

3. This is an administrative action to approve the City Council meeting minutes for the, June 9, 2015 Study Session and Special Meeting.
4. This is an administrative action to approve the City Council meeting minutes for the, June 23, 2015 Study Session and Special Meeting.

**2. CITY MANAGER (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION AND THE
TRANSPORTATION ADVISORY BOARD**

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Transportation Advisory Board and Historic Preservation Commission.

1. **A Motion to Appoint Carolyn Grulke to the Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2017.**
2. **A Motion to Reappoint Stacey Kersey and Jon-Mark Patterson and A Motion to appoint Amanda Nash to the Historic Preservation Commission, each for a Term Effective until June 30, 2018.**
3. **A Motion to Appoint Gary Thomas to the Transportation Advisory Board For A Term Effective Until June 30, 2018.**

**3. DEVELOPMENT SERVICES (presenter: Greg George)
SUPPLEMENTAL APPROPRIATION FOR BUILDING DIVISION**

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 Additional Building Inspections and Permit Processing.

This is an administrative action. The ordinance would appropriate a total of \$160,000 (\$151,000 in Professional Services and \$9,000 in Overtime-Benefited Employees) into the Building Division budget to meet the workload and demand for services for permitting and building inspections. Permitting and inspection activity, particularly for new single family dwellings, has greatly exceeded projections through May 2015. The Building Division has had to rely on contract employees for plan reviews and building inspections more than anticipated due to resignations and retirements in full-time staff in 2015. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.

**4. WATER AND POWER (presenter: Jim Lees)
SUPPLEMENTAL APPROPRIATION FOR FEMA SUBSTATION AND SOLAR
FACILITY ALTERNATE PROJECTS**

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 Substation and Solar Facility Fema Alternate Projects.

This is an administrative action. Loveland Water and Power is requesting supplemental appropriations for both revenue and expense for the Power Utility budget. We are requesting an expense appropriation of \$9,068,018, with a total of \$5,068,018 appropriated from the Power Utility PIF fund for the solar facility project and \$4,000,000 appropriated from the Power Utility General fund for the substation project. The revenue appropriation total request is \$7,934,516 which is 87.5% of the anticipated \$9,068,018 expense. This is the amount that FEMA and the State of Colorado Office of Emergency Management normally reimburse for the FEMA alternate projects. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.

5. **PUBLIC WORKS** (presenter: Chris Carlson)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR HWY 287 FLOOD MITIGATION STUDY.
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 Highway 287 Bridge Flood Mitigation Feasibility Study.
 This is an administrative action. The ordinance on first reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City’s matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting.
6. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
WATERFALL 6TH SUBDIVISION (THE EDGE) VACATION
A Motion to Approve and Order Published on First Reading An Ordinance Vacating A Utility Easement Located Within Lot 1, Block 1 Of The Waterfall Sixth Subdivision, City Of Loveland, Larimer County, Colorado.
 This is a legislative action to consider adoption of an ordinance on first reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority.
7. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC HEARING
AMENDMENT TO DOOR TO DOOR SOLICITATION
A Motion to Approve and Order Published on First Reading An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations.
 This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted “No solicitation” or “No trespassing” sign remains prohibited.
8. **CITY ATTORNEY** (presenter: Vincent Junglas)
PUBLIC HEARING
AMENDMENT TO PANHANDLING
A Motion to Approve and Order Published on First Reading An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited Solicitations and Panhandling.
 This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place. The proposed ordinance would repeal all provisions that regulate sitting or standing with a sign without approaching another for an immediate monetary donation because these activities are not considered panhandling and are protected speech. The sections of the code that regulate panhandling in a way that may impact public safety or the normal flow of vehicular and pedestrian traffic remain unchanged.

9. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)
PUBLIC HEARING
LARIMER COUNTY VOTER PRECINCTS CHANGE
A Motion To Approve An Ordinance, On First Reading, Amending Section 1.24.040 And 1.24.050 Of The Loveland Municipal Code To Add New Larimer County Voter Precinct in the City's Third and Fourth Wards.
 This is a legislative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas (per C.R.S.§1-5-101(3)). This resulted in the addition of two new voter precincts in Loveland, one in Ward Three and one in Ward Four.
10. **LOVELAND POLICE DEPARTMENT** (presenter: Luke Hecker)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR THE COPS GRANT
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 a School Resource Officer.
 This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950.
11. **WATER & POWER** (presenter: Roger Berg)
IGA CONCERNING THE INTERCHANGE LIFT STATION
A Motion to Adopt Resolution #R-33-2015 Approving An Intergovernmental Agreement Concerning Construction Management And Oversight Of The Interchange Lift Station Between The City Of Loveland And Centerra Metropolitan District No. 1.
 This is an administrative action. The proposed Intergovernmental Agreement (IGA) with Centerra Metropolitan District No. 1 (District) relates to construction management, and oversight of the Interchange Lift Station. Since this IGA will obligate the City to an amount higher than \$10,000, the IGA will need to be approved by City Council. The District is responsible for design and construction of the necessary infrastructure to serve the development, which will serve the wastewater needs of Parcel 505 in Centerra (northeast corner of 25 and 34) and adjacent property. In order to ensure adherence to the plans and specifications, the City has requested to manage the construction phase of the project, along with a third party construction management firm (Ditesco) and share the cost of such management based on a 50/50 cost share. The proposed contract with Ditesco will be hourly based on actual hours worked not to exceed \$88,000; therefore, the City's share will not exceed \$44,000.
12. **CITY ATTORNEY** (presenter: Tree Ablao)
MUTUAL AID IGA FOR LEGAL SERVICES BETWEEN LOVELAND, FORT COLLINS, GREELEY, AND ADDING WINDSOR
A Motion to Adopt Resolution #R-34-2015 Approving An Intergovernmental Agreement Between The City Of Loveland, City Of Fort Collins, City Of Greeley And Town Of Windsor For The Exchange Of Legal Services.
 This is an administrative action to approve an agreement between the listed municipalities to allow for each municipality's City Attorney's Offices to request one of the other participating municipalities' assistance in providing legal services if personal conflicts of

interests or other situations impair the requesting City Attorney's ability to fully represent the interests of such in particular instances.

13. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)
NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTION
A Motion to Adopt Resolution #R-35-2015 Approving The National Incident Management System (NIMS) As The Standard For Incident Management In The City Of Loveland, Colorado.
 This is an administrative action. This resolution is to adopt the National Incident Management System (NIMS) as the incident management template for all aspects of emergency management and incident response, a system that has been a standard part of our incident management practices since the early 2000's. The original signed copy of the resolution created sometime in 2004-2009 cannot be located within city archives or documentation.
14. **DEVELOPMENT SERVICES** (presenter: Alison Hade)
HABITAT FOR HUMANITY FEE WAIVERS
A Motion to Adopt Resolution #R-36-2015 Amending Resolution #R-8-2015 Pertaining to Fee Waivers for Construction of Nine Residences by Loveland Habitat for Humanity to Remove Specific Address References.
 This is an administrative action. On January 20, 2015, City Council adopted a resolution granting Loveland Habitat for Humanity fee waivers for the construction of nine homes. The total fee estimate for all nine dwellings was \$229,885.72, with a requested fee waiver not to exceed \$210,000. The purpose of this action is to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise.
15. **FINANCE** (presenter: Brent Worthington)
MAY 2015 FINANCIAL REPORT
 This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of May 31, 2015. Citywide Revenue (excluding internal transfers) of \$107,401,038 is 106.6% of year to date (YTD) budget or \$6,612,737 above the budget. Sales Tax collections are 98.2% of the YTD budget or \$302,154 under budget. Certain retail sectors are trailing prior year collections, notably Utilities, Broadcasting, Telecommunications, and Office Supplies (which was affected by the recent closure of a major retailer). This data spans five months, and the trend has been steady. Building Material Use Tax is 105.3% of YTD budget, or \$52,838 over budget. Sales and Use Tax collections combined were 100.5% of YTD budget or \$99,528 over budget. Citywide total expenditures of \$100,206,362 (excluding internal transfers) are 57.3% of the YTD budget or \$74,788,530 under the budget.
16. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MAY 2015
 This is an information only item. At the end of May, the City's portfolio had an estimated market value of \$212.0 million, about \$5.1 million more than a month ago. Of this amount, USBank held \$190.6 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. After a sharp drop in January, interest

rates have cycled down and back up through May. Short-term rates are projected to rise later in 2015 and are dependent upon the actions of the Federal Open Market Committee. 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 million annually.

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

17. ECONOMIC DEVELOPMENT (presenters: Betsey Hale and DDA Representatives) PUBLIC HEARING

DDA PLAN OF DEVELOPMENT AND DISCUSSION OF DDA MILL LEVY

1. A Motion to Adopt Resolution #R-37-2015 Approving The Plan Of Development For The Loveland Downtown Development Authority.

This is an administrative action. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. On June 8, 2015 the Planning Commission unanimously approved a motion recommending the City Council consider the DDA Plan at a study session held June 23, 2015 and on July 7, 2015 hold a public hearing and consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan.

2. Discussion and Preliminary Determination Of DDA Mill Levy Percentage For 2016.

This is an information only item. The City Council will annually approve the recommended mill levy and DDA budget. This budget may include revenue generated by the mill levy for the purposes of DDA operations. This mill levy can range from 1 to 5 mills. The DDA is recommending the City Council consider 1 mill as the percentage for 2016. This will be included in the election language.

18. ECONOMIC DEVELOPMENT (presenter: Betsey Hale) PUBLIC HEARING

DOWNTOWN URBAN RENEWAL PLAN

A Motion to Adopt Resolution #R-38-2015 Of The Loveland City Council Concerning A Possible Modification To The Downtown Urban Renewal Plan For The City Of Loveland.

This is an administrative action. Termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan. The resolution directs the referral of the proposal to terminate the URA Plan to the City Planning Commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review. The resolution also directs City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions.

19. **DEVELOPMENT SERVICES** (presenter: Greg George)
CITY-SCHOOL DISTRICT PREQUALIFICATION FOR BUILDING PERMIT SERVICES
A Motion To Adopt Resolution #R-39-2015 Approving The Application By The City To The State Of Colorado To Obtain Prequalified Building Division Status For The Provision Of Building Permit Services By The City To School Districts Within The City And Approving An Intergovernmental Agreement Related To The Same.

This is an administrative action. Adoption of the resolution authorizes the City Manager to direct the Building Division to pursue pre-qualification with the Colorado Department of Public Safety. Once qualified, the Building Division could provide building code services to local public schools. The purpose of this initiative, based on Planning Commission and Construction Advisory Board comments, is to promote a broadened and more active relationship between the City of Loveland and the Thompson School District.

20. **MUNICIPAL COURT** (presenter: Geri Joneson)
APPOINTMENT OF DEPUTY JUDGE
A Motion to Adopt Resolution #R-40-2015 Appointing Marco Joseph Scalise As A Deputy Municipal Judge.

This is an Administrative Action to appoint Mr. Scalise based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with Council's direction.

BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, MAY 26, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION - 6:30 P.M.

