
<p>Gear bags in the engines are currently stored on the floor of the engines and not secured. A quote has been received to replace front facing rear seats with a fabricated storage cabinet complete with two adjustable shelves, compartment light, and 12 volt outlets at \$2,150 per engine for three engines. This cabinet is similar to the one we have on the Squad. \$6,450</p> <p>Brackets for the trash hooks \$900</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-226-1647-43562	Apparatus Maint - Outsourced	\$7,350	

Title of Request:	Account Title	Amount of the Request:	Amount
Development Review Center			\$5,000
Description/Justification:			
<p>The Fire Administration Building remodel is in the design phase to convert a significant amount of space to serve as the Development Permit Center, offering a single point of business for developers and builders. There will be representatives from Planning, Building, Transportation Development, Water and Power, and Parks. This project also calls for the relocation of Fire Administration and Community Safety offices. It is anticipated that there will be costs that will be deemed attributable to LFRA.</p>			
Account Number	Account Title	Amount by Acct No.	

EXHIBIT: CARRYOVER REQUEST DETAIL

604-22-227-1601-43899	Other Services	\$5,000
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Title of Request:	Rigging for Rescue Course	Amount of the Request:	\$4,740
Description/Justification:			
<p>Special Operations was planning on sending two personnel to the Rigging for Rescue course in Ouray, CO; however, it is more cost effective to bring the instructors to Loveland. This allows for more students to attend. The requested course allows for 10 students, and would be taught in Loveland Fire's response area. The Rigging for Rescue curriculum is consistent with the LFRA SOT training plan learning objectives. Poudre Fire Authority, Greeley Fire, Larimer County Search & Rescue, and Colorado Urban Search & Rescue - Task Force I, all use the Rigging for Rescue curriculum.</p> <p>The 2015 USAR Budget has \$3,790.00 for the Rigging for Rescue course. The standardization of techniques allows for more effective mutual and auto aid response. The course sponsorship will cost \$8,530, therefore, the request is for the balance needed, \$4,740.00.</p> <p>Course cost - \$6,500.00 Meals cost (1 Instructor – 8 Days @ \$60 / day) - \$480.00 Hotel (1 Instructor – 7 nights @ \$150) - \$1,050.00 Travel - \$500.00 Total - \$8,530.00</p> <p>Curriculum details: rope handling; principles of simple, compound and complex pulley systems; self-equalizing anchor systems; stretcher handling techniques; and several raising and lowering systems, all from a practical hands on perspective.</p>			
Account Number		Account Title	
604-22-225-1603-43270 FRUSAR		Training	
			\$4,740

Title of Request:	Survey on Rossum Drive Property	Amount of the Request:	\$4,500
Description/Justification:			
<p>One of the goals for 2015 is to remove the barriers related to the sale of the 1.83 acre Rossum Drive property originally purchased by the Fire Capital Expansion Fee Fund for \$230,000 in 2002. The City has received feedback that the current zoning on the property is in fact a barrier to sale. It is zoned DR-Developing Resources, a zoning that has no uses by right and limited uses by special review (i.e., farm and garden, greenhouses, public utility, parks with no structures, oil and gas). There must be a current survey of the property on file to rezone the property. Surveys are apparently only deemed valid for three years. We believe the last survey was with the purchase of the property in 2002.</p>			

EXHIBIT: CARRYOVER REQUEST DETAIL

The quotes secured by Facilities includes (highlighted items are not required by the City’s rezoning application and we are trying to get vendors to separate them out in a new quote):

- Boundary survey (Land Survey Plat) shows the property lines, any easements that may go across the property beside the water line for the neighbor and we set the pins on the property corners so everyone knows where the property corners are at. It is preferred that we have a title commitment for the boundary survey: \$3,500
- Topographic survey will show all the existing improvements on the lot as well as the street in front of the lot, any existing utilities on the lot and the grade of the lot with 1’ contours: \$1,090
- Rezone map will be prepared so that we can submit it for the rezoning process: \$1,635
- Subdivision Plat may be required as this parcel is part of a larger parcel and city typically frowns on developing parts of parcels: \$1,650

Account Number	Account Title	Amount by Acct No.
604-22-227-1601-43899	Other Services Administration	\$4,500

Title of Request:	Body Armor	Amount of the Request:	\$4,000
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Description/Justification:

The objective is to manage this team with one program manager and three team members per shift for a total of ten team members. The program manager will perform at the strategic level, leaving one opening. This member would need the heavy duty body armor and training.

The 2015 – 2018 program objectives are designed to better train LFRA shift personnel to respond to and address active assailant incidents. Research indicates that the rapid collection and removal of traumatically injured victims from a hostile threat requires personal protective equipment and a large number of personnel who can enter warm zone areas and remove victims of active shooter incidents. With light ballistic armor (vest and helmet), rapid trauma care kits, and rapid transport devices for injured civilians (mega-movers), LFRA shift strength can respond to and participate in the mitigation of hostile events. This added capability will enhance service to the community and increase the safety of firefighters responding to active assailant incidents, as well as maintain strength of TACFIRE personnel to support work in high hazard work zones where traditional and modernized SWAT operations take place.

Account Number	Account Title	Amount by Acct No.
604-22-225-1608-42025	Clothing/Uniforms	\$4,000

EXHIBIT: CARRYOVER REQUEST DETAIL

Title of Request:	Random Drug Testing	Amount of the Request:	\$2,020
Description/Justification:			
<p>Philosophically, all safety sensitive positions should be subject to random drug testing. However, when the CDOT requirements were dropped for driving fire engines, drug testing was no longer legally required, the testing was dropped as a means of meeting budgetary reduction targets. At the beginning of 2015 the random drug testing program was reinstated. Based on the City's policies and procedures for other safety sensitive positions, 30% of the sworn positions or 24 employees are tested for drugs and 10% of sworn or 8 employees are tested for alcohol. Drug screens are a part of post offer screenings before an employee can start work, so we have allowed for 8 new hires. There are two companies involved in the process, Oikos and WPCI. One company does the testing and the other reads and interprets the results for a total of \$50.50 per test.</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-224-0000-43449	Employment Screening/Drug Testing	\$2,020	

Title of Request:	Leadership Development Program	Amount of the Request:	\$1,500
Description/Justification:			
<p>One of the Fire Chief's goals includes integrating a leadership model that focuses on enduring greatness. A strategy for achieving this is a program that assists LFRA command staff with defining individual core values and purpose to achieve a level of self-reflection that reinforces a strong foundation for developing future leaders in the organization, succession planning. This element of leadership is critical to consistently recruiting and reinforcing the values that make our organization strong and capable of effectively planning for service delivery in our fast growing and dynamic community.</p>			
Account Number	Account Title	Amount by Acct No.	
604-22-227-1601-43899	Other Services in Administration	\$1,500	



CITY OF LOVELAND
LOVELAND FIRE RESCUE AUTHORITY
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
 (970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 3/17/2015
TO: City Council
FROM: Mark Miller, Loveland Fire Rescue Authority
PRESENTER: Mark Miller, Fire Chief

TITLE:

A Resolution Approving the 2015 Revised Schedule of Rates, Charges and Fees for Services Provided by the Loveland Fire Rescue Authority

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolution as written.

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 approve a resolution to revise the 2015 schedule of fire related fees for the Loveland Fire Rescue Authority, originally approved by City Council on October 14, 2014 to be effective on January 1, 2015. The LFRA Board approved the revised fees February 25, 2015 for a May 1, 2015 effective date.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The increase in activity expected in 2015 is anticipated to cover the elimination of the inspection permits.

BACKGROUND:

Section 1.9(f) of the IGA that established the Loveland Fire Rescue Authority would approve the fee schedule. Then partner agencies, the City of Loveland and the Loveland Rural Fire Protection District, must approve the fee schedule before it can become effective.

The fees have been evaluated for the City and the Rural District. The revised schedule is intended to make existing fees more clear and to change the philosophy regarding inspection fees that are associated with building and the installation of fire protection systems.

The clarity of the fee table for customers is intended to be improved by organizing the list of fees on the two permit forms issued to customers (Hazmat and Special Permits), and the valuation list for the fire protection systems. Customers inside the City limits previously had to refer to the City's Fee Schedule for Building permits. The records request fees charged were located in the City Fee Schedule under City Clerk. They are included them in this schedule to provide a single source document.

All building and fire protection system permit fees will include the cost of the inspection. Building and fire protection system installation permits will be charged in the Rural District by valuation, instead of square feet, to be more consistent in our response area. This intended to create more equitable fees for the variety of construction projects in the Rural District (i.e., adding a vestibule compared to constructing a new gun range). The complexity of the projects and the investment in ensuring fire code compliance and safety is better reflected in the fee assessment by valuation.

The exhibit attached to the resolution lists the revised fees compared to the 2014 fees. When the fees were adopted for January 1, 2015 the only fee that changed was the hourly Special Event fee (from \$40/hr. to \$42/hr.). All fees that are proposed to be changed are in bold. \$100 permit fees have been added for liquefied propane gas (LPG) portable tank exchange stations and bulk storage dispensers. The spraying and dipping operations fees have been consolidated, instead of listing several different operations separately. Open Burn permits haven't been charged so that fee has been eliminated. LFRA is more interested in notification and safety so it traditionally hasn't been charging a fee that could discourage the public from contacting us. The Haunted House/Maze fees was previously excluded from the fee schedule in error. The School District has the option to have the Colorado Department of Public Safety Division of Fire Prevention and Control review plans and inspect or use the local jurisdiction. The school building plan review fee has been changed to be consistent with the State fee, so that regardless of their choice the fee is the same.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. LFRA Resolution
3. Fee Table

RESOLUTION #R-24-2015

**A RESOLUTION APPROVING THE 2015 REVISED SCHEDULE OF RATES,
CHARGES AND FEES FOR SERVICES PROVIDED BY
THE LOVELAND FIRE RESCUE AUTHORITY**

WHEREAS, the Loveland Fire Rescue Authority (“Fire Authority”) is established pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity dated August 18, 2011 (the “Authority IGA”) between the City of Loveland, a Colorado home rule municipality (“City”) and the Loveland Rural Fire Protection District, a Colorado Special District (“District”); and

WHEREAS, the Fire Authority is authorized under Section 1.9(f) of the Authority IGA to fix, maintain, and revise fees, rates and charges for functions, services, or facilities provided by it, which fees, rates, and charges become effective upon the approval of the governing bodies of the City and the District; and

WHEREAS, the Fire Authority adopted a schedule of rates, fees and charges for providing services and functions performed by the Fire Authority in 2015 on September 11, 2014 and the City of Loveland approved them on October 14, 2014; and

WHEREAS, the Fire Authority believes that the inspection fees should be included in the permit fee already assessed thereby eliminating the inspection fees on the schedule; that liquefied propane gas portable tank exchange systems and bulk storage dispensing sites should be assessed a permit fee; that the open burn permit fee should be eliminated; that the school building plan review fee should be consistent with the State fee; and that records request fees should be included; and

WHEREAS, the Fire Authority Board of Directors has submitted the Fire Authority’s 2015 Revised Schedule of Rates, Charges, and Fees for Services, which is attached hereto and **Exhibit A** and incorporated herein by reference, to the City and the District for approval as required by Section 1.9(f) of the Authority IGA; and

WHEREAS, the City Council desires to approve the Fire Authority’s 2015 Revised Schedule of Rates, Charges, and Fees for Services and 2015 Budget.

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

Section 1. That the 2015 Revised Schedule of Rates, Fees, and Charges for Services provided by the Loveland Fire Rescue Authority, attached hereto as **Exhibit A** and incorporated herein by reference, is hereby approved.

Section 2. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 17th 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

RESOLUTION #R-045**A RESOLUTION APPROVING THE 2015 REVISED SCHEDULE OF RATES,
CHARGES AND FEES FOR SERVICES PROVIDED BY
THE LOVELAND FIRE RESCUE AUTHORITY**

WHEREAS, the Loveland Fire Rescue Authority ("Fire Authority") is authorized to fix fees, rates and charges for functions, services and facilities provided by the Fire Authority by Section 1.9(f) the terms of the Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity dated August 19, 2011 ("Formation Agreement"); and

WHEREAS, the Fire Authority adopted a schedule of rates, fees and charges for providing services and functions performed by the Fire Authority in 2015 on September 11, 2014 and the City of Loveland approved them on October 14, 2014; and

WHEREAS, the Fire Authority believes that the inspection fees should be included in the permit fee already assessed thereby eliminating the inspection fees on the schedule; that liquefied propane gas portable tank exchange systems and bulk storage dispensing sites should be assessed a permit fee; that the open burn permit fee should be eliminated; and that records request fees should be included; and

WHEREAS, Fire Authority staff has presented the Fire Authority Board with a schedule of proposed rates, charges and fees, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference ("2015 Revised Schedule of Rates, Charges and Fees") ; and

WHEREAS, the Loveland Rural Fire Protection District Board voted that the plan review permit fees for schools should be the same as the Colorado Department of Public Safety Division of Fire Prevention and Control; thereby bringing the fees back to the Fire Authority Board for consideration; and

WHEREAS, The Fire Authority wishes to adopt the schedule of rates, fees and charges as proposed in the schedule so that such fees are uniform throughout the Fire Authority jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOVELAND FIRE RESCUE AUTHORITY, STATE OF COLORADO, AS FOLLOWS:

Section 1. That the 2015 Revised Schedule of Rates, Charges and Fees, attached hereto as Exhibit A, is hereby approved and adopted for services provided by the Loveland Fire Authority and shall apply to all services and functions provided by the Fire Authority on or after May 1, 2015.