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

1. PARKS AND RECREATION

RECREATION FACILITIES FEASIBILITY STUDY - UPDATE

Recreation Division Manager, Keven Aggers, introduced this item to Council. Parks and Recreation Director, Elizabeth Anderson; Administrative Business Manager, Marilyn Hilgenberg; Facility Manager, Ashley Taylor; and GreenPlay, LLC Consultant, Bob Easton were present to address Council and answer questions. As a result of community outreach and needs analysis presented in the recent update of the Parks and Recreation Master Plan, staff retained the consulting firm GreenPlay, LLC to aid in the completion of a Recreation Facilities Feasibility Study. The study will include a needs assessment and review of current local market conditions; evaluation and review of City recognized sites; preliminary conceptual plan(s) including space allocation and program components; capital cost estimates with funding options; pro-forma budget and business plan; and options for indoor and/or outdoor leisure aquatics features and facilities. Staff is hoping to have the results of the study completed by the end of July and will bring it back to council. Council directed staff to bring all options and ideas.

2. PARKS AND RECREATION OPEN LANDS

BIG THOMPSON RECREATION AND CONSERVATION ASSESSMENT

Administrative Business Manager, Marilyn Hilgenberg, introduced this item to Council. Open Lands Technician, Debbie Eley; Logan Simpson Design Consultant, Jeremy Call; and Parks and Recreation Director, Elizabeth Anderson were also present to address Council and answer questions. Jeremy Call presented the draft plan "*A Bigger Vision for the Big T: A Recreation and Conservation Assessment.*" including recommendations regarding priority projects and opportunities to address the impacts of the 2013 flood on recreation amenities and conservation areas. Discussion ensued about accessibility to the river and adding information regarding equestrian areas. Councilors thanked staff and the consultant.

3. LOVELAND FIRE RESCUE AUTHORITY

PRESENTATION ON THE STATUS OF THE LOVELAND FIRE RESCUE AUTHORITY (LFRA) MATURATION PROJECT

Fire Chief, Mark Miller, introduced this item to Council. Chair of the Fire and Rescue Advisory Commission, Jon Smela; Public Safety Administrative Director, Renee Wheeler; and Chairman of the Rural Board, Jeff Swanty. The City Council approved an intergovernmental agreement between the City of Loveland and the Loveland Rural Fire Protection District that created the Loveland Fire Rescue Authority as a separate legal entity, effective January 1, 2012. The five member board that governs the Authority has representation from both the City (two City Council members and the City Manager) and

the Rural District (two board members). The Fire Chief provided an update to City Council on the status of the Fire Authority maturation process, which includes the employee and asset conversion. The presentation reviewed the process that was used to create the entity, the reasons the governance model was selected, and the progress toward evolving as a separate entity. City Manager, Bill Cahill, also shared with the Council the future steps that will need to be considered to complete the transition. Councilors commented on the success of the partnership and thanked them for the update.

ADJOURNMENT

Hearing no further business before this Council, Mayor Gutierrez adjourned the meeting at 9:43 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JUNE 2, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Taylor, Fogle, and Krenning. Shaffer arrived at 6:38 p.m.

Councilor Taylor read the proclamation declaring June 22-26, 2015 as Bike Week. Ed Reif, President of PEDAL, received the proclamation.

Vaughn Baker, Parks Superintendent and Kyle Patterson presented the Rocky Mountain National Park Annual Update.

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

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

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

Mayor Gutierrez asked if anyone would like to remove anything from the Consent Agenda. No items were removed. Councilor Shaffer moved to approve the consent agenda, the motion seconded by Councilor Farley, carried with all councilors present voting in favor.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

1. A Motion to Approve the City Council Meeting Minutes for the, May 12, 2015 Study Session meeting minutes was approved.

This is an administrative action to approve the City Council meeting minutes for the May 12, 2015 Study Session.

2. A Motion to Approve the City Council Meeting Minutes for the May 19, 2015 Regular meeting minutes was approved.

This is an administrative action to approve the City Council meeting minutes for the May 19, 2015 Regular Meeting.

2. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
EASEMENT VACATION IN ANDERSON FARMS 5TH SUBDIVISION
A Motion to Approve and Order Published on Second Reading An Ordinance Vacating A Portion Of A Shared Access Easement Located Within Lots 1 And 2, Block 1, Anderson Farms 5th 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, to vacate a shared access easement across two lots in Anderson Farm 5th Subdivision. In conjunction with pending development by Drywall Supply, the two lots will be merged into a single lot, and the shared access easement will serve no purpose and is unnecessary. On May 19, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.
3. **WATER AND POWER** (presenter: Jim Lees)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR FEMA SUBSTATION AND SOLAR FACILITY ALTERNATE PROJECTS
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 Both The Anticipated Revenue And Expenditures Associated With The FEMA Substation And Solar Facility Alternate Projects was approved.
 This is an administrative action. Loveland Water and Power is requesting supplemental appropriations for both revenue and expense for the Power Utility budget. We are requesting an expense appropriation of \$9,068,018, with a total of \$5,068,018 appropriated from the Power Utility PIF fund for the solar facility project and \$4,000,000 appropriated from the Power Utility General fund for the substation project. The revenue appropriation total request is \$7,934,516 which is 87.5% of the anticipated \$9,068,018 expense. This is the amount that FEMA and the State of Colorado Office of Emergency Management normally reimburse for the FEMA alternate projects. These funds are requested to allow the Power Utility to move forward with the Council approved Substation and Solar Facility FEMA Alternate Projects. We intend to award contracts and perform project design in 2015 with construction beginning towards the end of 2015 and continuing through to the required deadline of September 2017.
4. **DEVELOPMENT SERVICES** (presenter: Greg George)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR BUILDING DIVISION
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 Additional Building Inspections and Permit Processing was approved.
 This is an administrative action. The ordinance would appropriate a total of \$160,000 (\$151,000 in Professional Services and \$9,000 in Overtime-Benefited Employees) into the Building Division budget to meet the workload and demand for services for permitting and building inspections. Permitting and inspection activity levels have greatly exceeded projections through April 2015. The Building Division has experienced a number of vacancies in both Building Inspector and Plans Reviewer positions so far in 2015, requiring the use of additional contract employees to manage the workload during the recruiting process. The \$160,000 would come out of the Unassigned General Fund. The balance in that fund as of April is \$4.2 million.

5. **DEVELOPMENT SERVICES** (presenter: Alison Hade)
2015 HUMAN SERVICES AND COMMUNITY DEVELOPMENT BLOCK GRANTS
A Motion to Adopt A Resolution #R-31-2015 For The 2015 Grant Funding Recommendations Of The Loveland Human Service Commission And The Loveland Affordable Housing Commission was approved.
 This is an administrative action. The Human Services Commission and Affordable Housing Commission considered 50 grant requests totaling \$1.35 million, and recommended funding 36 with allocations of \$548,370 for human services and \$209,607 for affordable housing and public facilities. The attached staff report describes how the commissions made their decisions. The resolution authorizes the allocations of the 2015 Human Services Grant and Community Development Block Grant that were appropriated in the 2015 City Budget.
6. **POLICE DEPARTMENT** (presenter: Luke Hecker)
FEDERAL JUSTICE ASSISTANCE GRANT
A Motion For Approval Of Staff Application For A Federal Justice Assistance Grant (JAG Grant) was approved.
 This is an administrative action. The Federal JAG grant of \$13,240 for the Police Department will fund overtime for Detectives in the Special Investigations Unit at the Northern Colorado Drug Task Force. There is no match.
7. **FINANCE** (presenter: Brent Worthington)
APRIL 2015 FINANCIAL REPORT
 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 April 30th, 2015. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of April 30, 2015. Citywide Revenue (excluding internal transfers) of \$82,762,129 is 101.9% of year to date (YTD) budget or \$1,542,718 above the budget. Sales Tax collections are 98.5% of the YTD budget or \$205,847 under budget. Building Material Use Tax is 101.7% of YTD budget, or \$13,670 over budget. Sales and Use Tax collections combined were 100.6% of YTD budget or \$98,230 over budget. When the combined sales and use tax for the current year are compared to 2014 for the same period last year, they are higher by 6.7% or \$984,399.
8. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR APRIL 2015
 This is an information only item. The budget projection for investment earnings for 2015 is \$1,759,080. On the portfolio's 2015 beginning balance this equates to an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the securities held by USBank was 1.05%. For April, earnings of \$98,132 were posted to City funds. Interest rates rose slightly in April, bringing the unrealized loss up to \$100,770 compared to \$49,403 in March. Due to draws from fund balances to pay for the cost of scheduled capital projects, flood response, and project repair, the portfolio is about \$8.2 million lower than December 2013 and \$23.7 million lower than the pre-flood peak.
9. **CITY CLERK** (presenter: Terry Andrews)
SPECIAL MEETING REGARDING THE DOWNTOWN CATALYST PROJECT
A Motion calling for a Special meeting to be held at 6:30 p.m., in these Council

Chambers on June 9, 2015, immediately following the study session. The purpose of the special meeting is to discuss and give Staff direction regarding the Downtown Catalyst Project. Council agrees to waive their right for notice delivered to their homes was approved.

This is an administrative action. Staff is requesting a special meeting to discuss the Downtown Catalyst Project on June 9, 2015, immediately following the Study Session. City Council may be asked to consider formal action, which could include calling an Executive Session. This special meeting is at the request of Economic Development. The City Charter requires Council to receive notice at their place of residence, unless they waive the requirement.

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.

Darin Barrett, Loveland resident, expressed concern regarding the tax dollars used in Koopman vs. Myers.

John Medders, Loveland resident, spoke in support of Councilor Krenning.

Andrea Hall, Loveland resident, expressed concern in the Koopman vs. Myers litigation, and asked that Detective Koopman to be placed on administrative leave and an internal investigation be conducted by the Loveland Police Department.

Rosemary VanGorder, Fort Collins resident, expressed concern regarding integrity in law enforcement. She works with a group called The Committee for Judicial Justice that does "Court Watch" in the 8th Judicial District.

Michelle DeMarco, Loveland resident, expressed concern regarding her son, Jeremy Meyers arrest and conviction and requested that Detective Koopman be investigated or removed.

Sandy Lindberg, Fort Collins resident, expressed concern about police departments across the Nation. Encouraged Council to use proposed funds for the police training facility on refraining from excessive force instead.

Greg Liverette, Fort Collins resident, expressed concern within the police department.

Stacy Linn, Larimer County resident and investigative journalist, suggests that Detective Koopman be immediately suspended and emphasized the need for an external investigation.

Mike Ray, Loveland resident, would like the City Charter to be rewritten to allow for a citizen committee to have oversight of the Police Department.

Lisa Romanic, Loveland resident, supported an investigation of Detective Koopman.

Richard Nelson, Arvada resident, expressed concern about the Loveland Police Department.

Bill Cahill, City Manager, indicated that there is an external investigation being done by a Special Prosecutor from the Weld County District Attorney's Office regarding Detective Koopman. Bill will follow-up on some of the public comments made. Council discussion ensued regarding the Myers v. Koopman litigation.

Mayor Gutierrez spoke to Ed Gasman, Chair of the Police Citizens Advisory Board. Mr. Gasman told him Police Citizens Advisory board recommends that all processes are allowed to move forward and then determine an appropriate action.