Section 2. That this Resolution shall supersede in all respects all previous resolutions of the Fire Authority which set the rates, charges and fees now being set, for all services and functions provided by the Fire Authority on or after May 1, 2015.

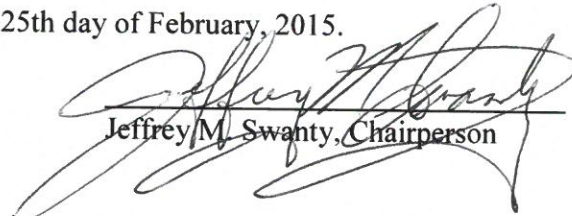
Section 3. That notwithstanding the foregoing, the rates, charges and fees set in the original 2015 fee schedule shall continue in full force and effect from the date of this Resolution until they are superseded on May 1, 2015 as provided for herein.

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

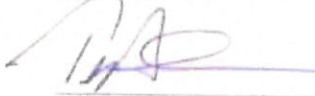
APPROVED AND ADOPTED this 25th day of February, 2015.

ATTEST:


Secretary


Jeffrey M. Swanty, Chairperson

Approved as to form:


Teresa Ablao
Assistant City Attorney

Changes Proposed for February LFRA
Board Consideration and City Council
Consideration March 2015 to be
effective May 1, 2015

Loveland Fire Rescue Authority Revised Fee Schedule

Description	2014 Fee	2015 Fee
Fire Protection Systems Permit and Plan Review Fees: (same as the City of Loveland)		
Building Permit Fees based on valuation)		
\$1 to \$500	\$23.50	\$23.50
\$500 to \$2,000 for first \$500	\$23.50	\$23.50
Plus, for each additional \$100 or fraction thereof	\$3.05	\$3.05
\$2,001 to \$25,000, for the first \$2,000	\$69.25	\$69.25
Plus, for each additional \$1,000 or fraction thereof	\$14.00	\$14.00
\$25,001 to \$50,000, for the first \$25,000	\$391.75	\$391.75
Plus, for each additional \$1,000 or fraction thereof	\$10.10	\$10.10
\$50,001 to \$100,000, for the first \$50,000	\$643.75	\$643.75
Plus for each additional \$1,000 or fraction thereof	\$7.00	\$7.00
\$100,001 to \$500,000, for the first \$100,000	\$993.75	\$993.75
Plus for each additional \$1,000 or fraction thereof	\$5.60	\$5.60
\$500,001 to \$1,000,000, for the first \$500,000	\$3,233.75	\$3,233.75
Plus for each additional \$1,000 or fraction thereof	\$4.75	\$4.75
\$1,000,001 and up, for the first \$1,000,000	\$5,608.75	\$5,608.75
Plus for each additional \$1,000 or fraction thereof	\$3.65	\$3.65
Plan Review Fees are in addition to the Permits Fee and is 65% of the Permit Fee	65% of Permit Fee	65% of Permit Fee
Inside the City: City of Loveland Use Tax and Larimer County Tax, percentage on 1/2 of valuation	3.60%	3.65%

Fire Operational Permit Fees - Hazardous Processes, Conditions or Locations:

Liquefied Propane Gas (LPG) Portable Tank Exchange System per 36 cylinders	\$0.00	\$100.00
Liquefied Propane Gas (LPG) Bulk Storage Dispensing	\$0.00	\$100.00
Spraying or Dipping Operations	\$0.00	\$100.00
Compressed Gas Facilities, small - single tank dispensing	\$50.00	\$100.00
Compressed Gas Facilities, large - bulk facilities	\$100.00	\$100.00
Explosive or Blasting Permit	\$100.00	\$100.00
Fireworks Retail & Wholesale Sales Permit	\$1,500.00	\$1,500.00
Fireworks Display Permit	\$200.00	\$200.00
Flammable or Combustible Liquid Tank Removal, per tank	\$100.00	\$100.00
Hazardous Materials Storage/Dispensing/Production	\$100.00	\$100.00
High-Piled Combustible Storage Permit	\$100.00	\$100.00
Hot-Work Operations and Cutting Permit	\$50.00	\$50.00
Cryogenic Fluid Facility	\$100.00	\$100.00

Changes Proposed for February LFRA
Board Consideration and City Council
Consideration March 2015 to be
effective May 1, 2015

Loveland Fire Rescue Authority Revised Fee Schedule

Description	2014 Fee	2015 Fee
Fire Special Permit Fees:		
Open Burning Permit	\$50.00	\$0.00
Special Event Fee - small	\$100.00	\$100.00
Special Event Fee - large	\$200.00	\$200.00
Standby Event Coverage, per hour, per person required	\$40.00	\$42.00
Report Fee	\$5-15.00	see separate section
Record Retrieval (<i>one hour minimum</i>), per hour	\$35.00	see separate section
School Inspection Fee	\$125.00	\$125.00
School Building Plan Review (changed to be consist with the State)	\$300.00	Valuation times .000640, minimum \$350
Tent & Canopy Permit	\$50.00	\$50.00
Bonfire Standby, per event	\$350.00 minimum	\$350.00 minimum
Haunted House/Maze Permit	\$0.00	\$100.00
Fire Inspection Fees: (As of 2015 the inspection fees are considered to be included in the permit fee)		
<u>Sprinkler Installation Inspections:</u>		
<u>1-9 Heads:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>10-99 Heads:</u>		
Per Inspection	\$70.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>100 to 1000 Heads:</u>		
Per Inspection	\$95.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Additional Inspections for All Sprinkler Systems:</u>		
(i.e. 200 lb. test, 2" drain test and inspectors tests), per inspection	\$40.00	\$0.00
<u>Alarm & Detection Systems:</u>		
Per Inspection (up to 5 devices)	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
Per Inspections (6 - 30 devices)	\$70.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
Per Inspection (over 30 devices)	\$95.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Hood & Duct Extinguishing Systems:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Paint Booth Extinguishing Systems:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Paint Booth Using Combustible or Flammable Liquids:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Dip Tank Operations Using Combustible/Flammable Liquids Installation:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00

Changes Proposed for February LFRA
Board Consideration and City Council
Consideration March 2015 to be
effective May 1, 2015

Loveland Fire Rescue Authority Revised Fee Schedule

Description	2014 Fee	2015 Fee
<u>LPG or Natural Gas Facilities Inspection:</u>		
Per Inspection	\$100.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Combustible Dust-Producing Operations Inspection:</u>		
Per Inspection	\$100.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Spray and Dipping Operations Inspection:</u>		
Per Inspection	\$100.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Other Special Extinguishing Systems:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Standpipe Systems:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Halon Extinguishing Systems:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Fuel Dispensing Facilities & Transfer Equipment:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00
<u>Flammable or Combustible Tank:</u>		
Per Inspection	\$50.00	\$0.00
Per Re-Inspection	\$75.00	\$0.00

After Hours Inspection (minimum 2 hours):

Per Inspection per hour (Applicable to any inspection before or after normal business hours of 8 AM - 5 PM, Monday - Friday or any time on weekends. The fee will be doubled on a holiday or holiday weekend.)	\$150.00	\$75/hr with a \$150 minimum
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Reinspection Fee (for the third inspection for the same purpose and every inspection thereafter)

\$75.00 **\$75.00**

Special Events Fee:

Per Firefighter, per hour	\$40.00	\$42.00
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Records Fees:

Research, Retrieval, Redaction, Creation	\$35.00/hr	\$35.00 per hour, minimum of one quarter hour and charged in 15 minute increments. Plus copy, postage/shipping, media or other applicable fee
CD/Media	\$10.00	\$15.00 per disc or media device
Copies-8.5x 11 Paper, faxed or scanned	\$5/report	.15 per page
Copies-Mylar		\$6.00
Postage/shipping		Actual cost
Oversized maps and documents		Actual cost
Certified copies		\$2.00 plus per page copy cost



CITY OF LOVELAND
LOVELAND FIRE RESCUE AUTHORITY
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AGENDA ITEM: 11
MEETING DATE: 3/17/2015
TO: City Council
FROM: Mark Miller, Loveland Fire Rescue Authority
PRESENTER: Mark Miller, Fire Chief

TITLE:

An Ordinance on First Reading Amending Title 15.04 Concerning Fire Code Appeals

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and adopt the ordinance as written 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 to consider an ordinance on first reading. On February 25, 2015, the Loveland Fire Rescue Authority (LFRA) Board voted to recommend to City Council that a new Fire Code Board of Appeals be established with LFRA Board members. The Fire Rescue Advisory Commission currently serves in this capacity (per Loveland Municipal Code 15.04.150). The Fire Authority Board recommends that the Appeals Board be comprised of at least three LFRA Board members, provided that one of the members present is from the Rural District.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

Title 15 of the Municipal Code designates the Appeals Board to hear appeals if a person is denied a permit, has a permit revoked, is issued an Order to Correct or Abate, or is issued a Stop Work Order by the fire code official.

The Fire Rescue Advisory Board has heard only one appeal since its inception, based on records available. During the appeal process, the Commission members expressed concern about the

difficulty of this quasi-judicial role as a citizen advisory board, where the primary responsibility of the commission is advising City Council on policy issues. The interpretation of fire codes was deemed technical in nature by the Commission and many of them felt unable to interpret with their limited background.

The LFRA Board considered a couple of options (the Fire Chief serving as the final appeal and the LFRA Board serving as the final appeal). They voted to recommend that the Appeals Board be comprised of a quorum of the Loveland Fire Rescue Authority Board, three Board members provided that one of the members is a Rural District member. The Board felt it was important to include appeals board members that would be considered independent by the appellant.

The appellant's recourse after the Appeals Board would be to take the matter to District Court, which has not changed.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING: March 17, 2015

SECOND READING:

ORDINANCE No. _____

**AN ORDINANCE AMENDING TITLE 15.04 CONCERNING
FIRE CODE APPEALS**

WHEREAS, On August 19, 2011, pursuant to an intergovernmental agreement between the City of Loveland (“City”) and the Loveland Rural Fire Protection District (“District”), the Loveland Fire Rescue Authority (“Fire Authority”) was created as a separate governmental entity with a beginning operational date of January 1, 2012 at 12:01 a.m.; and

WHEREAS, the Fire Authority, through the Fire Chief or his authorized designee, is responsible for enforcing the fire code as adopted by the District and the; and

WHEREAS, the city’s Fire Rescue Advisory Commission (“FRAC”) was designated as the appeal board for appeals of the fire code official’s determinations, with final review by city council; and

WHEREAS, the FRAC has heard only one appeal since its inception, based on records available and during that one appeal, the Commission members expressed concern about the difficulty of this quasi-judicial role for members of as a citizen advisory board, whose primary responsibility is advising City Council on policy issues; and

WHEREAS, the Fire Authority board discussed the issue of interpretation of fire codes and appeals of the fire code official’s determinations and voted at its February 25, 2015 meeting to recommend that the Fire Authority board be designated to hear final appeals and to conduct such appeals by appointing three members of the Board, one District and one City member of the board, together with one other member to act as hearing chair; and

WHEREAS, City Council desires to have the Loveland Fire Rescue Authority be designated as the final appeals board for hearing appeals of the fire code official’s determinations and orders.

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

Section 1. That section 15.04.150 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.150 Appeals.

The construction advisory board shall serve as the board of appeals in connection with all codes adopted in this Title 15 by reference with the exception of appeals arising out of the fire code adopted by this Title. ~~The fire and rescue advisory commission shall serve as the board of appeals in connection with appeals arising out of said fire code.~~

Section 2. That section 15.04.152 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.152 Appeals to Loveland Fire Rescue Authority~~fire and rescue advisory commission.~~

A. If under the fire code adopted by this Title 15 a person is denied a permit, has a permit revoked, ~~or~~ is issued an order to correct or abate, or issued a stop work order by the code official, such person may appeal the code official's action to the ~~fire and rescue advisory~~Loveland Fire Rescue Authority appeals board by filing ~~with the code official~~ a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of an order to correct or abate or stop work order, which notice shall specifically state the appellant's grounds for appeal.

B. The Loveland Fire Rescue Authority appeals board hearing appeals shall be comprised of three members of the Loveland Fire Rescue Authority board, one from the City, one from the Loveland Fire Protection District and one additional member to serve as hearing chair.

C. Each appeal will be heard at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and the LFRA staff shall be entitled to address the appeals board. The public hearing shall be recorded.