PROCEDURAL INFORMATION

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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. **MUNICIPAL COURT** (presenter: Geri Joneson)
MUNICIPAL COURT JUDGE POSITION ANALYSIS

Judge Geri Joneson introduced this item to Council. This is an information item only. At City Council's request, Jo Mattoon Associates prepared a third-party evaluation of the design of the Loveland Municipal Judge position to assist City Council in determining how to best meet the needs for this function in the next three to five years. Interview and survey themes were reported and analyzed from eight comparison cities, City of Loveland's Municipal Court employees, management, and stakeholders, as well as municipal court staff from four surrounding cities. Council discussion ensued and it was asked of the judge what her recommendation is on the need to change to a citizen board. Judge Joneson stated that she recommends that it not change according to the research she has done the Judge should remain the liquor licensing authority.

Mayor Gutierrez asked for public comment. Hal Rogers, Clay Caldwell, and Kathy Rogers spoke in opposition to a citizen liquor licensing board.

Consensus of Council was to direct the staff supervision to the Municipal Judge and revisit the citizen liquor licensing board in nine months after a survey has been conducted.

11. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT

Economic Development Director, Betsey Hale, introduced this item to Council. Attorney Lucia Liley, representing the LDP, explained the plan and tax increments. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed by the Planning Commission and a recommendation thereon to be made to the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing on July 7, 2015 and immediately thereafter consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan. This is the first official step that is required to begin the approval process for the DDA Plan. If approved, the DDA Plan will be delivered on June 3, 2015 to all Planning Commission members. The Planning Commission is scheduled to consider the DDA Plan at its regular meeting on June 8, 2015. Mayor Gutierrez and asked for public comment at 9:58 p.m. Hearing none, Mayor Gutierrez closed public comment at 9:59 p.m.

Councilor Shaffer moved to refer the Loveland Downtown Development Authority Plan of Development to the Loveland Planning Commission for Planning Commission review and recommendation to City Council. The motion was seconded by Councilor Farley and carried with all councilors voting in favor thereof.

12. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
ESH'S SURPLUS MARKET INCENTIVE AGREEMENT

Business Development Manager, Mike Scholl, introduced this item to Council. Reuben Esh of Esh's Discount Groceries has requested a deferral of Capital Expansion Fees not to exceed \$200,000 and a waiver of fees not to exceed \$50,000 for the construction of the business headquarters, warehouse and retail store at 301 W. 71st Street. Esh's currently

operates a 5,000 square foot store in Larimer County on W. Eisenhower just outside of City limits. Once the new building is complete, Esh’s plans to close that store. The Capital Expansion Fees to be deferred would be paid in five annual installments following the issuance of the Certificate of Occupancy or July 1, 2016, whichever is early. Reuben Esh is also providing a personal guarantee to ensure payment of the deferred fees. The City will forgo \$50,000 in revenue from the collection of fees and roughly \$10,500 on interest income as a result of the deferral. Council discussion ensued regarding giving incentives to projects and if a policy is needed to approve incentive agreements administratively. Economic Development Director, Betsey Hale, indicated that the Economic Development Incentive Policy will be looked at for next year as well as the Economic Development Strategic Plan. Mayor Gutierrez asked for public comment at 10:31 p.m. Hearing none, Mayor Gutierrez closed public comment at 10:31 p.m.

Councilor Shaffer moved to Adopt Resolution #R-32-2015 Approving The Terms And Conditions Of The Esh’s Surplus Market Incentive Agreement. Discussion ensued. **The motion was seconded by Councilor McKean and carried with all councilors voting in favor thereof.**

**13. ECONOMIC DEVELOPMENT (presenters: Marcie Erion and Kelly Peters)
TECH TRANSFER PROGRAM AND “THE WAREHOUSE” UPDATE**

Business Development Specialist, Marcie Erion, introduced this item to Council. Executive Director of The Warehouse Business Accelerator, Kelly Peters, shared with council The Warehouse update. Currently they rely on public and private donations. They are looking into charging a monthly fee to clients. The Warehouse is a private non-profit organization in Loveland whose mission is to assist second stage companies with services to accelerate and cultivate their growth. The Warehouse is in its second year of operation and recently hired Kelly Peters as Executive Director. In 2014, the City of Loveland provided matching funds of \$30,000 to the Loveland Development Fund to support additional tech transfer services from David Lung and DA2 for The Warehouse. In 2015, the City of Loveland is investing \$40,000 in The Warehouse for the provision of accelerator services to local companies, supply chain development support and assistance with city initiatives such as EWI.

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.

- McKean: Discussion regarding county involvement in URA’s.
- Farley: Complimented Felicia Harmon and ArtSpace for the Commerce Departments Economic Development Grant of \$862,557 to ArtSpace Project, Inc. for the restoration of the Feed and Grain, the total cost of the project is \$2.4 million, it will be finished in 2017. The Governors Art Show has begun and shows until July at the museum.
- Fogle: Noted that he will be attending the Nation League of Cities Conference in Salt Lake City. He participated in rewriting the policies for truth in advertising for cable television companies.
- Shaffer: The North I-25 Focus meeting is Wednesday night and the MPO is Thursday in Milliken.

Gutierrez: Received an email regarding a concern over the Marten Marietta asphalt plant east of Loveland in Weld County that will have 2,000 trucks per day traveling in and out. Staff will look into the situation. Congratulated Jason Licon for successfully acquiring commercial airline service to Rockford/Chicago three days a week through Elite Airlines.

MANAGER REPORT

Cahill: Announced the CML – Urban Renewal Special Committee 1348 Implementation.

CITY ATTORNEY REPORT

None

ADJOURN

Having no further business to come before Council, the June 2, 2015, Regular Meeting was adjourned at 11:26 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION & SPECIAL MEETING
TUESDAY, JUNE 9, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION - 6:30 P.M.

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

1. FINANCE
CAPITAL BUDGET PLAN

Finance Director, Brent Worthington, introduced this item to Council. Budget Manager, Marc Kahn, led the presentation of the Capital Program which is part of the 2016 Budget development process. The program includes the funding sources available for capital projects and the recommended projects for each year of the ten-year program. Public Works Director, Leah Browder and City Engineer, Dave Klockeman presented information on the 37th Street Connector, Madison Avenue, and Eisenhower Boulevard. Water & Power Director, Steve Adams, presented information regarding the Wastewater Treatment Plant, the 29th Street Storage Tank #2, and the System Improvements/Power. Discussion ensued regarding TABOR reserves and the need for road projects to be prioritized. In regards to rebuilding the Viestenz-Smith Park, staff will look into other places to borrow funds from, instead of using TABOR reserves, until the FEMA reimbursement.

2. FINANCE
CAFR AND CITY AUDIT

Finance Director, Brent Worthington, introduced this item to Council. Rubin Brown Representatives, Cheryl Wallace and Matthew Marino, presented the Comprehensive Annual Financial Report for the year ending December 31, 2014, which received an unmodified opinion from the external auditors. This indicates that, in all material respects, the report fairly presents the financial position of the City and is in conformity with generally accepted accounting principles. The audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. They noted that staff was very responsive and prepared. Councilors expressed their appreciation to staff and the auditors for the presentation.

ADJOURNMENT

Mayor Gutierrez adjourned the Study Session at 8:55 p.m.

SPECIAL MEETING - AGENDA

CALL TO ORDER

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

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.

3. ECONOMIC DEVELOPMENT DOWNTOWN CATALYST PROJECT

Business Development Manager, Mike Scholl, introduced this item to Council. The Michaels Development Company Representatives, Michael Carnes and Joe Weatherly discussed their progress on the South Catalyst project including the tenant commitment, timing of the project and next steps. The City's Exclusive Right to Negotiate (ERN) with the Michaels Development Company will have expired and staff will be seeking some direction on moving forward with the partnership. Until the final foot print of the project is determined there are terms that still require further attention. Staff indicated that the deadline for the office space tenant is February 2017 with completion of the project by June 2017. Discussion ensued regarding timing of the project and potential number of jobs.

Councilor Shaffer moved that the City Council go into executive session to discuss (1) the City's acquisition of real property in Downtown Loveland for the South Catalyst Project; (2) related negotiations with the potential developer, The Michaels Corporation; and (3) negotiations with Larimer County concerning a potential agreement for the disposal and redevelopment of a portion of said real property, both as authorized by the following sections of the Colorado Open Meetings Law and the City Charter:

- **The acquisition or disposal of real property as authorized by CRS Section 24-6-402(4)(a) and by Charter Section 4-4(c)(2) since, in the judgment of Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage; and**
- **Since the acquisition, disposal, and development of such real property is a matter that is subject to negotiations, to receive reports concerning negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies as authorized by CRS Section 24-6-402(4)(e) and Charter Section 4-4(c)(1); and**
- **As needed, to receive legal advice from the City Attorney's Office as authorized in CRS Section 24-6-402(4)(b) and Charter Section 4-4(c)(3) at 10:03 p.m.**

The motion was seconded by Councilor Farley which carried with six councilors in favor and Councilor McKean voting against.

Council reconvened at 11:37

Councilor Shaffer moved to approve the purchase of 201 N. Lincoln Avenue and direct the City Manager to sign the agreement. The motion was seconded by Councilor Clark which carried unanimously with all councilors present voting in favor.

Councilor Fogle expressed concern regarding the exclusive right to negotiate with the Michaels Development issue.

Councilor Fogle moved to offer Michaels Development Company a new 90 day exclusive right to negotiate on the project, seconded by Councilor Farley.

Discussion ensued.

Councilor McKean called the question, seconded by Councilor Clark which carried with six councilors in favor and Councilor Shaffer voting against.

Roll was called on the original motion, which passed with five councilors in favor and Councilors Clark and McKean voting against.

ADJOURNMENT

Hearing no further business before this Council, Mayor Gutierrez adjourned the meeting at 11:47 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL SPECIAL MEETING & STUDY SESSION
TUESDAY, June 23, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

SPECIAL MEETING

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:33 p.m.

ROLL CALL: The following responded Farley, Shaffer, Trenary, Fogle, Clark, Krenning, Taylor and Gutierrez. Councilor McKean was absent.

1. CITY ATTORNEY

LITIGATION DIRECTION FOR KLEN, WESTON V. CITY OF LOVELAND

City Attorney, Tami Yellico, updated Council regarding the hearing on May 19, 2015. The judge ruled in favor of the City and indicated that the plaintiffs did not have a reasonable probability of success. The plaintiffs filed a motion to dismiss the lawsuit with prejudice which is pending before the court. Tami Yellico introduced the CIRSA Attorney, Steve Dawes, who explained the motion to dismiss with prejudice and the options the City has in the litigation. Council discussion ensued. Mayor Gutierrez opened the public hearing at 7:06 p.m. Hearing no comments, Mayor Gutierrez closed the public hearing at 7:06 p.m.

Councilor Clark moved to direct City staff to join the dismissal with prejudice in the Klen, Weston v. City of Loveland litigation. The motion was seconded by Councilor Shaffer which carried with all councilors present in favor.

ADJOURNMENT

Hearing no further business before this Council, Mayor Gutierrez adjourned the special meeting at 7:15 p.m. and opened the Study Session.