~~D. If the fire and rescue advisory commission~~The Loveland Fire Authority appeals board may authorize the issuance of a denied permit or rescind the revocation of a permit, order to correct or abate, or a stop work order, and when doing so may designate and impose such conditions as it may reasonably determine to be justified under the circumstances only if the board determines the following:

1. ~~Determines~~ that the denial of the permit, the revocation of the permit, order to correct or abate or the issuance of a stop work order is not justified under the applicable provisions of the fire code; or

2. ~~T~~hat the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors and adequately protect the health safety or welfare of the occupant, intended occupants, surrounding properties and the public generally; or

3. ~~T~~hat the applicable requirements, of the fire code would work an undue and unique hardship upon the appellant. An appeal based on undue hardship must also include a statement from the appellant specifying the nature and extent of the hardship;

4. And, that the issuance of the denied permit or the rescission of the revocation of a permit, order to correct or abate, or stop work order will not unreasonably jeopardize the health, safety and welfare of the occupant, intended occupants, surrounding properties and the public generally. , the commission may authorize issuance of the denied permit, rescind the revocation of the permit, or rescind the stop work order and, when doing so, may designate and impose such conditions as it may reasonably determine to be justified under circumstances.

Section 3. That section 15.04.153 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.153 Public hearings.

Every appeal under Section 15.04.151 and Section 15.04.152 shall be heard by the construction advisory board ~~and the fire and rescue advisory board, as applicable,~~ at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and city staff shall be entitled to address the appeals board. The public hearing shall be recorded.

Section 4. That section 15.04.155 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.155 Review by City Council.

The appellant or the city official whose decision was appealed under Section 15.04.151 to the construction advisory board ~~or under Section 15.04.152 to the fire and rescue advisory commission,~~ and who is aggrieved by the decision of the applicable appeal board, may appeal that decision to the city council. In addition, ~~any member of the fire and rescue advisory commission~~ the Fire Chief may appeal a decision of the construction advisory board reasonably related to a fire related issue. A person appealing a decision of the construction advisory board shall file a written notice of appeal with the city's building official no later than fifteen days after the board's decision and shall in the notice the grounds for appeal. ~~A person appealing a decision of the fire and rescue advisory commission shall file a written notice of appeal with the city's code official not later than fifteen days after the commission's decision and shall state in the notice the grounds for appeal.~~ In the event of such appeal to the city council, the powers and duties set forth in Section 15.04.151 ~~and Section 15.04.152, as applicable,~~ shall be exercised by the city council, which shall conduct a new public hearing on the matter.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the

amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after its final publication as provided in the City Charter Section 4-8(b).

ADOPTED _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

FIRST READING:

SECOND READING:

ORDINANCE No. _____

**AN ORDINANCE AMENDING TITLE 15.04 CONCERNING
FIRE CODE APPEALS**

WHEREAS, On August 19, 2011, pursuant to an intergovernmental agreement between the City of Loveland (“City”) and the Loveland Rural Fire Protection District (“District”), the Loveland Fire Rescue Authority (“Fire Authority”) was created as a separate governmental entity with a beginning operational date of January 1, 2012 at 12:01 a.m.; and

WHEREAS, the Fire Authority, through the Fire Chief or his authorized designee, is responsible for enforcing the fire code as adopted by the District and the; and

WHEREAS, the city’s Fire Rescue Advisory Commission (“FRAC”) was designated as the appeal board for appeals of the fire code official’s determinations, with final review by city council; and

WHEREAS, the FRAC has heard only one appeal since its inception, based on records available and during that one appeal, the Commission members expressed concern about the difficulty of this quasi-judicial role for members of as a citizen advisory board, whose primary responsibility is advising City Council on policy issues; and

WHEREAS, the Fire Authority board discussed the issue of interpretation of fire codes and appeals of the fire code official’s determinations and voted at its February 25, 2015 meeting to recommend that the Fire Authority board be designated to hear final appeals and to conduct such appeals by appointing three members of the Board, one District and one City member of the board, together with one other member to act as hearing chair; and

WHEREAS, City Council desires to have the Loveland Fire Rescue Authority be designated as the final appeals board for hearing appeals of the fire code official’s determinations and orders.

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

Section 1. That section 15.04.150 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.150 Appeals.

The construction advisory board shall serve as the board of appeals in connection with all codes adopted in this Title 15 by reference with the exception of appeals arising out of the fire code adopted by this Title.

Section 2. That section 15.04.152 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.152 Appeals to Loveland Fire Rescue Authority.

A. If under the fire code adopted by this Title 15 a person is denied a permit, has a permit revoked, is issued an order to correct or abate, or issued a stop work order by the code official, such person may appeal the code official's action to the Loveland Fire Rescue Authority appeals board by filing a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of an order to correct or abate or stop work order, which notice shall specifically state the appellant's grounds for appeal.

B. The Loveland Fire Rescue Authority appeals board hearing appeals shall be comprised of three members of the Loveland Fire Rescue Authority board, one from the City, one from the Loveland Fire Protection District and one additional member to serve as hearing chair.

C. Each appeal will be heard at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and the LFRA staff shall be entitled to address the appeals board. The public hearing shall be recorded.

D. The Loveland Fire Authority appeals board may authorize the issuance of a denied permit or rescind the revocation of a permit, order to correct or abate, or a stop work order, and when doing so may designate and impose such conditions as it may reasonably determine to be justified under the circumstances only if the board determines the following:

1. That the denial of the permit, the revocation of the permit, order to correct or abate or the issuance of a stop work order is not justified under the applicable provisions of the fire code; or

2. That the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors and adequately protect the health safety or welfare of the occupant, intended occupants, surrounding properties and the public generally; or

3. That the applicable requirements of the fire code would work an undue and unique hardship upon the appellant. An appeal based on undue hardship must also include a statement from the appellant specifying the nature and extent of the hardship;

4. And, that the issuance of the denied permit or the rescission of the revocation of a permit, order to correct or abate, or stop work order will not unreasonably jeopardize the health,

safety and welfare of the occupant, intended occupants, surrounding properties and the public generally.

Section 3. That section 15.04.153 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.153 Public hearings.

Every appeal under Section 15.04.151 and Section 15.04.152 shall be heard by the construction advisory board at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and city staff shall be entitled to address the appeals board. The public hearing shall be recorded.

Section 4. That section 15.04.155 of the Loveland Municipal Code is hereby amended to read in full as follows:

15.04.155 Review by City Council.

The appellant or the city official whose decision was appealed under Section 15.04.151 to the construction advisory board, and who is aggrieved by the decision of the appeal board, may appeal that decision to the city council. In addition, the Fire Chief may appeal a decision of the construction advisory board reasonably related to a fire related issue. A person appealing a decision of the construction advisory board shall file a written notice of appeal with the city’s building official no later than fifteen days after the board’s decision and shall in the notice the grounds for appeal. In the event of such appeal to the city council, the powers and duties set forth in Section 15.04.151 shall be exercised by the city council, which shall conduct a new public hearing on the matter.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after its final publication as provided in the City Charter Section 4-8(b).

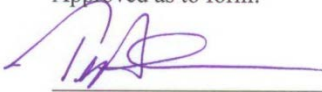
ADOPTED _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:

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

Teresa Ablao
Assistant City Attorney



CITY OF LOVELAND
LOVELAND FIRE RESCUE AUTHORITY
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
 (970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 3/17/2015
TO: City Council
FROM: Mark Miller, Loveland Fire Rescue Authority
PRESENTER: Mark Miller, Fire Chief

TITLE:

An Ordinance on First Reading Amending the City Code to Appoint the Current Members of the Loveland Fire Rescue Advisory Commission to the Loveland Fire Rescue Authority and Dissolve the City Commission

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance as written 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 to dissolve the Fire Rescue Advisory Commission. The Commission has played an important role in strategic planning and policy considerations. Since Loveland Fire Rescue Authority (LFRA) Board is responsible for setting policy of the Authority, the citizen advisory board that is responsible for bringing the citizen's perspective to policy considerations should be aligned with the decision-making authority. Therefore the LFRA Board voted on January 28, 2015 to make a recommendation to the Loveland City Council to dissolve the Commission as a City Commission. If the City Council approves that action, then the LFRA Board would reinstate the existing members as an ad hoc commission and the LFRA Bylaws would be amended.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

When the Fire Authority was established, City Council added two positions to the seven-member commission for representation from the Rural District (Loveland Municipal Code Section 2.60.110(B)). The alignment of the Commission remained with City Council. This section of the Code specifically identifies the purpose of the commission as an advisory body to the City Council and to the Loveland Fire Rescue Authority in the implementation of the fire protection master plan and the future strategic planning for the City and the Authority. In addition, the Commission serves as an advisory body to the Fire Chief concerning fire protection, rescue, and emergency management issues.

The ordinance attached would revise the Loveland Municipal Code. Because the Municipal Code Section 15 also designates the Fire Rescue Advisory Board as the Appeals Board the two actions need to be considered sequentially.

The LFRA Board voted to reinstate the Commission as an ad hoc commission. This would allow for them to invest their time specifically associated with project work (i.e. updating the Strategic Plan or the Rural District Mill Levy Strategy). If at some point in the future there is no project assignment, then meetings could be suspended. The mechanics of how this works would be approved by the LFRA Board as an addition to the Rules and Regulations document that identifies how LFRA administrative policies and procedures are handled.

The roster for the commission is attached.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. FRAC Roster

FIRST READING: ___

SECOND READING:

ORDINANCE No. _____

AN ORDINANCE AMENDING THE CITY CODE TO APPOINT THE CURRENT MEMBERS OF THE LOVELAND FIRE RESCUE ADVISORY COMMISSION TO THE LOVELAND FIRE RESCUE AUTHORITY AND DISSOLVE THE CITY COMMISSION

WHEREAS, On August 19, 2011, pursuant to that Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity (The “Formation Agreement”) the City of Loveland (“City”) and the Loveland Rural Fire Protection District (“District”) created the Loveland Fire Rescue Authority (“Fire Authority”); and;

WHEREAS, the City established a fire rescue advisory commission (“FRAC”) to serve as a citizen advisory board to council and the Fire Authority and has played an important role in strategic planning and policy considerations; and

WHEREAS, since the Fire Authority board, is responsible for setting policy of the Authority, the citizen advisory board that is responsible for bringing the citizen’s perspective to policy considerations should be aligned with the decision-making authority; and

WHEREAS, the Fire Authority board voted at their meeting on January 28, 2015 to make a recommendation to the Loveland City Council to dissolve the commission so that FRAC and all current members may be reappointed as an ad hoc commission to assist and advise the Fire Authority board;

WHEREAS, City Council desires to dissolve the FRAC as a City advisory board finding that it is better suited to be an advisory board to the Fire Authority.

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

Section 1. That Loveland Municipal Code Section 2.16.110 is hereby repealed and all members of the FRAC serving as of the date of this resolution shall be reappointed as an ad hoc commission of the Loveland Fire Rescue Authority.

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

amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after its final publication as provided in the City Charter Section 4-8(b).

ADOPTED this _____ day of March, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

FIRE AND RESCUE ADVISORY COMMISSION

<u>MEMBER</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>APPOINT- MENT DATE</u>	<u>EXPIRA- TION DATE</u>
City Commission Members				
Jonathan Q. Smela jqstanley@comcast.net	236 Riker Ct Loveland CO 80537	H 667-3981 B 898-9439	3/03/15	6/30/18
Dave Adams david@heroshand.com	2522 N Empire Ave Loveland CO 80538	H 667-8229 B 217-1440	8/21/12	6/30/15
				6/30/15
Paul W. Pfeiffer pfeiffer331@gmail.com	331 Morgan Dr Loveland CO 80537	H 635-1907 B (303) 692-2896	8/21/07 7/20/10 11/19/13	6/30/16
Elton Bingham ecbingham@frii.com	3326 Indigo Ct Loveland CO 80538	H 669-9449 B 663-4145	2/4/14	6/30/16
Vacant				6/30/16
Leo Wotan leowotan@gmail.com	3608 Akron Ct Loveland CO 80538	H 669-0479 B 663-2400	1/6/15	6/30/17
Vacant				6/30/17
Rural Commission Members				
Bob Boggio bboggio2@lpbroadband.net	3905 Glade Rd Loveland CO 80538	H 667-4472 B 430-8157	10/9/13	
William Tillman william.tillman@thompsonschoools.org	3 Idlewild Ln Loveland CO 80537	H 669-3008 B 613-7576	7/25/12	
Cecil Gutierrez Mayor@cityofloveland.org Council Liaison	1035 Crabapple Loveland CO 80538	H 619-0025 Phone Mail: 962-2190		
Leroy E. Anderson (Andy) Rural Board Liaison	808 Ptarmigan Run Loveland, CO 80538	H 402-2839	7/27/10	
Mark Miller, Chief Mark.Miller@cityofloveland.org Staff Liaison	410 E 5 St Loveland CO 80537	B 962 2827		
Bonnie Wright Bonnie.Wright@cityofloveland.org Office Support	410 E 5 St Loveland CO 80537	B 962-2497		

The term on the Commission is three years.

Two members are appointed by the Rural Fire Protection District and serves a term that is determined by the District.
3/12/15



CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 13
MEETING DATE: 3/17/2015
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico

TITLE:

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Payment of Legal Fees and Costs in Connection with the Quiet Title Action for the Pulliam Building

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 to consider an ordinance on first reading making a supplemental appropriation in the amount of \$30,000 to fund the quiet title action pertaining to the Pulliam Community Building.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The funding for the appropriation of \$30,000 is from fund balance in the General Fund. The General Fund balance is \$5,791,750.

BACKGROUND:

The Pulliam Building is owned by the City. City Council has directed staff to file a legal action quieting title to the building in the City and seeking removal of restrictions on use contained in the 1936 deed and a separate agreement. The restrictions include a limitation on the use of the building for "community purposes," restrictions concerning the wall shared with the church

immediately adjacent to the Pulliam Building, and a reversion clause requiring the building to revert to the school district in the event the City ceases to use the building for “community purposes.”

This appropriation is for the total estimated cost of the quiet title action, which is being handled by the Wick & Trautwein Law Firm. Extensive research has been done to date identifying all of the parties that need to be named in the lawsuit. The cost of the litigation may be less if a settlement with the parties can be reached.

REVIEWED BY CITY MANAGER:

William A. Cavill

LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING March 17, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR THE PAYMENT OF LEGAL FEES AND COSTS IN CONNECTION WITH THE QUIET TITLE ACTION ON THE PULLIAM BUILDING

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the payment of legal fees and costs in connection with the quiet title action on the Pulliam Building; 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 payment of legal fees and costs in connection with the quiet title action on the Pulliam Building, 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 \$30,000 from fund balance in the General Fund are available for appropriation. Such reserves in the total amount of \$30,000 are hereby appropriated for the payment of legal fees and costs in connection with the quiet title action on the Pulliam Building. 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 30,000

Total Revenue 30,000

Appropriations

100-13-110-0000-43450 PULLIAM Professional Services 30,000

Total Appropriations 30,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. 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: 14
MEETING DATE: 3/17/2015
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:

Investment Report for January 2015

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

The budget projection for investment earnings for 2015 is \$1,759,080. The portfolio's January beginning balance equates to an annual interest rate of 0.84%. For January, earnings of \$155,823 were offset by the maturity of a premium bond, leading to the net posting of \$54,055. Because of the huge drop in interest rates, the unrealized loss position switched to a gain of \$254,219. Based on the monthly statement, the estimated annualized yield in January on the securities held by US Bank was 1.05%. Due to draws from fund balances to pay for the cost of scheduled capital projects, flood response, and project repair, the portfolio is about \$8.5 million lower than December 2013 and \$19.5 million lower than the pre-flood peak.

BACKGROUND:

At the end of January the City's portfolio had an estimated market value of \$206.4 million, about \$2.4 million less than a month ago. Of this amount, US Bank held \$190.3 million (including accrued interest) in trust accounts; other funds are held in local government investment pools, in operating accounts at First National Bank, and a few other miscellaneous accounts. Interest rates trended to all-time record lows in 2012 – 2013 before rising in the second half of 2014. In January, they dipped significantly lower again. Short-term rates are projected to rise starting around the middle of 2015. City investments are in US Treasury Notes, high-rated US Agency Bonds, highly rated corporate bonds, money market accounts, insured certificates of deposit and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to about \$2.1 million annually.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Investment Focus January 2015

Lowland Municipal Building

Investment Focus

Monthly Investment Report

January 2015

What's in here?

Focal Points	1
Gain / Loss	
Rate Drivers	
Rate Trends	2
Cash Statement	3
Portfolio Size /	4
Investment Types	
Transactions /	5
Maturity	
Labor Data	6-7
Future Scan	8

What is Driving Interest Rates

Inflation has been low in the United States for many months. There simply is not much pressure on costs, especially wage costs.

Overseas market economies are very weak and they have significantly lowered their interest rates to stimulate growth. Rates on US Treasuries are attractive and carry less risk than other locations.

The myriad of areas with unsettled military tensions adds to the perceived risk in other countries, again making US investments more attractive.

continued on page 2

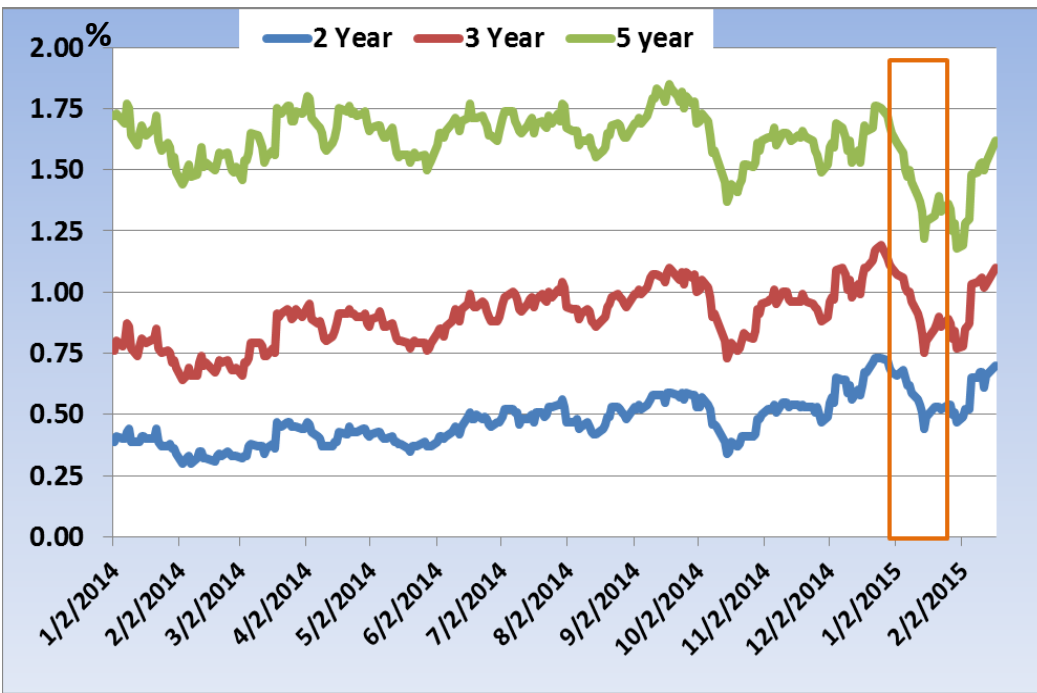
Focal Points

- * **2015 targets for the City's portfolio:**
1) **interest rate = 0.84%**; 2) **earnings = \$1,759,080.**
- * **City investments are in high-quality low-risk securities to comply with state law and the City's adopted investment policy.**
- * **Interest earnings posted for the month totaled \$54,055.**
- * **Each 1% of market value amounts to nearly \$2.1 million.**
- * **Month end market value shows the unrealized gain estimated **\$254,219** at the end of January.**

Type of Investment	Purchase Price	Market Price	Unrealized Gain or Loss
Checking Accounts	\$ 7,011,327	\$ 7,011,327	-
Investment Pools	\$ 9,523,667	\$ 9,523,667	-
Money Markets	\$ 12,004,539	\$ 12,004,539	-
Subtotal	\$ 28,539,533	\$ 28,539,533	-
Notes, Bonds, and CDs	\$ 178,026,863	\$ 178,281,082	\$ 254,219
Total Portfolio	\$ 206,566,396	\$ 206,820,616	\$ 254,219
Data sources	(Morgan Stanley)	(US Bank)	

Due to rounding, column and row totals may not add exactly.

Treasury rate trends / Fed funds chart



Interest plummeted on U.S. Treasuries during January. The 2-year was down 20 basis points, the 3-year was down 33, and the 5-year treasury was down 47 basis points.

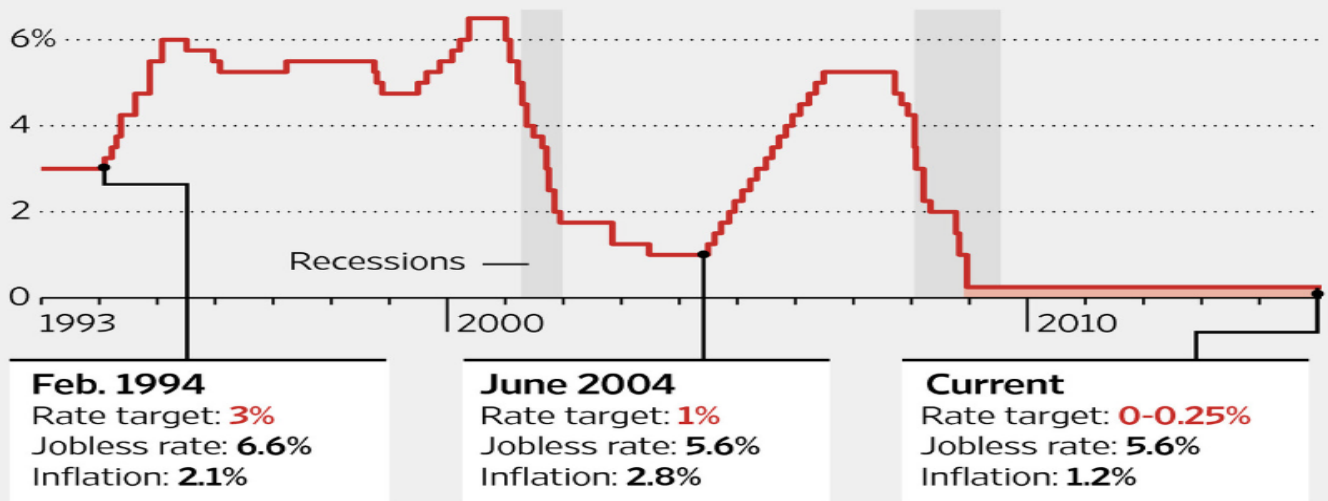
When rates drop, the price of securities held in the portfolio increases, resulting in a much smaller unrealized loss at month end.

Continued from page 1

Takeoff Times

Economic conditions at times of last Fed rate increase liftoffs compared to current:

Federal-funds rate target, Jan. 1993-Dec. 2014



Note: Inflation as measured by the change from a year earlier in the personal consumption expenditure price index

Sources: Federal Reserve Bank of St. Louis (rate target, unemployment); Commerce Department (inflation)

The Wall Street Journal

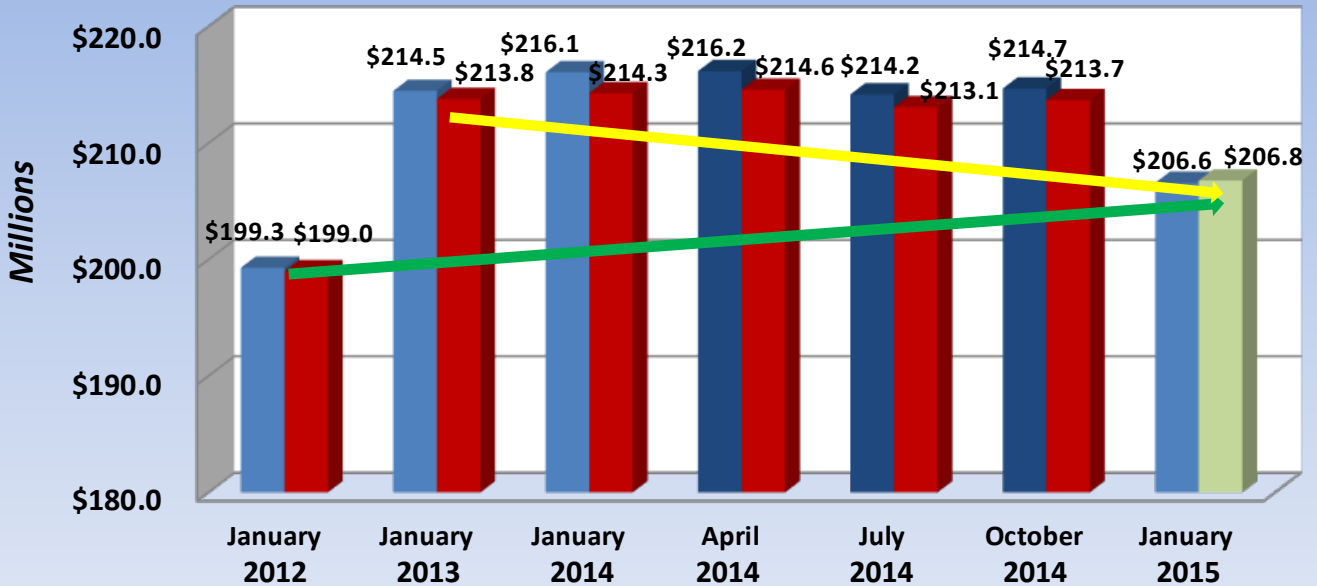
Bottom line: 1.25% below beginning balance

		Est. 2015 Beginning	YTD Activity	Month End Total
	Restricted Reserves			
1	Capital Expansion Fees	\$ 27,367,375	\$ 134,952	\$ 27,502,327
2	Water System Improvement Fees	8,324,691	(634,234)	7,690,457
3	Raw Water Revenue - Windy Gap	23,691,272	886,378	24,577,649
4	Wastewater System Imp. Fees	6,561,424	31,468	6,592,892
5	Storm Drainage System Imp. Fees	1,749,824	13,843	1,763,667
6	Power Plant Investment Fees	3,380,285	145,904	3,526,189
7	Cemetery Perpetual Care	2,796,863	9,093	2,805,956
8	Other Restricted	31,590,052	(1,379,027)	30,211,026
9	Total Restricted	\$ 105,461,785	\$ (791,621)	\$ 104,670,164
	Committed / Assigned			
10	General Fund	\$ 11,224,908	\$ 78	\$ 11,224,986
11	Enterprise Funds	5,280,313	(334,396)	4,945,916
12	Internal Service Funds	16,194,181	458,065	16,652,246
13	Total Committed / Assigned	\$ 32,699,402	\$ 123,747	\$ 32,823,149
14	Total Restricted/Committed/Assigned	\$ 138,161,187	\$ (667,874)	\$ 137,493,313
	Unassigned Balance			
15	General Fund	\$ 33,683,052	\$ 199,358	\$ 33,882,409
16	Airport	1,758,259	(2,098)	1,756,162
17	Internal Service - Vehicle Maint.	13,127	(13,127)	1
18	Enterprise Funds	35,083,286	(2,118,388)	32,964,899
19	Total Unassigned	\$ 70,537,725	\$ (1,934,254)	\$ 68,603,470
20	TOTAL FUND BALANCE	\$ 208,698,912	\$ (2,602,129)	\$ 206,096,783

Source: City of Loveland Budget Office
 Due to rounding, column and row totals may not add exactly.