STUDY SESSION

2. ECONOMIC DEVELOPMENT

DISCUSSION, CONSIDERATION AND DIRECTION ON THE PLAN OF DEVELOPMENT FOR THE DOWNTOWN DEVELOPMENT AUTHORITY

Economic Development Director, Betsey Hale, introduced this item to Council. County Commissioner, Tom Donnelly was also present to answer Councilor's questions. Historic Preservation Committee Member, Jim Cox, shared that Downtown Loveland is listed as a National Historic District. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) which is required by State law to be reviewed by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. On June 8, 2015 the Planning Commission unanimously approved a motion recommending the City Council consider the DDA Plan at a future meeting and on July 7, 2015 hold a public hearing and consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan. Councilors expressed the need to update downtown infrastructure and thanked staff for the presentation.

3. PUBLIC WORKS**CONSIDERATION AND DISCUSSION OF THE PUBLIC WORKS STRATEGIC PLAN**

Public Works Director, Leah Browder, introduced this item to Council. City Engineer, Dave Klockeman, was also present to answer questions. The Public Works Strategic Plan has been developed using a values- and employee-based process model. The process to date has included 51 formal strategic planning meetings, attended by 639 stakeholders who contributed over 1,000 ideas, suggestions, observations and comments. The final draft Strategic Plan is organized into seven strategic focus areas grounded in the City of Loveland's organizational values. Input and research have resulted in 22 strategic initiatives categorized into the seven strategic focus areas. An implementation structure has been developed so that not only the strategic planning action items but also the process will be integrated into our standard methods of operation. Council discussion ensued regarding transportation issues. Councilors thanked staff for the presentation and their appreciation of the department.

ADJOURNMENT

Mayor Gutierrez adjourned the Study Session at 8:39 p.m.

Respectfully Submitted,

Teresa G. Andrews, 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: 7/7/2015
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill

TITLE:

Appointment to Citizens' Finance Advisory Commission, Historic Preservation Commission and Transportation Advisory Board

RECOMMENDED CITY COUNCIL ACTION:

A motion to appoint Carolyn Grulke to the Citizens' Finance Advisory Commission for a term effective until December 31, 2017

A motion to reappoint Stacey Kersley to the Historic Preservation Commission for a term effective until June 30, 2018

A motion to reappoint Jon-Mark Patterson to the Historic Preservation Commission for a term effective until June 30, 2018

A motion to appoint Amanda Nash to the Historic Preservation Commission for a term effective until June 30, 2018

A motion to appoint Gary Thomas to the Transportation Advisory Board for a term effective until June 30, 2018

OPTIONS:

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

SUMMARY:

This is an administrative item recommending the appointment of members to the Citizens' Finance Advisory Commission, the Historic Preservation Commission and the Transportation Advisory Board.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

Nicole Gruet resigned from the **Citizens' Finance Advisory Board** in April, 2015. Recruiting efforts brought in one application. Carolyn Grulke was interviewed on June 20, 2015. The committee recommends Carolyn Grulke for appointment to the Citizens' Finance Advisory Board for a term effective until December 31, 2017.

During the Spring recruiting cycle the **Historic Preservation Commission** had three term vacancies. Three applications were received and interviews were conducted July 1, 2015. The committee recommends the reappointment of Stacey Kersley and Jon-Mark Patterson to the Historic Preservation Commission, each for a term effective until June 03, 2018. Amanda Nash is recommended for appointment to the Historic Preservation Commission for a term effective until June 30, 2018.

Transportation Advisory Board has three term vacancies. During the Spring recruiting cycle, one application was received. Gary Thomas was interviewed on June 29, 2015 and is recommended for appointment to the Transportation Advisory Board for a term effective until June 30, 2018.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None



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: 3
MEETING DATE: 7/7/2015
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: John Schumacher, Chief Building Official

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Additional Building Inspections and Permit Processing

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Approve the action as recommended.
2. Deny the action. If the supplemental budget request is denied, funding for contract employees to perform building inspections and plan reviews will run out in June. The result would be a considerable delay in the building permitting and inspection process for the rest of 2015.
3. Adopt a modified action. An options would be to hire more FTEs in the Building Division. However, the philosophy has been to rely on contract employees during a boom in building activity, like we are in now, so permanent employees do not have to be laid off when building activity drops off to a normal level.
4. Refer back to staff for further development review and consideration. If referred back to staff, there would be a delay in the building permitting and inspection process until additional funding is provided.

SUMMARY:

This is an administrative action. The ordinance was approved on first reading on June 2, 2015 as an item on the Consent Agenda. The ordinance would appropriate a total of \$160,000 (\$151,000 in Professional Services and \$9,000 in Overtime-Benefited Employees) into the Building Division budget to meet the workload and demand for services for permitting and building inspections. Permitting and inspection activity, particularly for new single family dwellings, has greatly exceeded projections through May 2015 (see **Attachment 2**.) The Building Division has had to rely on contract employees for plan reviews and building inspections more than anticipated due to resignations and retirements in full-time staff in 2015.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The \$160,000 would come out of the Unassigned General Fund. The balance in that fund as of April was \$4.2 million.

BACKGROUND:

As of May 19, 2015, the Building Division has expended \$92,620 of the division's \$101,410 Professional Services budget for 2015. In addition, the full time staff in the Building Division has had to work more overtime than anticipated, leaving a \$4,400 deficiency in the \$7,130 budget for Overtime-Benefited Employees. The workload and demand for services in the Building Division is anticipated to continue at similar levels throughout the remainder of 2015.

Projections of expenditures for the rest of 2015 indicate that a supplemental appropriation of \$160,000 will be needed to meet the workload demand in the Building Division.

Expenditures from the Professional Services budget from January 1, 2015 to May 19, 2015 (95 working days) have averaged \$975 per day to cover the contract obligations for five part time contract employees. There were virtually no salary savings, only \$280, resulting from vacancies in full time positions in 2015 due to personnel costs attributed to the resignation of an employee, which included accrual payouts and separation pay. At the rate of \$975 per day, with approximately 155 working days remaining in 2015, the additional funding necessary for Professional Service is \$151,000. An additional \$9,000 is being requested to make up the \$4,400 deficiency in the budget for Overtime-Benefited Employees and to provide funding if some overtime hours are necessary for full-time employees during the remainder of the year. The total supplemental budget request is therefore \$160,000.

In the absence of action, review times will lengthen and customer service will suffer. The proposed action is the most cost-effective way to meet the increasing workload.

Prior to the ordinance being adopted on first reading on June 2nd, there were some questions asked about total revenue versus total expenses incurred by the City to provide building code and development review services. The three graphs included in **Attachment 3** illustrate revenue versus expense under three scenarios: (i) Building Permit serves alone; (ii) Building Permit and Current Planning services combined; and (iii) total for Building Permit, Current Planning, Public Works and Fire Authority services.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Single Family Permit Activity – 2015
3. Revenue versus expenses graphs

FIRST READING June 2, 2015

SECOND READING July 7, 2015

ORDINANCE NO. 5940

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR ADDITIONAL BUILDING INSPECTIONS AND PERMIT PROCESSING

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for additional building inspections and permit processing; 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 additional building inspections and permit processing 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 \$160,000 from fund balance in the General Fund are available for appropriation. Revenues in the total amount of \$160,000 are hereby appropriated for additional building inspections and permit processing. 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 160,000

Total Revenue 160,000

Appropriations

100-19-192-0000-41021 Overtime-Benefited Employees 9,000

100-19-192-0000-43450 Professional Services 151,000

Total Appropriations 160,000

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 July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



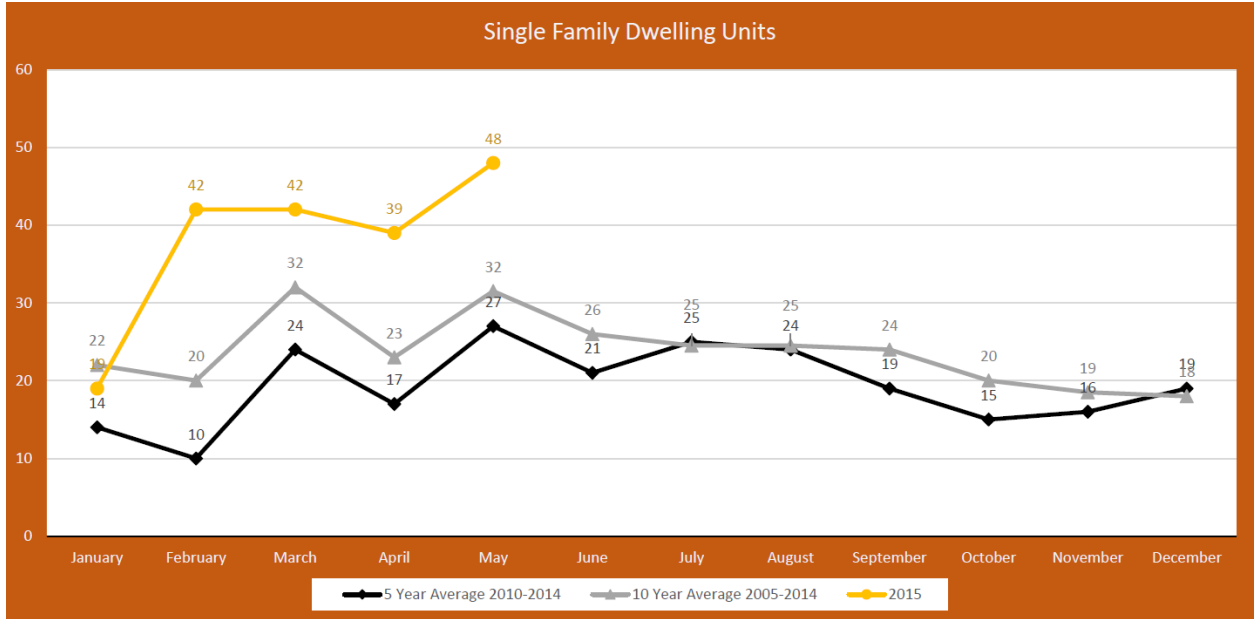
Assistant City Attorney

Ordinance # 5940

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the city Council, held on June 2, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on June 6, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 11, 2015.

City Clerk

Effective Date: July 11, 2015

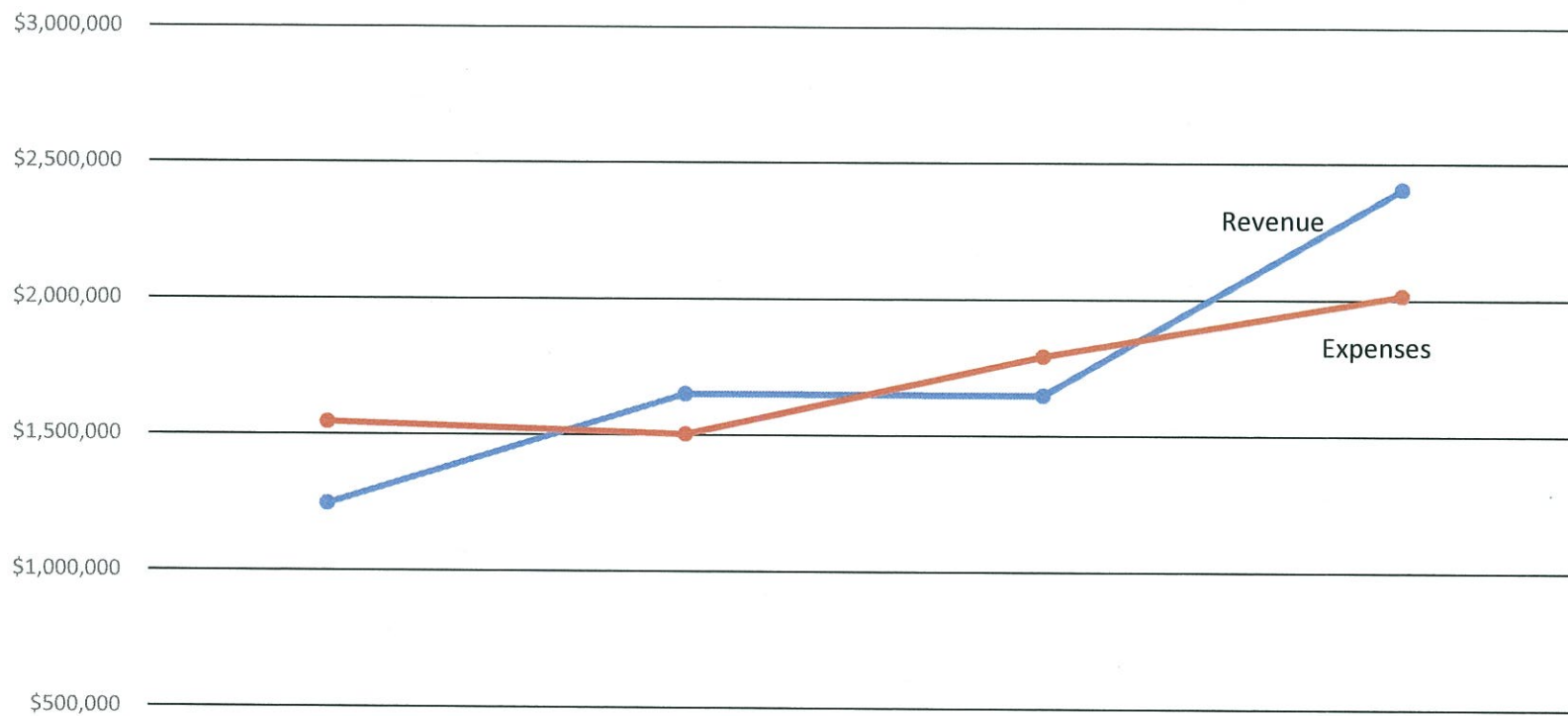


Bulding Services Division



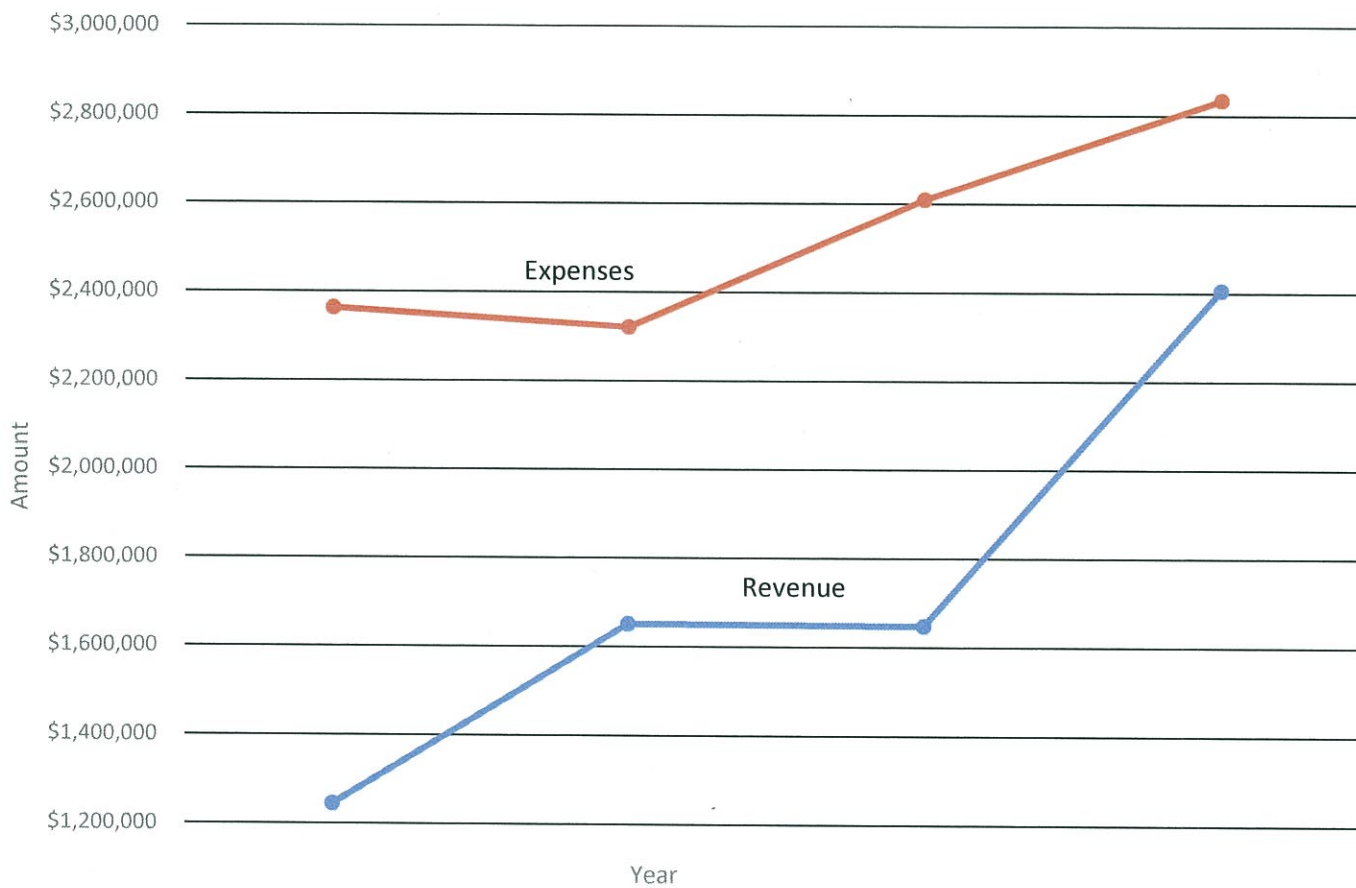
	2011	2012	2013	2014
Revenue	\$1,224,710	\$1,615,207	\$1,590,392	\$2,352,646
Expense	\$812,512	\$803,146	\$957,924	\$1,104,879

Bulding Services & Current Planning



	2011	2012	2013	2014
Revenue	\$1,244,963	\$1,651,923	\$1,648,640	\$2,405,762
Expense	\$1,544,971	\$1,502,776	\$1,790,562	\$2,015,853

Building Services/Current Planning/3.0 FTEs Public Works/2.5 FTEs Fire Authority



	2011	2012	2013	2014
Revenue	\$1,244,963	\$1,651,923	\$1,648,640	\$2,405,762
Expense	\$2,363,681	\$2,321,486	\$2,609,272	\$2,834,563



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

AGENDA ITEM: 4
MEETING DATE: 7/7/2015
TO: City Council
FROM: Steve Adams, Water and Power Department
PRESENTER: Jim Lees, Utility Accounting Manager

TITLE:

A Motion to Consider an Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for both the Anticipated Revenue and Expenditures Associated with the FEMA Substation and Solar Facility Alternate Projects

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended. These funds are requested to allow the Power Utility to move forward with the Council approved Substation and Solar Facility FEMA Alternate Projects. We intend to award contracts and perform project design in 2015 with construction beginning towards the end of 2015 and continuing through to the required deadline of September 2017.
2. Deny the action. If this request is denied, the impact would be that Loveland Water and Power could not move forward with awarding contracts for the substation and solar facility FEMA Alternate Projects, and would not be maximizing reimbursement through FEMA funding for facilities damaged during the 2013 Flood.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action. Loveland Water and Power is requesting supplemental appropriations for both revenue and expense for the Power Utility budget. We are requesting an expense appropriation of \$9,068,018, with a total of \$5,068,018 appropriated from the Power Utility PIF fund for the solar facility project and \$4,000,000 appropriated from the Power Utility General fund for the substation project. The revenue appropriation total request is \$7,934,516 which is 87.5% of the anticipated \$9,068,018 expense. This is the amount that FEMA and the State of Colorado Office of Emergency Management normally reimburse for the FEMA alternate projects. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

Since reimbursement occurs after the project is completed, the Power Utility must use its own funds initially.

The FEMA project worksheet for the alternate project totals \$9,068,018. The City can expect to receive 87.5% of expenses or up to \$7,934,516 in project reimbursements. Reserves are available in the funds to cover the difference between the total project expenses and the 87.5% reimbursement from FEMA.

BACKGROUND:

On May 30, 2014, Loveland received confirmation that FEMA had determined the City was eligible to receive a sub grant of \$9,068,018 for an alternate FEMA project to replace the Idylwilde Dam and Penstock facilities lost in the September 2013 Flood. On January 6, 2015 the City Council authorized Loveland Water and Power to submit two project scopes to the state for this alternate project sub grant, one for the construction of a solar facility and one for the construction of a substation in Loveland. On March 12, 2015 both project scopes were approved by the Colorado Office of Emergency Management (COEM) and Federal Emergency Management Agency (FEMA). Along with approving the project scopes, Loveland Water and Power also requested and received approval to extend the timeline to complete these projects. The extension request was also granted and these projects must be completed no later than September 14, 2017.

These projects were not budgeted in the 2015 adopted budget because when the budget was being developed the projects had not yet been identified and approved. In order to meet the September 14, 2017 deadline, Loveland Water and Power needs to move forward aggressively with planning, design, procurement and construction of these projects and is prepared to start work in 2015. In order to meet the deadline and adhere to the City's budgeting policy, the funds need to be appropriated prior to awarding contracts for these projects.

As detailed in the attached ordinance we are requesting to allocate the \$7,934,516 supplemental revenue request and the \$9,068,018 supplemental expense request as follows:

Project	Supplemental Request Amount	Power Utility Fund	Budget Line Item/Project Number
(Revenue) Substation FEMA Alternate Project	\$3,500,000	Revenue - Power General Fund (330)	330-00-000-0000-32000
(Revenue) Solar Facility FEMA Alternate Project	\$4,434,516	Revenue - Power PIF Fund (331)	331-00-000-0000-32000
(Expense) Substation FEMA Alternate Project	(\$4,000,000)	Power General Fund (330)	330-47-333-2903-49399- FLD911
(Expense) Solar Facility FEMA Alternate Project	(\$5,068,018)	Power PIF Fund (331)	331-47-334-2903-49399- FLD922

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING June 2, 2015

SECOND READING July 7, 2015

ORDINANCE NO. 5939

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR SUBSTATION AND SOLAR FACILITY FEMA ALTERNATE PROJECTS

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for substation and solar facility Federal Emergency Management Agency (FEMA) alternate projects; 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 substation and solar facility FEMA alternate projects, 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 THAT:

Section 1. Revenues in the amount of \$3,500,000 from a FEMA grant in the Power Fund, reserves in the amount of \$500,000 from fund balance in the Power Fund, revenues in the amount of \$4,434,516 from a FEMA grant in the Power Plant Investment Fee (PIF) Fund, and reserves in the amount of \$633,502 from fund balance in the Power PIF Fund, are all available for appropriation. Such funds in the total amount of \$9,068,018 are hereby adopted as a supplement to the 2015 budget and appropriated for the purpose of substation and solar facility FEMA alternate projects. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Power Fund 330**

Revenues

Fund Balance		500,000
330-00-000-0000-32000	Federal Grants	3,500,000

Total Revenue **4,000,000**

Appropriations

330-47-333-2903-49399	FLD911	Other Capital	4,000,000
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Total Appropriations **4,000,000**

**Supplemental Budget
Power PIF Fund 331**

Revenues

Fund Balance		633,502
331-00-000-0000-32000	Federal Grants	4,434,516

Total Revenue **5,068,018**

Appropriations

331-47-334-2903-49399	FLD922	Other Capital	5,068,018
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Total Appropriations **5,068,018**

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

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

ADOPTED this ___ day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

Ordinance # 5939

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the city Council, held on June 2, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on June 6, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 11, 2015.