Portfolio Growth Trend / Types of Investments

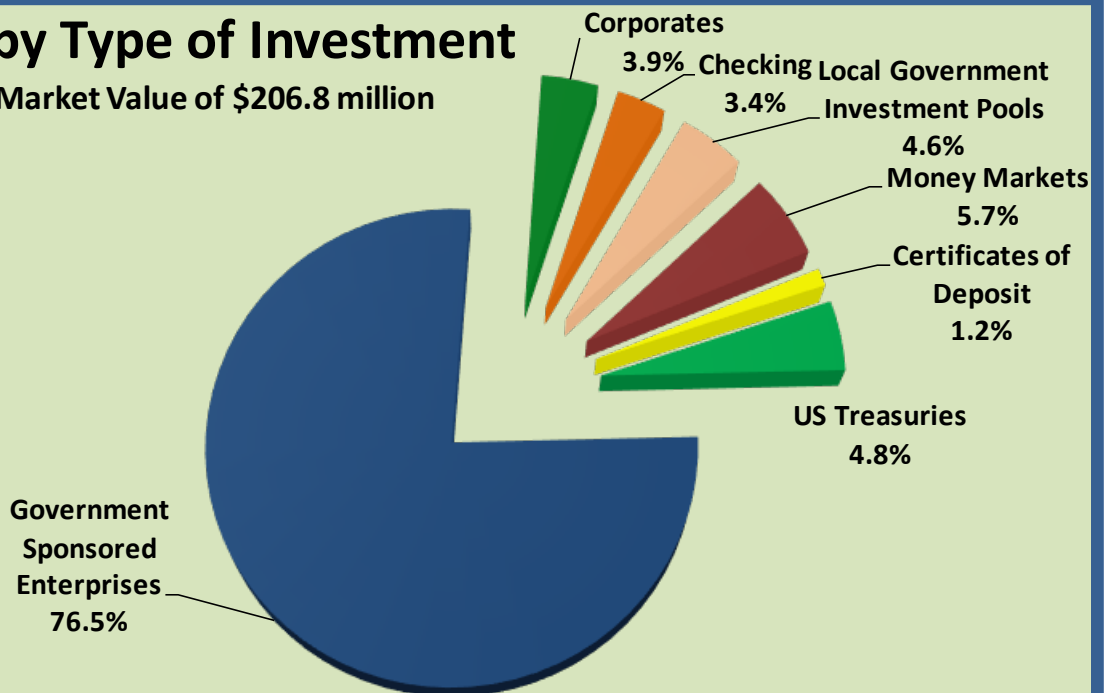
Portfolio Size Since January 2012



Blue bars show Purchase value; red or green bars show Market value (red = loss and green = gain).

Portfolio by Type of Investment

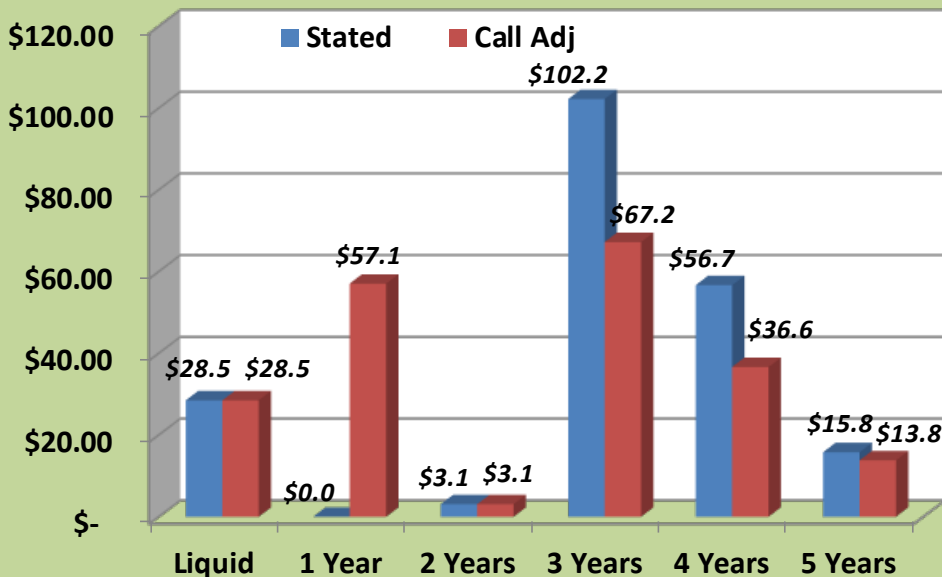
January 2015 – Market Value of \$206.8 million



Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
Purchases				
Fed Home Loan Mort. Corp	01/30/2018	\$ 5,000,000.00	\$ 5,000,000.00	1.200%
U.S. Bank National Assn.	01/26/2018	\$ 1,000,000.00	\$ 998,480.00	1.350%
Matured				
JP Morgan Chase	01/20/2015	\$2,000,000.00	\$ 2,113,400.00	3.700%
Called			Call Value \$	
None this month				
Sales			Gain/(Loss) \$	
U.S. Treasury Note	02/28/2018	1,000,000.00	\$ (1,691.52)	0.750%

Portfolio by Estimated Maturity Term
(in millions - Total = \$206.8 at the end of January)



The target interest earnings rate for 2015 was 0.84%. Rates have been volatile over recent months and reached all-time lows for the 10-year treasury.

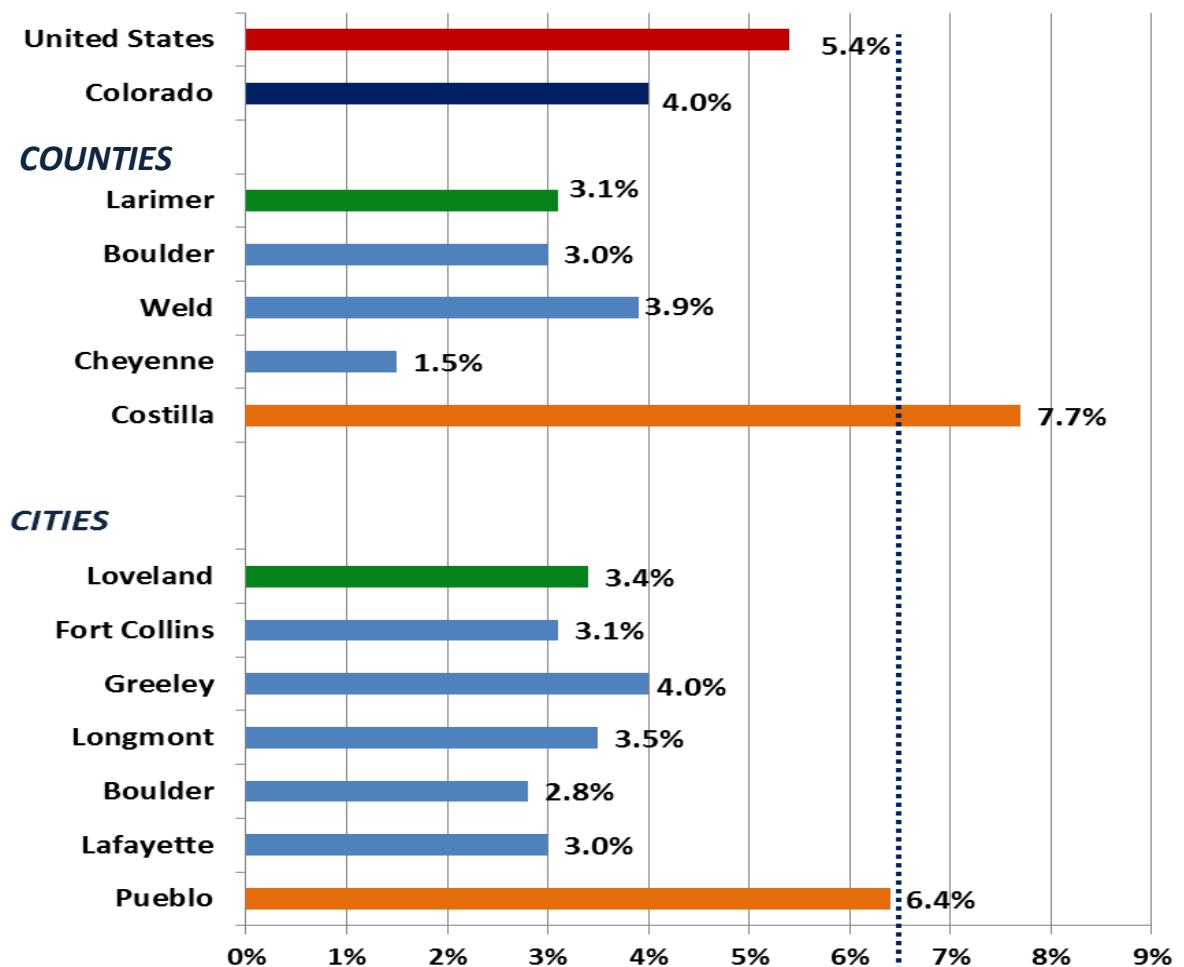
To support earnings, or to reposition the portfolio, bonds may be sold. Sales have netted (\$ -1,692) this year.

Blue bars show the stated term; red bars show possible calls.

- ❑ Loveland's employed workforce contracted in December, **down 328** jobs from November.
- ❑ Compared to December of 2013, there are now **1,326 more** jobs reported by Loveland residents.

Unemployment Rates

Data not adjusted for seasonality



Current “missing worker” estimates at a glance

Updated February 6, 2015, based on most current data available.

Total missing workers,
January, 2015:
5,770,000

Unemployment rate if
missing workers were
looking for work:
9.0%

Official
unemployment rate:
5.7%

In today’s labor market, the unemployment rate drastically understates the weakness of job opportunities. This is due to the existence of a large pool of “missing workers”—potential workers who, because of weak job opportunities, are neither employed nor actively seeking a job. In other words, these are people who would be either working or looking for work if job opportunities were significantly stronger. Because jobless workers are only counted as unemployed if they are actively seeking work, these “missing workers” are not reflected in the unemployment rate. When persons marginally attached to the labor force plus those employed part time for economic reasons are added to the official unemployment rate (the 5.7% number above right), the rate rises to **11.3%** (the seasonally adjusted U-6 number; the unadjusted number is **12.0%**).

Website: <http://www.epi.org/publication/missing-workers/>





Future Scan

- ❖ **Fed Tiptoes Into Rate-Hike Debate.** Minutes of latest policy meeting show central bankers discussing when and how to raise interest rates from near zero
 - “The Federal Reserve’s debate about raising short-term interest rates is heating up.
 - The minutes from the January 27-28 policy meeting suggest many Fed officials were inclined to wait as long as they could, but didn’t indicate how long that would be.
 - Given a choice between moving too soon and risking derailing the recovery, or acting later and risking inflation or a financial bubble, many officials at the meeting said they were inclined to choose the latter.”
 - “I walk away with the impression that the [Fed] quite intentionally attempted to publish a set of minutes that would fail to move the needle in either direction with respect to the near-term policy outlook,” Stephen Stanley, an economist at Amherst Pierpont.”
(Source: *Fed Tiptoes Into Rate-Hike Debate* by John Hilsenrath, in **THE WALL STREET JOURNAL** online, February 18, 2015.)
- ❖ **Morgan Stanley – “What are the conditions for liftoff?”**
 - “In our view, the most important section of the FOMC minutes was the discussion on the conditions that are likely to prevail ahead of liftoff. Unfortunately:

There was wide agreement that it would be difficult to specify in advance an exhaustive list of economic indicators and the values that these indicators would need to take.

 Nevertheless, we think the minutes point to a consensus forming around the three most important conditions: 1) above-potential growth, (2) continued improvement in the labor market, and (3) stable inflation expectations. The minutes suggested that:

a number of participants suggested that they would need to see further improvement in labor market conditions and data pointing to continued growth in real activity at a pace sufficient to support additional labor market gains before beginning policy normalization.

 Of course, not every participant would be comfortable lifting rates based on those conditions alone.

Some participants noted that their confidence in inflation returning to 2 percent would also be bolstered by stable or rising levels of core PCE inflation, or of alternative series, such as trimmed mean or median measures of inflation..

 This section in the minutes leads us to believe that the debate over the stability of inflation expectations has not yet been resolved.” (Source: *US Interest Rate Strategy Insight*, Morgan Stanley Research online, February 20, 2015.)
- ❖ **The December 2014 Colorado Employment Situation** was released January 27th. For the year, nonfarm payroll jobs have increased by 62,300. In December, the Labor Force increased by 2,200. The latest household survey data show Loveland’s unemployment rate to be 3.4%, a bit lower than November. Other cities and counties show similar results. The chart with other cities and counties is on page 6. (Next Update 3/27.) (Source: Colorado Department of Labor and Employment **December 2014 Colorado Employment Situation**, January 27, 2014.)
- ❖ **Recession Outlook:** Four indicators (Industrial Production, Nonfarm Employment, Real Personal Income, and Real Retail Sales) are the basis for determining a recession. Based on January data, Industrial Production rose by 0.19%; December Real Retail Sales fell by 0.49%; and, Employment continued on its slow 0.18% growth trend. Real Income was flat in December. The average is +0.09%. “The overall picture of the US economy had been one of slow recovery from the Great Recession with a clearly documented contraction during the winter, as reflected in Q1 GDP. Data for Q2 and Q3 supported the consensus view that severe winter weather was responsible for the Q1 contraction – that it was not the beginnings of a business cycle decline. However, the Big Four average in recent months suggests that, despite the rebound in GDP in Q2 and Q3, the economy remains near stall speed.(Source: *Advisor Perspectives*, Doug Short, February 18, 2015.)

For more information regarding this report, please contact:

Alan Krcmarik, Executive Fiscal Advisor 970.962.2625 or Alan.Krcmarik@cityofloveland.org

**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: 15
MEETING DATE: 3/17/2015
TO: City Council
FROM: William D. Cahill, City Manager
PRESENTER: William D. Cahill, City Manager

TITLE:

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

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance on second 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 second 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. This ordinance was approved unanimously on first reading by Council (2 Councilors recused themselves) at the March 3, 2015 regular meeting. The recusal is the only reason this is not placed on the consent agenda.

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 March 17, 2015

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:

Supplemental Budget		
General Fund 100		
Revenues		
Fund Balance		220,000
Total Revenue		220,000
Appropriations		
100-19-195-0000-43190	Legal Agreements & Settlements	220,000
Total Appropriations		220,000

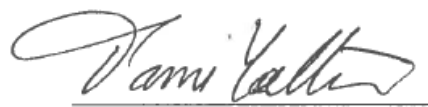
Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be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

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 16
MEETING DATE: 3/17/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Vince Junglas, Assistant City Attorney

TITLE:

A Resolution Approving an Intergovernmental Agreement between the City of Loveland, a Home Rule Municipality, and the Thompson School District R-2J for Operation of the Loveland Municipal Teen Court Program

RECOMMENDED CITY COUNCIL ACTION:

Staff is recommending approval of the IGA, by resolution.

OPTIONS:

1. Adopt the Resolution
2. Deny the Resolution
3. Adopt modified action (specify in the motion)
4. Refer back to staff for further development and consideration

SUMMARY:

This is an administrative action to consider a resolution approving an Intergovernmental Agreement ("IGA") for operation of a municipal "Teen Court" program. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson Valley School District. The IGA between the City and the School District includes operational provisions and provides funding for the program, the City will contribute an amount not to exceed \$3,000 for the operation of the program in 2015. The funds will cover a portion of the District's administrative, operational, and personnel costs incurred in connection with the program. The School District has approved the IGA. Funds for this purpose are included in the 2015 Municipal Court Budget.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Funds in the amount of \$3,000 per year have been appropriated as part of the 2015 Municipal Court Budget.

BACKGROUND:

At a July City Council Study Session the Municipal Judge, Bill Starks and Executive Director of Secondary Education, Dr. Margaret Crespo detailed the “Teen Court” process to Council. On July 22, 2014 Council directed staff to move forward with the implementation of “Teen Court”.

Teen Courts have been used by some courts to provide positive experiences for teens to learn and experience the justice system. First-time teen offenders of eligible offenses may be referred to Teen Court to have their sentence terms and conditions set by a teen jury. The program offers an alternative to having the Municipal Judge decide the terms of sentence within legal parameters. This provides learning experiences for the offender and members of the teen community related to the justice system.

The Roles of Municipal Court and City Attorney

The defendant comes to court, fully advised of his or her rights and enters into a plea negotiation with the Prosecutor. An eligible juvenile defendant will receive a deferred judgment and sentence with the condition of successfully completing the Teen Court Program pursuant to the prosecutorial discretion of the City Attorney’s Office. “Successful completion” means the defendant’s case is dismissed and the defendant may have his or her record immediately sealed to the extent permitted by Colorado law by the Municipal Court Judge.

After entering the plea and having the judge determine restitution, if any, the defendant will be referred to the Teen Court to be sentenced by a jury of his or her peers. This is a voluntary program that does require the consent and participation of the juvenile’s parent or guardian. Moreover, no teen will be denied access to the program based on economics.

Members of the Teen Court will have been selected and trained in advance of the hearing. All participants will be required to sign and abide by confidentiality agreements.

The hearings are planned to be held in the Municipal Court Courtroom.

Teens will represent the prosecution and defense. Each side will participate in a brief jury selection and make a presentation to the chosen jurors. The presentation may involve questioning of witnesses when appropriate. The culpability of the defendant is not an issue. The presentations and arguments are to assist the jury in determining what the appropriate sanction(s) should be for the given case and defendant. The jury will be provided legal parameters to guide their decision. Teens will also be involved in the roles of Judge and Bailiff. The defendant is required to be available to answer questions and or make a statement to the jury.

Sentences by the jury may include some combination of sanctions set out in the guidelines provided in advance. These sanctions may include restitution where appropriate, community service for non-profit agencies, fines, costs, research projects, a class appropriate for the offense or situation with an essay about the class, written apologies, and service as a juror in subsequent Teen Court cases.

The Role of Thompson School District

The School District is providing organization, educational, and administrative support and personnel to operate the program. The District will assign staff to hold meetings and trainings in conjunction with the Municipal Judge, Prosecuting Attorney and other volunteer attorneys as appropriate. The law related classes have been identified, however the draw of students will not be limited to those only in these classes. The Loveland Youth Advisory Council will also be contacted to generate interest and recruit participants. The School District has already approved the IGA.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. IGA

RESOLUTION #R-25-2015**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, A HOME RULE MUNICIPALITY, AND THE THOMPSON SCHOOL DISTRICT R-2J FOR OPERATION OF THE LOVELAND MUNICIPAL TEEN COURT PROGRAM**

WHEREAS, since 1990 the City of Loveland, a home rule municipal corporation, (the “City”) and Thompson School District R2-J (the “District”), pursuant to C.R.S. § 29-1-203, have cooperated in several areas to establish and develop positive relationships between students, police officers, school staff, the general public, and to prevent delinquency, alcohol and substance abuse, gang involvement, and other unlawful or disorderly activities among students within the City of Loveland community; and

WHEREAS, C.R.S. § 29-1-201 permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the current, joint goals of the District and the City are to create and implement a Teen Court Program (the “Program”) for low-risk, first-time offenders based on restorative justice principles as an alternative to the traditional juvenile justice system; and

WHEREAS, the Program would hold juveniles accountable for their delinquent behavior while using positive peer involvement to promote long-term behavioral change; and

WHEREAS, the District and the City wish to continue such cooperation and recognize that the Program’s development and growth requires a need to establish and define more formally the conditions and responsibilities of the parties with respect to the operation of such Program and to allocate the cost of providing for the Program.

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

Section 1. That the Intergovernmental Agreement Concerning Operation of the Loveland Municipal Teen Court Program (“Agreement”), attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the District, following consultation with the District’s Attorney, has reviewed this Agreement and finds it to be acceptable.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to modify the Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City of Loveland.

Section 5. That this Resolution shall take effect as of the date and time of its adoption.

ADOPTED this _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT CONCERNING OPERATION OF THE LOVELAND MUNICIPAL TEEN COURT PROGRAM

RECITALS

WHEREAS, since 1990 the City of Loveland, a home rule municipal corporation, (the “City”) and Thompson School District R2-J (the “District”), pursuant to C.R.S. § 29-1-203, have cooperated in several areas to establish and develop positive relationships between students, police officers, school staff, the general public, and to prevent delinquency, alcohol and substance abuse, gang involvement, and other unlawful or disorderly activities among students within the City of Loveland community; and

WHEREAS, C.R.S. § 29-1-201 permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the current, joint goals of the District and the City are to create and implement a Teen Court Program (the “Program”) for low-risk, first-time offenders based on restorative justice principles as an alternative to the traditional juvenile justice system; and

WHEREAS, the Program would hold juveniles accountable for their delinquent behavior while using positive peer involvement to promote long-term behavioral change; and

WHEREAS, the District and the City wish to continue such cooperation and recognize that the Program’s development and growth requires a need to establish and define more formally the conditions and responsibilities of the parties with respect to the operation of such Program and to allocate the cost of providing for the Program.

AGREEMENT

THEREFORE, in consideration of the foregoing, by the mutual promises contained herein, and other good and valuable consideration, the District and the City hereby agree as follows:

1. Term. This Intergovernmental Agreement Concerning Operation of the Loveland Municipal Teen Court Program (“Agreement”) sets forth the general terms and conditions of the Program to be implemented in the Loveland Municipal Court and Loveland High School through the Teen Court High School Advisor, Loveland Municipal Court, and the Loveland City Attorney’s Office. The term of this Agreement shall begin upon the proper execution of the Agreement, and continue for consecutive one year terms, unless sooner

terminated as provided herein or amended by mutual written agreement of the parties.

2. Scope of Services: City. The City promises the following:
 - a. To make the Loveland Municipal Courtroom available for use by the Program for no more than two three-hour sessions per one month period.
 - b. To financially contribute to the Program by payment, to the District, pursuant to paragraph six (6).
 - c. The Loveland City Attorney's Office, through the Municipal Court Prosecutor, will make referrals to the Program pursuant to paragraph four (4), and the volume of those referrals will be consistent with the capacity permitted by the Teen Court High School Advisor and the availability of eligible cases for the Program.
 - d. The Presiding Municipal Court Judge will promulgate sentencing guidelines for Program participants to follow, and a copy of said guidelines will be provided to all participants in the program.
3. Scope of Services: District. The District promises the following:
 - a. To assign a Teen Court High School Advisor to the Program. The Teen Court High School Advisor will create the curriculum for the Program and administer the Program. The Teen Court High School Advisor will arrange for the purchase of necessary supplies during meetings with the Program participants.
 - b. To financially contribute to the Program by covering all costs associated with the Program in excess of the City's contribution pursuant to paragraph six (6).
 - c. To account for and record all Program expenditures to be reviewed by the parties annually.
 - d. To work cooperatively with the City in scheduling use of the Loveland Municipal Courtroom and monitoring compliance with the Program.
4. Program Eligibility and Offer: Defendant. Upon arraignment of a juvenile defendant, the City Attorney's Office, through the Municipal Court Prosecutor, will use the following criteria to determine if a juvenile defendant is eligible for the Program:
 - a. The juvenile defendant has not participated in the Program previously.
 - b. The juvenile defendant is not charged with a violation of the Model Traffic Code adopted and amended by the City of Loveland.
 - c. The juvenile defendant has no prior violations of law, including, but not limited to, dispositions in other diversion programs. The City Attorney's Office will not treat traffic infractions as prior violations of law for purposes of this section.

- d. The juvenile defendant's parents or guardians do not object to the juvenile defendant's participation in the Program.

The above referenced criteria shall in no way constitute a waiver of prosecutorial discretion vested in the City Attorney's Office. However, if the City Attorney's Office, using the criteria above, determines that the juvenile defendant is eligible for participation in the Program, the City Attorney's Office may offer the juvenile defendant a stipulated deferred judgment and sentence, subject to approval by the Court, for a period not to exceed one (1) year with the sole condition of participation in and successful completion of the Program by a date certain. Additionally, the City Attorney's Office will make a recommendation to the Court, to the extent permitted by Colorado law, that the Court seal the juvenile defendant's record upon successful completion of the Program.