City Clerk

Effective Date: July 11, 2015



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

Administration Offices • 2525 W 1st Street • Loveland, Colorado 80537
(970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 7/7/2015
TO: City Council
FROM: Leah Browder, Public Works Department
PRESENTER: Chris Carlson, Civil Engineer II

TITLE:

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Highway 287 Bridge Flood Mitigation Feasibility Study

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. (The CDBG-DR grant awarded to the City of Loveland will be forfeited.)
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action. The ordinance on first reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The appropriation uses existing balances within several funds. The Stormwater Utility Capital Fund will be used as the primary funding source, but the fund balance will increase as the grant reimbursements are received. Funding for the matching share portion will be divided by three City Divisions: Stormwater, PW-Project Engineering, Parks and Recreation.

BACKGROUND:

The epic flood of September 2013 spared no part of Colorado's northern Front Range. Tens of millions of dollars of damage occurred to both public infrastructure and private properties in the Loveland area alone. An area of particular concern and significant damage centered on the Big Thompson River reach containing the Lincoln Avenue (U.S. Highway 287) bridge in south central Loveland. Besides including a vital north-south highway corridor, the Burlington Northern – Santa Fe Railroad tracks, two large community parks (Barnes Park and Fairgrounds Park), and the Loveland Fire Rescue Authority's training grounds, the area contains the densest cluster of buildings, businesses, and infrastructure in the Big Thompson River floodplain from Lake Estes downstream to its confluence with the South Platte River. Consequently, when 19,000 cubic feet per second (cfs) hit the area during the 2013 flood, damages were extensive. The highway bridge itself nearly failed from scour undermining the piers and one abutment.

One of the primary goals of floodplain management is to reduce flood risk over time through sufficient floodplain regulations, smart land use planning, designing resilient infrastructure, and mitigating high risk problems that were often created many decades ago, before floodplain regulations. The area centered by the Highway 287 bridge is one such high risk area. This particular Big Thompson River bridge is undersized so that even a 10-year flood event (10% annual chance or 4,700 cfs) causes the highway to be overtopped and flooding to adjacent businesses. Larger flood events create an enormously wide floodplain because floodwaters cannot get through the bridge. They quickly spill out of the channel and flow uncontrolled through businesses and across the highway. Over 500 insurable structures are within the floodplain immediately up and downstream of the bridge. That represents 22 percent of all structures within the Big Thompson River floodplain from Lake Estes out to the confluence with the South Platte River.

Because of the existing high risk situation and multiple flood occurrences, this study is proposed to include the following purpose, goals, and outcomes:

- Determine the expected cost and benefits of replacing the existing bridge with a larger structure;
- Determine how much the floodplain extents could be reduced and how many businesses, structures, and properties could be removed from the floodplain with a higher capacity bridge and corresponding channel/floodplain improvements;
- Determine the level of flood protection that could reasonably be provided to the highway (life safety and critical transportation corridor benefits); and
- Evaluate what economic and community development opportunities could open up with a new bridge, a smaller floodplain, and a more natural river corridor – includes multiple objectives.

Ultimately, the purpose of the study is to determine the level of conceptual improvements needed to maximize benefits in the reach at a reasonable cost, and therefore, recommend whether the City and State should move forward to replace the bridge. Deliverables will include

a hydraulic/floodplain study report evaluating several mitigation and bridge sizing alternatives, a benefit/cost analysis of the alternatives, and recommendations for whether to proceed with the best alternative. A plan will be included to implement the study recommendations.

The City submitted a planning grant application for the above described study to the State of Colorado, Department of Local Affairs (DOLA), on January 30, 2015. In a very competitive selection process considering the available funds, the City was awarded the \$125,000 requested for the project. The Colorado Department of Transportation (CDOT) Flood Recovery Office submitted a letter of support for the City's grant application and will be a partner on the project.

The funding sources for this project are proposed as follows:

\$125,000 – The grant reimbursement amount to come from the Stormwater Utility Capital Fund

\$15,717 – Public Works Project Engineering (General Fund)

\$15,717 – Parks and Recreation Department (General Fund)

\$15,716 – Stormwater Utility Capital Fund

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 7, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR HIGHWAY 287 BRIDGE FLOOD MITIGATION FEASIBILITY STUDY

WHEREAS, the City has received and/or reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for Highway 287 Bridge Flood Mitigation Feasibility Study; 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 Highway 287 Bridge Flood Mitigation Feasibility Study, 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 \$31,434 from fund balance in the General Fund are available for appropriation. That reserves in the amount of \$15,716 from fund balance in the Stormwater Utility Fund are available for appropriation. That revenues in the amount of \$125,000 from a federal grant in the Stormwater Utility Fund are available for appropriation. Revenues in the total amount of \$172,150 are hereby adopted as a supplement to the 2015 budget and appropriated for Highway 287 Bridge Flood Mitigation Feasibility Study. 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		31,434
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Total Revenue		31,434
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Appropriations

100-91-999-0000-47345	Trf To Stormwater	31,434
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Total Appropriations		31,434
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**Supplemental Budget
Stormwater Fund 345**

Revenues

Fund Balance		15,716
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345-23-283-0000-37100	Transfers From General Fund	31,434
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345-23-283-0000-32000	Federal Grants	125,000
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Total Revenue		172,150
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Appropriations

345-23-283-0000-43450	Professional Services	172,150
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Total Appropriations		172,150
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

ADOPTED this ___ day of ____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



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: 7/7/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Kerri Burchett, Principal Planner

TITLE:

An Ordinance Vacating a Utility Easement Located Within Lot 1, Block 1 of the Waterfall Sixth Subdivision to the City of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance as presented.

OPTIONS:

1. Deny the action. If the utility easement is not vacated, the proposed apartment building that is part of the larger 70-unit complex, will need to be either shifted to the northeast or the building will need to be reduced in size to avoid encroaching into the easement.
2. Adopt a modified action (specify in the motion).
3. Refer back to staff for further development and consideration. A referral back to City staff could include revisions to the site plan to relocate an apartment building to avoid encroaching into the easement.
4. Adopt a motion continuing the item to a future Council meeting. Continuing the item will delay the applicant's ability to proceed in securing a building permit for the 12-unit apartment building.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

This is a legislative action to consider adoption of an ordinance on first reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority.

BACKGROUND:

The Loveland Housing Authority is developing a 70-unit affordable multifamily housing project called The Edge. The site development plan has been approved and new easements have been dedicated for utilities. There is a 360 square foot utility easement in the center of the site for a fire hydrant that served the former waterpark. Based on the design of the multifamily housing project the hydrant will be relocated and the easement is no longer necessary. A small portion of a proposed building extends into the easement and therefore the easement needs to be vacated. The vacation of the easement does not require Planning Commission consideration.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Ordinance.
2. Staff Memorandum, dated July 7, 2015.

FIRST READING: July 7, 2015 _____
SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED WITHIN LOT 1,
BLOCK 1 OF THE WATERFALL SIXTH SUBDIVISION, CITY OF LOVELAND,
COUNTY OF LARIMER, STATE OF COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a utility easement described below and located within Lot 1, Block 1 of the Waterfall 6th Subdivision, City of Loveland, County of Larimer, Sate of Colorado (the "Property"); and

WHEREAS, the City Council finds and determines such easement is located in the center of the Property and, therefore the requirement that no land adjoining any easement to be vacated will be left without an established public or private easement connecting said land with another established public or private easement is inapplicable; and

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

WHEREAS, the City Council further finds and determines that the application filed at the City's Current Planning Division was signed by the owners of more than fifty percent of property abutting the easement to be vacated.

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

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

Section 2. That, based on such findings, the following described utility easement be and the same is hereby vacated:

A parcel of land, previously dedicated as an easement, being part of Lot 1, Block 1, Waterfall Sixth Subdivision as recorded December 15, 2011 as Reception No. 20110078790 of the Records of the Larimer County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 and assuming the West line of said Lot 1 as bearing North 00°30'57" East, as platted, a distance of 468.56 feet and with all other bearings contained herein relative thereto;

THENCE North 00°30'57" East along said West line a distance of 233.48 feet;

THENCE South 89°29'03" East along a line perpendicular to the aforesaid course a distance of 227.85 feet to the Southwesterly corner of an existing 30' x 12' Water Line Easement and to the POINT OF BEGINNING;

Thence along the Westerly, Northerly, Easterly, and Southerly lines of said 30' x 12' Easement the following four courses:

THENCE North 00°50'16" West a distance of 30.00 feet;
THENCE North 89°09'44" East a distance of 12.00 feet;
THENCE South 00°50'16" East a distance of 30.00 feet;
THENCE South 89°09'44" West a distance of 12.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 360 Square Feet or 0.008 Acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

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 7th day of July, 2015.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED WITHIN LOT 1, BLOCK 1 OF THE WATERFALL SIXTH SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



700 Automation Drive, Unit I
Windsor, CO 80550
Phone: 970-686-6939
Fax: 970-686-1188

May 4, 2015

Kerri Burchett
City of Loveland Current Planning Division
500 East Third Street, Suite 310
Loveland, CO 80537

Re: Justification for Utility Easement Vacation at The Edge, Loveland

Dear Kerri:

This letter is to justify the request for the vacation of a utility easement at The Edge in Loveland. The area that is being requested to be vacated is 12' by 30' in size (360 square feet total). There is currently a fire hydrant located in this easement but, with the redevelopment of this site, this fire hydrant will be removed and the water main supplying water to the fire hydrant will be abandoned. The easement will no longer be required.

Please contact me with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Kroetch", written over a white background.

Patricia Kroetch, P.E.