5. Relationship of the Parties. Nothing contained in this Agreement is intended to or shall be construed in any way as establishing the relationship of co-partners or a joint venture between the District and the City or as construing the parties, their officers, agents, volunteers and employees as agents of the other.
6. Payment. The District will receive from the City up to three thousand dollars (\$3,000) annually in order to facilitate the program. Payment to the District will occur in two (2) one thousand five hundred dollar (\$1,500) payments made per District semester for a maximum of two (2) semesters. The funds will be used as a contribution for the purchase of food items during student meetings as well as partially covering the staffing costs borne by the District. Payment of the two (2) one thousand five hundred dollar (\$1,500) City contributions to the Program shall be made to the District within fourteen (14) days of receipt of an invoice sent to the City pursuant to paragraph fourteen (14).
7. Early Termination. The Agreement may be terminated by either party upon three (3) months' prior written notice to the other party. The City shall only be responsible for the payment of the costs for services performed up to the date of termination. Upon termination, any monies advanced to the District shall be prorated and returned to the City within sixty (60) days.
8. Application to the Program. In order to participate in the Program each student or Program participant shall provide a waiver and release for the benefit of the City and the District.
9. Attire. All Program participants shall wear professional business attire during all Program hearings at the Loveland Municipal Court.
10. Training. Basic Program training shall be provided to all new Program participants as soon as practicable by the Teen Court High School Advisor. Basic Program training can be obtained through the Presiding Loveland Municipal Court Judge, the Teen Court High School Advisor, and the Loveland City Attorney's Office. However, the District shall

organize a class to be held periodically, during each District semester, where the student participants will obtain the majority of basic Program training.

11. Confidentiality. All parties and participants in the Program shall maintain confidentiality of any information obtained pursuant to Title 19 of the Colorado Children's Code and of District records and information in accordance with Parts 2 and 3, Article 72 of Title 24, Colorado Revised Statutes; the Family Educational Rights and Privacy Act; and District policies, and shall not disclose the information except as provided by law or court order. In order to participate in the Program, each student or Program participant shall sign a confidentiality agreement drafted by the District and approved by the City.
12. Facilities and Equipment. The City will make the Loveland Municipal Court Room available to the Program, depending on schedules, to conduct sentencing hearings. Facilities and equipment for all other meetings and Program activities will be the District's responsibility.
13. Appropriations. The financial obligations of each party under this Agreement are contingent upon adequate funds being budgeted, appropriated, and otherwise made available.
14. Notices. Any and all notices or any other communications are deemed to have been given when personally delivered, emailed, or by depositing in the United States Postal Service as regular mail, postage prepaid, and addressed as follows or to such other person or address as a party may designate in writing to the other party:

To the District:
 Executive Director of Secondary Education
 Thompson School District
 800 South Taft Avenue
 Loveland, Colorado 80537-6347
 Email: margaret.crespo@thompsonschoools.org

To the City:
 Presiding Municipal Court Judge
 Loveland Municipal Court
 810 East Tenth Street, Suite 200
 Loveland, Colorado 80537-4942
 Email: court@cityofloveland.org

15. Good Faith. The parties, their agents, and employees agree to cooperate in good faith in fulfilling the terms of this Agreement. The parties agree that they will attempt to resolve any disputes concerning the interpretation of this Agreement and unforeseen questions

and difficulties which may arise in implementing the Agreement by good faith negotiations before resorting to termination of this Agreement and/or litigation.

16. Legal Constraints. The Parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon Loveland by its Charter and Municipal Code, and, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision in this Agreement to the contrary, in no event shall either of the Parties exercise any power or take any action which shall be prohibited by applicable law.
17. Liability. The parties agree that each Party, to the extent permitted by federal and state law, shall be liable for the acts or omissions of its respective personnel. Nothing herein shall be deemed a waiver of the notice requirements, defenses, immunities and limitations of liability that the parties and their respective officers and employees may have under the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.) and under any other law. Each party shall be liable for any worker's compensation claims filed by its respective personnel arising from injuries sustained as a result of performance under this Agreement.
18. Entire Agreement. This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended, modified or changed, in whole or in part, only by written agreement approved and signed by each party.
19. Non-assignment. This Agreement and each and every covenant herein, shall not be capable of assignment except with the prior consent of both parties.
20. No Third Party Beneficiaries. This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party, and no third party shall have any right of action hereunder for any cause whatsoever.
21. Merger. This Agreement constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms.
22. Effective Date. This Agreement is effective upon the date set forth below.
23. Counterparts. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, and all the counterparts taken as a whole shall constitute one and the same instrument.

Dated this _____ day of _____, 2015.

For the City of Loveland, Colorado:

THE CITY OF LOVELAND,
a home rule municipal corporation

By: _____
William D. Cahill, City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

For Thompson School District:

Thompson School District R2-J

By: _____
Margaret Crespo, Executive Director of Secondary Education

APPROVED AS TO FORM:

Thompson School District Attorney

Intergovernmental Agreement Concerning Operation Of The Loveland Municipal Teen Court
Program 3/2/15


CITY OF LOVELAND

ECONOMIC DEVELOPMENT OFFICE

 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 17
MEETING DATE: 3/17/2015
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale, Economic Development Director

TITLE:

1. An Ordinance on First Reading Creating and Establishing the Loveland Downtown Development Authority in the City of Loveland, Colorado
2. A Resolution Establishing the Number of Members of the Board and Appointing a Councilmember to the Board of the Loveland Downtown Development Authority (the "DDA")

RECOMMENDED CITY COUNCIL ACTION:

1. Conduct a public hearing and approve the resolution and ordinance on first reading.
2. Approve the resolution.

OPTIONS:

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

SUMMARY:

These are administrative actions. On February 10, 2015 an election was held to determine if downtown residents, property owners, business operators and other eligible persons supported the formation of a Downtown Development Authority. The voters approved the establishment of such an entity. This formation action will be supplemented by an ordinance adopted by Council, to formally establish a Loveland Downtown Development Authority. The resolution will set the number of members on the DDA Board and appoint a member of the City Council to the DDA Board.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

In January 2014, City Council directed staff to begin the process of assisting the private sector with the development of a downtown organization that is robust and durable. This organization would be a one-stop shop for all downtown related real estate projects, beautification, leadership and events. This group is now officially called the Loveland Downtown Partnership (LDP). One focus area of the Group was to lead the effort to establish a Downtown Development Authority (DDA). On February 10, 2015 an election was held and eligible voters in the Downtown Area voted to approve the formation of a DDA. This item will address the next steps in the formation of the Authority.

By State Statute a DDA can be made up of five to eleven voting members. The DDA Board must be appointed by the City Council, must be composed of members of the same electorate which was eligible to vote on the DDA formation (downtown property owners, residents and lessees) and must contain one City Council member.

The Loveland Downtown Partnership is recommending the DDA be comprised of seven (7) members. The LDP also recommends that one member of the DDA Board be a County representative (the County is a downtown property owner). A letter of recommendation is included with this packet.

The City will need to recruit DDA Board members through our customary open application process. As part of the City's appointment process, staff is recommending the City Council make the appointment of the City Council member now so that the Council representative may participate in the interview and selection process of the DDA members.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Ordinance
2. Resolution
3. LDP Letter of Recommendation

**Loveland Downtown Partnership
KL&A Office, 421 E. Fourth Street
Loveland, Colorado 80537**

February 27, 2015

Loveland City Council
500 East Third Street
Loveland, Colorado 80537

Dear Council Members:

The Loveland Downtown Partnership is honored to participate in the formation of the new Downtown Development Authority by making recommendations regarding the size and composition of the DDA board. In keeping with state statute regarding required representation from City Council, the overall number of board members appointed, and membership eligibility and considering the unique needs of our community, the LDP recommends that Council consider the following:

- Creating a seven member DDA board
- As per state statute, appointing a City Council representative
- Creating a voting position for one Larimer County Commissioner (to be recommended by the Commissioners)
- Creating a voting position for one member of the Loveland Downtown Partnership (to be recommended by the LDP board)
- Creating four additional voting positions to be filled by eligible residents, property owners, or lessees within the DDA boundaries (through an advertised open application process with all nominated or self-nominated persons receiving an interview by a three member interview committee consisting of one representative from the City Council, one from city staff appointed by the City Manager, and one appointed by the LDP)
- Creating an ex-officio member from City of Loveland staff recommended by the City Manager
- Creating an ex-officio member from Thompson School District recommended by the Superintendent

The LDP believes the appointment process must be open and transparent with the goal of creating a dedicated, productive Board that will have the support of residents, property owners, and business owners within the DDA boundaries. It is with this goal in mind that we are recommending the majority of voting members (4 of 7) be drawn from among the general citizenry rather than from governmental or community organizations.

Please don't hesitate to contact me if you have any questions regarding this very important process.

Sincerely,



Dan Johnson, Chair-elect

FIRST READING

March 17, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE CREATING AND ESTABLISHING THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF LOVELAND, COLORADO

WHEREAS, pursuant to Ordinance No. 5906, a special election was held in the City of Loveland, Colorado, on Tuesday, February 10, 2015, wherein the following question was submitted to the qualified electors entitled to vote thereon:

Shall the Loveland Downtown Development Authority be organized pursuant to Part 8, Article 25, Title 31, Colorado Revised Statutes to exercise all powers authorized therein within the boundaries of the area legally described in Ordinance No. 5906 of the City Council of the City of Loveland, Colorado, and generally described as follows:

The proposed DDA is generally bounded by northbound Lincoln Avenue and southbound Cleveland Avenue; the eastern boundary of the proposed DDA goes from the tip of the southern gateway, following Lincoln Avenue to 3rd Street SE, east 2 blocks to Washington Avenue, 6 blocks north to 4th Street, east one block to Adams Avenue, north to 5th Street, and then back west to Washington Avenue; then from the intersection of 5th Street and Washington Avenue, north one block and west one block to Jefferson Avenue, north 1½ blocks and west another ½ block, then continuing northward, including the properties that front on Lincoln Avenue, toward Eisenhower Boulevard, to 1/2 block south of Eisenhower Boulevard, then east to Jefferson Avenue, north to the alley one half block past 16th Street, west 190 feet, north to the boundary with Lakeside Cemetery, west to Lincoln Avenue, north to the end of the one way system, and from the tip of the northern gateway, the western boundary includes the properties on the west side of Cleveland Avenue heading south to 11th Street, then west to just past the railroad tracks, south on Railroad Avenue for one block, and again west on 10th Street to Garfield Avenue, then south 11 blocks to past 2nd Street SW to the intersection of Garfield Avenue and Railroad Avenue, then following the irrigation ditch southeast back to Cleveland Avenue and then south to the end of the one way system.

WHEREAS, the returns of said election have been duly canvassed, and the Designated Election Official of the City of Loveland, Colorado, has determined that a majority of the qualified electors voting on said question cast ballots in favor thereof.

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

Section 1. Creation of Loveland Downtown Development Authority. There is hereby created and established pursuant to part 8 of article 25 of title 31, Colorado Revised Statutes, a downtown development authority in the City of Loveland, Colorado, to be known as the “Loveland Downtown Development Authority” (the “DDA”).

Section 2. Authority of DDA. The DDA shall be a body corporate with all the purposes and powers now or hereafter authorized by Part 8 of Article 25 of Title 31, Colorado Revised Statutes, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8.

Section 3. Area of DDA. The DDA shall exercise its powers within the area bounded as follows:

Legal Description of DDA

Beginning at the point of intersection of the south right-of-way (ROW) line of E. 4th Street and the east ROW line of N. Washington Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. 3rd Street; thence continuing southerly to the point of intersection of the south ROW line of E. 3rd Street and the east ROW line of N. Washington Avenue; thence continuing southerly along said east ROW line to its point of intersection with the north ROW line of E. 1st Street; thence southwesterly to the point of intersection of the south ROW line of E. 1st Street and the east ROW line of S. Washington Avenue; thence southerly along said east ROW line its point of intersection with the north ROW line of the alley between E. 1st Street and 2nd Street S.E.; thence continuing southerly to the point of intersection of the south ROW line of said alley and the east ROW line of S. Washington Avenue; thence continuing southerly along said east ROW line its point of intersection with the north ROW line of 2nd Street S.E.; thence continuing southerly to the point of intersection of the south ROW line of 2nd Street S.E. and the east ROW line of S. Washington Avenue; thence continuing southerly along said east ROW line to its point of intersection with the south ROW line extended of 3rd Street S.E.; thence westerly along said extended line to the point of intersection of the west ROW line of S. Washington Avenue and the south ROW line of 3rd Street S.E.; thence continuing westerly along said south ROW line to its point of intersection with the east ROW line of S. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the north line extended of the 5th Street S.E. ROW; thence continuing southerly along said east ROW line to its point of intersection with the south line of the 5th Street S.E. ROW line; thence southerly along said east ROW line to its point of intersection with the north line of the 8th Street S.E. ROW; thence continuing southerly along said east ROW line to its point of intersection with the south line of the 8th Street S.E. ROW; thence westerly along the south line extended of the 8th Street S.E. ROW to the west line of the S. Lincoln Avenue ROW; thence northerly along the west ROW line of S. Lincoln Avenue to its point of intersection with the southwest line of the S. Cleveland Avenue ROW; thence continuing northwesterly along said southwest ROW line to its point of intersection with the south line of the 5th Street S.E. ROW; thence northerly along the west line of the S. Cleveland Avenue ROW to its point of intersection with the north line of the 5th Street S.E. ROW; thence continuing northerly along said west ROW line of S. Cleveland Avenue to its intersection with the north bank of the Farmer’s Ditch; thence northwesterly along said bank to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad and the south line of Henrikson Addition; thence continuing northwesterly along said south line to the southwest corner of Henrikson Addition; thence northerly along the west line of said Henrikson Addition to its point of intersection with the south ROW line of 2nd Street S.W.; thence westerly along said south ROW line to the NW corner of Mill First Addition; thence northerly perpendicular to said ROW line to a point on the south line of Mill Second Addition; thence westerly along said south line to the SW corner of Mill Second Addition; thence northerly and easterly along the west line of said Mill Second Addition to the NW corner thereof; thence easterly and southerly along the north line of Mill Second Addition to the NE corner thereof; thence northwesterly to the SE corner of Riverside Addition; thence northerly along the east line of Riverside Addition to its point of intersection with the south

line to the point of intersection of the east line of Lot 21, Block 4, Loveland Heights Addition and the south line of the vacated alley ROW; thence easterly along said south line to the centerline of the vacated alley ROW; thence northerly along said centerline to its point of intersection with the south ROW line of E. Eisenhower Boulevard; thence continuing northerly along the west line extended of said Lots to its point of intersection with the centerline of E. Eisenhower Avenue; thence westerly along said centerline, to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northwesterly along said west ROW line to its point of intersection with the north line extended of the E. 15th Street ROW; thence easterly along said north line extended to its point of intersection with the west ROW line of Jackson Avenue; thence easterly along said north line extended of the East 15th Street ROW to its point of intersection with the east ROW line of Jackson Avenue; thence continuing easterly along the north ROW of E. 15th Street to its point of intersection with the east ROW line of the alley between Jackson Avenue and N. Lincoln Avenue; thence northerly along said east ROW of the alley to its point of intersection with the south ROW line of E. 16th Street; thence northerly along said east ROW of the alley to its point of intersection with the north ROW line of E. 16th Street; thence continuing northerly along said east ROW of the alley to its point of intersection with the southern property line of the Loveland Burial Park Cemetery; thence easterly along said southern property line to its point of intersection with the west ROW line of N. Cleveland Avenue; thence northeasterly along the northwestern ROW line of N. Cleveland Avenue to its point of intersection with the west ROW line of N. Lincoln Avenue; thence northerly along said west ROW line to its point of intersection with the south line extended of the E. 20th Street ROW; thence easterly along said south line extended to its intersection with the east ROW line of N. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the south boundary line of the Stephenson 1st Subdivision; thence easterly along said south boundary line to its point of intersection with the west boundary of the Conger Subdivision of the North End Addition; thence southerly along said west boundary line to its intersection with the south boundary of the Conger Subdivision of the North End Addition; thence easterly along said south boundary to its intersection with the west boundary line of the Grandview Subdivision of North End Addition; thence southerly along said west boundary line to its intersection with the north ROW line of E. 16th Street; thence southeasterly across E. 16th Street to the point of intersection of the south ROW line of E. 16th Street and the east ROW line of N. Jefferson Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. Eisenhower Blvd.; thence southerly along said east ROW line to its point of intersection with the south ROW line of E. Eisenhower Blvd; thence continuing southerly along said east ROW line to its point of intersection with the south boundary line extended of the WARNOCK ADD AMD L1-4 35-39 & POR L40 & VACATED ALLEY Subdivision; thence westerly along said south boundary line extended to its intersection with the west ROW line of N. Jefferson Avenue; thence westerly along said south boundary line to its point of intersection with the west ROW line extended of the alley between N. Lincoln Avenue and N. Jefferson Avenue; thence southerly along said west alley line to its point of intersection with the north ROW line of E. 13th Street; thence continuing southerly to the point of intersection of said west alley line and the south ROW line of E. 13th Street; thence continuing southerly along said west alley line to its points of intersection with the north ROW line of E. 12th Street; thence continuing southerly to the point of intersection of said west alley line with the south ROW line of E. 12th Street; thence continuing southerly along said west alley line to its point of intersection with the north line of Little Barnes Ditch; thence continuing southerly to the point of intersection of said west alley line and the south line of said Ditch; thence continuing southerly along said west alley line to its point of intersection with the centerline of the alley ROW vacated via Ordinance 3317 and recorded at Reception Number 86051452 adjoining Block 2, Lincoln Place Addition; thence easterly along the centerline of said vacated alley to its point of intersection with the east line of Lot 10, Block 2, Lincoln Place Addition; thence southerly along said east line 20 feet to a point; thence westerly perpendicular to said east line to a point on the east line of Lot 11, Block 2, Lincoln Place Addition; thence southerly along the east line of said Lot 11 to its point of intersection with the north ROW line of E. 11th Street; thence continuing southerly to the point of intersection of the east line of Lot 11, Block 3, Lincoln Place Addition and the south ROW line of E. 11th Street; thence westerly along said south ROW line to its point of intersection with the east line of Lot 13, Block 3, Lincoln Place Addition; thence southerly along said east line to its point of intersection with the north ROW line of the Great Western/Omni Railroad; thence easterly along said north ROW line to its point of intersection with the east line of Lot 10, Block 3, Lincoln Place Addition; thence southerly to the point of intersection of the east line of Lot 2, Block 5, Orchard Park Addition and the south ROW line of said Railroad; thence continuing southerly along the east line of said Lot 2 to the NE corner of Lot 1, Block 5, Orchard Park; thence continuing south along the east line of said Lot 1 to its point of intersection with the north ROW line of E. 10th Street; thence southwest to the point of intersection of the south ROW line of E. 10th Street and the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. 8th Street; thence continuing southerly to the point of intersection of the south ROW line of E. 8th Street and the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence southerly along said east ROW line to its

point of intersection with the north ROW line of the alley between E. 8th Street and E. 7th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of N. Jefferson Avenue; thence continuing easterly to the point of intersection of said north ROW line and the east ROW line of N. Jefferson Avenue; thence southerly to the point of intersection of the south ROW line of said alley and the east ROW line of N. Jefferson Avenue; thence continuing southerly along said east line to its point of intersection with the north ROW line of E. 7th Street; thence continuing southerly to the point of intersection of the south ROW line of E. 7th Street and the east ROW line of E. Jefferson Avenue; thence continuing southerly along said east line to its point of intersection with the north ROW line of the alley between E. 7th Street and E. 6th Street; thence continuing southerly to the point of intersection of the south ROW line of said alley and the east ROW line of N. Jefferson Avenue; thence continuing southerly along said east line to its point intersection with the north ROW line of E. 6th Avenue; thence easterly along said north line to its point intersection with the west ROW line of N. Washington Avenue; thence continuing easterly to the point intersection of the north ROW line of E. 6th Avenue and the east ROW line of N. Washington Avenue; thence southerly to the point of intersection of the south ROW line of E. 6th Avenue and the east ROW line of N. Washington Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of the alley between E. 6th Street and E. 5th Street; thence continuing southerly to the point of intersection of the south ROW line of said alley and the east ROW line of N. Washington Avenue; thence continuing southerly along said east line to its point of intersection with the north ROW line of E. 5th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of N. Adams Avenue; thence continuing easterly to the point of intersection of the north ROW line of E. 5th Street and the east ROW line of N. Adams Avenue; thence southerly to the point of intersection of the south ROW line of E. 5th Street and the east ROW line of N. Adams Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. 4th Street; thence continuing southerly to the point of intersection of the east ROW line of N. Adams Avenue and the south ROW line of E. 4th Street; thence westerly to the point of intersection of the west ROW line of N. Adams Avenue and the south ROW line of E. 4th Street; thence continuing westerly along said south ROW line to the Point of Beginning;

And.

Less [County building parcel] LOTS 13 THRU 16, BLK 7, City of Loveland, County of Larimer, State of Colorado; ALSO POR VACATED ALLEY PER BK 1712 PG 733; and [Former Home State Bank parcel] LOTS 1 THRU 8, BLK 12, City of Loveland, County of Larimer, State of Colorado; and [Museum parcel] LOTS 19-24, BLK 12, City of Loveland, County of Larimer, State of Colorado; and [Vacant Parking Lot parcel] LOTS 1-7, LESS S 25 FT LOTS 1-3 AND LESS S 25 FT OF E 5 FT LOT 4, BLK 13, City of Loveland, County of Larimer, State of Colorado; and [Lincoln Place parcel] The subdivision LINCOLN PLACE COMMUNITY, City of Loveland, County of Larimer, State of Colorado (20100069697) in its entirety (formerly known as Block 41 of Finley's Addition, City of Loveland, County of Larimer, State of Colorado), and [Street & Alley ROW] The full right-of-way of East 6th Street east of the easterly boundary line of the N. Cleveland Avenue right-of-way and west of the centerline of the N. Jefferson Avenue right-of-way, City of Loveland, County of Larimer, State of Colorado; and All public alley right-of-way within BLK 12, City of Loveland, County of Larimer, State of Colorado; and The full right-of-way of East 5th Street east of the easterly boundary line of the N. Cleveland Avenue right-of-way and west of the westerly boundary line of the N. Lincoln Avenue right-of-way, City of Loveland, County of Larimer, State of Colorado; and The north half of the street right-of-way of the intersection of East 5th Street and N. Lincoln Avenue, north of the centerline of East 5th Street, City of Loveland, County of Larimer, State of Colorado; and The north half of the right-of-way of East 5th Street north of the centerline of East 5th Street, east of the easterly boundary of the N. Lincoln Avenue right-of-way, and west of the centerline of the N. Jefferson Avenue right-of-way, City of Loveland, County of Larimer, State of Colorado; and The west half of the street right-of-way of N. Jefferson Avenue south of the southerly boundary of East 6th Street, and north of the northerly boundary of E 5th Street, City of Loveland, County of Larimer, State of Colorado.

Section 4. Bond Ordinance or Resolution. Any ordinance or resolution by which bonds are hereafter issued pursuant to Part 8 of Article 25 of Title 31, Colorado Revised Statutes, shall specify the maximum net effective interest rate of such bonds.

Section 5. Actions by City Officers and Employees. All actions not inconsistent with the provisions of this ordinance heretofore taken by the Designated Election Official of the City of Loveland, Colorado, or any other City officer or employee, directed towards the creation and establishment of a

downtown development authority and the appointment of the board thereof, are hereby ratified, approved and confirmed.

Section 6. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 7. Safety Clause. The City Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

Section 8. Publication. 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 or the amendments shall be published in full.


Section 9. Effective. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ____ day of April, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


City Attorney

RESOLUTION #R-26-2015

A RESOLUTION ESTABLISHING THE NUMBER OF MEMBERS OF THE BOARD AND APPOINTING A COUNCILMEMBER TO THE BOARD OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (THE “DDA”)

WHEREAS, by Ordinance No. 5906 and Resolution No. #R-____-2015 of the City of Loveland, Colorado (“City”) and pursuant to Section 31-25-804, C.R.S, the Loveland City Council (“City Council”) called a special election of the qualified electors of the proposed DDA for the consideration of the ballot question concerning the establishment of the DDA; and

WHEREAS, qualified electors of the DDA, as defined in Title 31, Article 25, Part 8, C.R.S. (“DDA Act”) approved the ballot question creating the Loveland Downtown Development Authority on February 10, 2015; and

WHEREAS, the DDA Act at Section 31-25-805(1) C.R.S. requires that the affairs of the DDA be under the supervision and control of a board (“DDA Board”) consisting of not less than five nor more than eleven members appointed by City Council and a majority of the members of the DDA Board appointed shall reside or own property in the DDA; and

WHEREAS, the DDA Act at Section 31-25-805(2)(a) C.R.S. requires that at least one member of City Council be appointed to the DDA Board; and

WHEREAS, City Council desires to adopt this Resolution to establish the number of members of the DDA Board and to appoint one of its members to the DDA Board.

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

Section 1. **DDA Board.** Pursuant to the DDA Act at Section 31-25-805(1) C.R.S., the DDA Board shall consist of seven (7) members appointed by City Council, including one (1) City Council member and six (6) members meeting the qualifications set forth in the DDA Act at C.R.S. §31-25-806.

Section 2. **Council Member of DDA Board.** Pursuant to the DDA Act at C.R.S. §31-25-805(2)(a), Councilor _____ is hereby appointed to serve at the pleasure of the Council as a member of the DDA Board.

Section 3. **County Member of DDA Board.** So long as Larimer County owns real property located within the boundaries of the DDA as set forth in Ordinance 5906, one of the remaining six (6) members of the DDA Board shall be a Larimer County Commissioner selected by the Larimer County Commissioners and recommended to the City Council to serve in such capacity. If Larimer County fails to make such a recommendation at any time as necessary to fill a term pursuant to CRS §31-25-805, the Council may appoint a qualified individual to fill such vacancy.

Section 4. **Selection Process.** City staff is hereby authorized to advertise, review applications and interview applicants for the remaining six (6) positions on the DDA Board and make a

written recommendation to City Council as to six (6) members of the DDA Board. The interview committee shall consist of a representative of the Loveland Downtown Partnership, a City staff liaison and the City Council member appointed to the DDA by City Council.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Resolution or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Resolution.

Section 6. Safety Clause. The City Council finds and declares that this Resolution is promulgated and adopted for the public health, safety and welfare and bears a rational relation to the legislative object sought to be obtained.

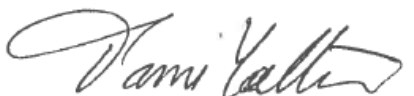
Section 7. Effective Date. This Resolution shall be effective as of March 17, 2015.

ADOPTED this 17th day of March, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


City Attorney