Exhibit 1

EXHIBIT A
PARCEL DESCRIPTION

A parcel of land, previously dedicated as an easement, being part of Lot 1, Block 1, Waterfall Sixth Subdivision as recorded December 15, 2011 as Reception No. 20110078790 of the Records of the Larimer County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 and assuming the West line of said Lot 1 as bearing North 00°30'57" East, as platted, a distance of 468.56 feet and with all other bearings contained herein relative thereto;

THENCE North 00°30'57" East along said West line a distance of 233.48 feet;
THENCE South 89°29'03" East along a line perpendicular to the aforesaid course a distance of 227.85 feet to the Southwesterly corner of an existing 30' x 12' Water Line Easement and to the **POINT OF BEGINNING**;

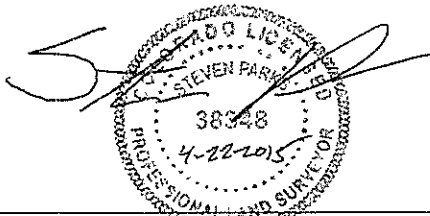
Thence along the Westerly, Northerly, Easterly, and Southerly lines of said 30' x 12' Easement the following four courses:

THENCE North 00°50'16" West a distance of 30.00 feet;
THENCE North 89°09'44" East a distance of 12.00 feet;
THENCE South 00°50'16" East a distance of 30.00 feet;
THENCE South 89°09'44" West a distance of 12.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 360 Square Feet or 0.008 Acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYOR'S STATEMENT

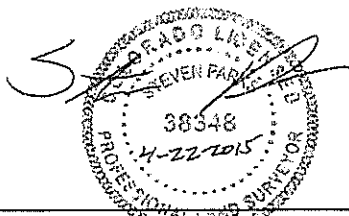
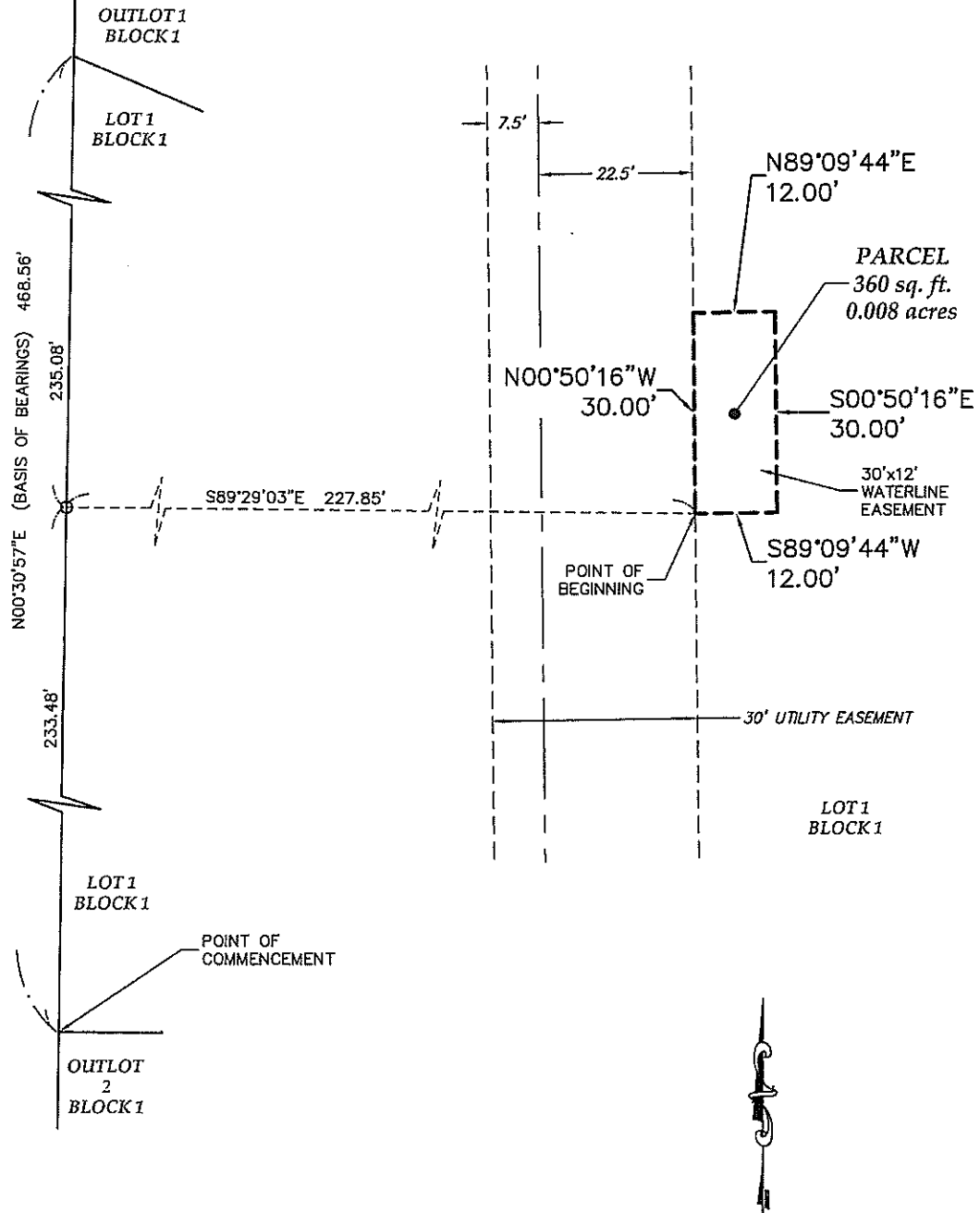
I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



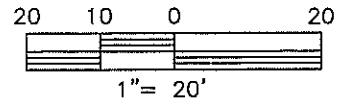
Steven Parks - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348

KING SURVEYORS
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

Exhibit 2



Steven Parks - On Behalf of King Surveyors
 Colorado Licensed Professional
 Land Surveyor #38348



NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | fax: (970) 686-5821
 www.kingsurveyors.com

PROJECT NO: 2015251

DA
 CL
 DV
 DF

Exhibit 2



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: 7
MEETING DATE: 7/7/2015
TO: City Council
FROM: Tami Yellico, City Attorney's Office
PRESENTER: Tami Yellico, City Attorney

TITLE:

An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations

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. The current Municipal Code language could be subject to constitutional challenge.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted "No solicitation" or "No trespassing" sign remains prohibited.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

In 2000, the City Council amended Chapter 5.12 of the City Code with revised language that prohibited door to door commercial solicitation for the purchase or sale of goods, services or any other thing of value in order to better protect the privacy and safety interests of citizens. The current code prohibits commercial solicitation (with limited exceptions for religious, charitable, school and nonprofit groups, and newspapers) on private property or on City property. Although the Colorado Supreme Court upheld such a ban in a 1981 decision, since that time numerous federal and state courts, including the US Supreme Court and the US Court of Appeals for the 10th Circuit, have invalidated a variety of bans or restriction on door to door solicitations as unconstitutional restrictions on free speech. Staff recommends that Council amend the Ordinance

to impose permissible restrictions on door to door solicitations in the City consistent with evolving First Amendment case law, while continuing to protect residents from fraud and crime and to preserve citizens' privacy and control of private premises. The effect of the amendment removes the ban on uninvited commercial solicitation, but retains the provision that prohibits commercial and non-commercial solicitations where a sign prohibiting the same is posted at or near the entrance to such private premises and office buildings.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Redline of Code Changes

FIRST READING: July 7, 2015

SECOND READING: _____

ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 5.12 REGARDING DOOR TO DOOR SOLICITATIONS

WHEREAS, in 2000, the City Council amended Chapter 5-12 of the City Code with revised language that prohibited uninvited door to door commercial solicitation for the purchase or sale of goods, services or any other thing of value in order to better protect the privacy and safety interests of citizens; and

WHEREAS, City staff has recommended that the provisions of the City Code be modified to ensure that the provisions are consistent with evolving First Amendment jurisprudence, while continuing to protect residents from fraud and crime and to preserve citizens’ privacy and control over private residences and businesses; and

WHEREAS, the effect of the amendments recommended by City staff would remove the total ban on commercial solicitation, but retain the provision that prohibits commercial and non-commercial solicitations where a sign prohibiting the same is posted at or near the entrance to such private premises and office buildings; and

WHEREAS, the amendments also reorder and retain the provisions pertaining to commercial solicitations on public property; and

WHEREAS, the City Council believes that it is necessary for the health, safety and welfare of the citizens of the City and in the best interests of the City to adopt the changes recommended by staff.

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

Section 1. That Chapter 5.12 of the Code of the City of Loveland as amended to read as follows:

5.12.010 ~~Uninvited solicitations prohibited~~ Exceptions.

~~A. No person shall enter or remain upon any private premises or office building in the city, not having been requested or invited by the occupant(s) thereof, for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services, or any other thing of value. The provisions of the section shall not apply to bona fide religious, charitable, school and civic organizations, or other organizations eligible for exemption under Section 501(C) of the Internal Revenue Code, or the solicitation of newspaper subscriptions, unless a “No Solicitation” or “No Trespassing” sign is posted at or near the entrance(s) to such residence or office building.~~

~~B. No person shall sell or offer for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city, except as may be authorized by the city council. (Ord. 4513 § 2 (part), 2000)~~

5.12.0120- All solicitations prohibited by posting of “No Solicitation” or “No Trespassing” sign.

No person shall enter or remain upon any public or private premises or office building in the city, not having been requested or invited by the occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift or donation when a “No Solicitation” sign or “No Trespassing” or any other sign of similar import or meaning is posted at or near the entrance(s) to such premises. This provision shall apply to all solicitations, including, without limitation, those that are by a ~~bona fide~~ religious, charitable, school and civic organization, or other organization eligible for exemption under Section 501(C) of the Internal Revenue Code. (Ord. 4513 § 2 (part), 2000)

5.12.0230 Attempt to obtain invitation by false representation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services, or any other thing of value, by knowingly making a false or deceptive representation or statement. (Ord. 4513 § 2 (part), 2000)

5.12.0340 City council approval.

~~No person shall sell or offer for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city, except as may be authorized by the city council.~~ The city council shall have the power to grant the privilege of selling or offering for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city ~~conducting the activities described in Section 5.12.010(B)~~ pursuant to permit, request, competitive bid, or otherwise as the council may from time to time determine. Such privilege shall be upon such terms and conditions as the city council deems appropriate to avoid an excess of vendors, derive revenue for the city, address public health and safety concerns, and to serve the public need. The city council delegates to the city manager or his designee the power to act on behalf of the city council in granting the above privileges, subject to the same terms and restrictions set forth above. (Ord. 4803 § 6, 2003; Ord. 4513 § 2 (part), 2000)

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).

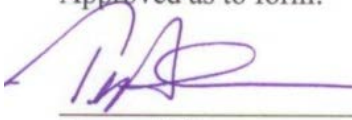
ADOPTED _____ day of _____, 2015.

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



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: 8
MEETING DATE: 7/7/2015
TO: City Council
FROM: Tami Yellico, City Attorney's Office
PRESENTER: Vincent Junglas

TITLE:

An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited Solicitations and Panhandling

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. The current Municipal Code provisions, if left in place, may expose the City to legal challenge.
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration

SUMMARY:

This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The First Amendment's free speech guarantee protects the solicitation of funds, subject to certain limitations. Panhandling is considered speech and can only be regulated with reasonable time, place and manner restrictions. The City of Fort Collins and the City of Grand Junction have been sued for alleged violations of the U.S. Constitution concerning their respective panhandling ordinances, specifically with regard to the First Amendment. The Fort Collins and Grand Junction panhandling ordinances had characteristics similar to the City of Loveland's panhandling ordinance.

There are no Colorado Supreme Court, 10th Circuit, or US Supreme Court cases that directly address the issue of panhandling regulations applicable to activity in a traditionally public form

and the other circuit courts are split regarding the constitutionality of certain restrictions on panhandling.

Staff has reviewed potential options for amending the panhandling provisions of the Loveland Municipal Code, in light of the case law and recent legal challenges to similar code provisions. The attached proposed ordinance indicates the existing code provisions that are proposed for elimination because these may subject the City to legal challenge. The proposed ordinance would repeal all provisions that regulate sitting or standing with a sign without approaching another for an immediate monetary donation because these activities are not considered panhandling and are protected speech. The sections of the code that regulate panhandling in a way that may impact public safety or the normal flow of vehicular and pedestrian traffic remain unchanged.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Proposed Redlined Ordinance
2. Power Point

First Reading: July 7, 2015

Second Reading: _____

ORDINANCE NO: _____

**AMENDING CHAPTER 9.30 OF THE LOVELAND MUNICIPAL CODE
PERTAINING TO PROHIBITED SOLICITATIONS AND PANHANDLING**

WHEREAS, City Code Sections 9.30.010 and 9.30.020 currently contain content neutral restrictions upon panhandling in the City and impose reasonable time, place, and manner restrictions on panhandling in the City; and

WHEREAS, Council had determined that safeguarding citizens' right to privacy, quiet enjoyment, and freedom from undue annoyance while in public areas; maintaining vehicular and pedestrian flow on public streets, sidewalks and passageways, and prohibiting panhandling which is aggressive and implicate public safety are significant governmental interests; and

WHEREAS, Council has determined that the frequency of violations under Section 9.30.020 have been, on average, less than three cited violations per year for the past ten years and such *de minimus* occurrence of violations under Section 9.30.020 warrant prohibition of only the most aggressive and potentially dangerous panhandling techniques; and

WHEREAS Council's intent in adopting this Ordinance is to impose only those time, place and manner restrictions that are reasonably necessary to eliminate conduct which threatens the health, safety and welfare of the public without infringing on the First Amendment rights that any person engaged in the immediate solicitation of a monetary donation may have related to that activity.

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

Section 1. That Section 9.30.010 of the Loveland Municipal Code is hereby amended as follows:

9.30.010 Definitions

When used in this Chapter, the following words, terms, phrases shall have the meanings ascribed to them herein:

- ~~A. *At risk person* shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A person with a disability shall mean, for the purposes of this subparagraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person that he would be without such physical or mental impairments. A substantial physical or mental impairment shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of or severe diminishment of, hearing; loss of or severe diminishment in the ability to walk; and any developmental disability, psychological~~

~~disorder, mental illness or neurological condition that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.~~

~~B.A.~~ Knowingly shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.

~~C.B.~~ Obscene shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

~~D.C.~~ Obstruct shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

~~E.D.~~ Panhandle shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value. Panhandle does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person, other than in response to an inquiry by that person, unless otherwise prohibited due to the location of the person panhandling.

~~F. School grounds shall mean all buildings that are owned, leased, rented, or otherwise used by a school for instruction, administration support services, maintenance, or storage and the grounds surrounding such buildings over which the school is authorized to exercise dominion or control.~~

~~G.E.~~ Traveled portion of a street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

Section 2. That Section 9.30.020 of the Loveland Municipal Code is hereby amended as follows:

9.30.020 Panhandling Restricted

It shall be unlawful for any person to panhandle if such panhandling occurs:

~~A. any time from one half (1/2) hour after sunset to one half (1/2) hour before sunrise;~~

AB. in a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;

BC. in a manner that involves the person panhandling knowingly directing fighting words to the person solicited;

~~CD.~~ in a manner that involves the person panhandling knowingly touching or grabbing the person solicited;

~~E. in a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;~~

~~F. in a manner that involves the person panhandling knowingly soliciting an at-risk person;~~

DG. on a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;

~~H. within one hundred (100) feet of an automatic teller machine or of a bus stop;~~

~~I. on a public bus;~~

~~J. in a parking garage, parking lot or other parking facility;~~

~~K. when the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink; or~~

~~L. on, or within one hundred (100) feet of any school grounds.~~

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 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 blue ink, consisting of several fluid, overlapping strokes that form a cursive-style name.

Assistant City Attorney

PANHANDLING – LOVELAND MUNICIPAL CODE SECTIONS 9.30.010 AND 9.30.020

LOVELAND CITY ATTORNEY'S OFFICE

BY: VINCENT JUNGLAS

BACKGROUND

- THE ACLU HAS SUED THE CITY OF FORT COLLINS AND THE CITY OF GRAND JUNCTION FOR HAVING AND APPLYING PANHANDLING PROVISIONS SIMILAR TO PROVISIONS OF THE CITY OF LOVELAND.
- BOTH JURISDICTIONS REPEALED THEIR RESPECTIVE ORDINANCES AND ARE IN STILL IN LITIGATION, ALTHOUGH SOME CLAIMS HAVE BEEN FOUND TO BE MOOT GIVEN THE REPEAL.

STATE OF THE LAW

- A CIRCUIT SPLIT EXISTS REGARDING WHETHER OR NOT ORDINANCE PROVISIONS SIMILAR TO THOSE THAT THE CITY OF LOVELAND CURRENTLY HAS IN PLACE ARE CONTENT NEUTRAL OR CONTENT BASED.
- OUR CIRCUIT, THE 10TH CIRCUIT, HAS NOT WEIGHED IN ON THE MATTER. ALTHOUGH THE 10TH CIRCUIT WILL LIKELY WEIGH IN ON THE GRAND JUNCTION CASE GIVEN THE OUTCOME IN THAYER.

HISTORICAL CONTEXT

9.030.020 - →	A - Nighttime	B - Threatening / Fear	C - Fighting Words	D - Touching	E - Refusal	F - At Risk	G - Obstruction	H - ATM	I - Bus	J - Parking Garage	K - Restaurant Patio	L - School	9.30.030 - Panhandling in ROW
2005	0	0	0	0	0	1	0	0	0	0	0	0	2
2006	0	0	0	0	0	0	0	0	0	0	0	0	1
2007	0	0	0	0	0	0	0	0	0	0	0	0	3
2008	0	0	0	0	1	0	0	0	0	0	0	0	2
2009	0	1	0	0	0	0	0	0	0	0	0	0	2
2010	0	0	0	0	1	1	0	0	0	0	1	0	5
2011	0	0	0	0	0	0	1	0	0	0	0	0	8
2012	0	0	0	0	0	0	0	0	0	0	0	0	3
2013	0	0	0	0	0	0	0	0	0	0	0	0	6
2014	0	0	0	0	0	0	0	0	0	0	0	0	7
2015	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	0	1	0	0	2	2	1	0	0	0	1	0	42

SUMMARY OF PROPOSED CHANGES

Provisions Proposed for Repeal	Provisions Proposed to Remain
<ul style="list-style-type: none"> • Nighttime restriction. • At risk restriction. • Multiple requests for donation after refusal. • Within 100 feet of an ATM. • Within 100 feet of a bus stop. • On a public bus. • In a parking lot. • In a parking garage. • In another parking facility • Panhandling a person exiting or entering a parked motor vehicle. • Panhandling a person present within a patio or sidewalk area of a business that serves food and/or drink. • Within 100 feet of any school ground. 	<ul style="list-style-type: none"> • Panhandling another in an intimidating, threatening, coercive or obscene manner which causes the person solicited to be in reasonable fear for their safety. • Panhandling in a manner which directs fighting words towards the person being solicited. • Panhandling in a manner that involves direct physical contact through grabbing or touching. • Panhandling in a manner which obstructs the passage of another. • Panhandling in a manner which causes another to take evasive action to avoid physical contact with the panhandler.



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: 9
MEETING DATE: 7/7/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews

TITLE:

A Motion to Approve an Ordinance, on First Reading, Amending Section 1.24.040 and 1.24.050 of the Loveland Municipal Code to Add New Larimer County Voter Precincts in the City's Third and Fourth Wards

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopting the ordinance as recommended. This will ensure the process of adding the new precincts will be completed prior to the November 3, 2015 election.
2. Deny the action. The County has already acted to create the precincts. This ordinance amends the Municipal Code to make it consistent with the County action, and properly include the precincts in each of the four wards.
3. Refer the ordinance back to staff for additional work.

SUMMARY:

This is a legislative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas (per C.R.S.§1-5-101(3)). This resulted in the addition of two new voter precincts in Loveland, one in Ward Three and one in Ward Four.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The detailed changes to the Wards are: 1) Ward 3: Precinct number 215513552 has been split into precincts 215513552 and 2155135543 (both precincts are located in Ward 3). 2) Ward 4: Precinct 2155135517 was split into precincts 2155135517 and 2155135542 (both precincts are located in Ward 4). Adding these two precincts does not result in an increase in size for either Ward. All Ward boundaries remain unchanged.

REVIEWED BY CITY MANAGER:

William D. Cavill

LIST OF ATTACHMENTS:

1. Ordinance
2. Maps of precincts numbers 2155135517 and 2155135532

FIRST READING: _____

SECOND READING: _____

ORDINANCE #

AN ORDINANCE AMENDING SECTIONS 1.24.040 AND 1.24.050 OF THE LOVELAND MUNICIPAL CODE TO ADD A NEW LARIMER COUNTY VOTER PRECINCT IN THE CITY’S THIRD AND FOURTH WARDS

WHEREAS, C.R.S. Section 1-5-101(3) mandates the Larimer County Clerk and Recorder to include no more than 2,000 eligible voters in any precinct; and

WHEREAS, due to population increases in certain areas in Larimer County, the Board of County Commissioners of Larimer County adopted Resolution No. 05122015R007 on May 12, 2015 resulting in voter precinct changes in Larimer County; and

WHEREAS, the “re-precincting” by the County split the current Third Ward Precinct number 215513552 into two precincts (215513552 and 2155135543) and split the current Fourth Ward Precinct 2155135517 into two precincts (2155135517 and 2155135542); and

WHEREAS, these changes do not alter any Senate, House, Commissioner District, or City Ward boundary lines; and

WHEREAS, traditionally the City’s wards contain whole voter precincts established by Larimer County; and

WHEREAS, this Ordinance amends Loveland Code Chapter 1.24.040 to include the new voter precincts to be included in the City’s Third and Fourth Wards.

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

Section 1. That Section 1.24.040 is hereby amended to read as follows:

Section 1.24.040 - Third Ward

The third ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County’s voter precinct Nos. 2155135532, 2155135543, 2155135533, 2155135534, 2155135535, 2155135539, 2155135540 and 2155135541, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board’s Resolution No. 01102012R010 and amended by the adoption of the Board’s Resolution No. 05122015R007.

Section 2. That Section 1.24.050 of the Loveland Municipal Code is hereby amended to read as follows:

1.24.050 - Fourth Ward.

The fourth ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135503, 2155135504, 2155135505, 2155135506, 2155135515, 2155135516, 2155135517, 2155135542, 2155135518, 2155135519, 2155135530 and 2155135531, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05122015R007.

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).

Signed this 7th day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

Current and Proposed Voter Precinct Boundaries

Larimer County, Colorado
April 13, 2015

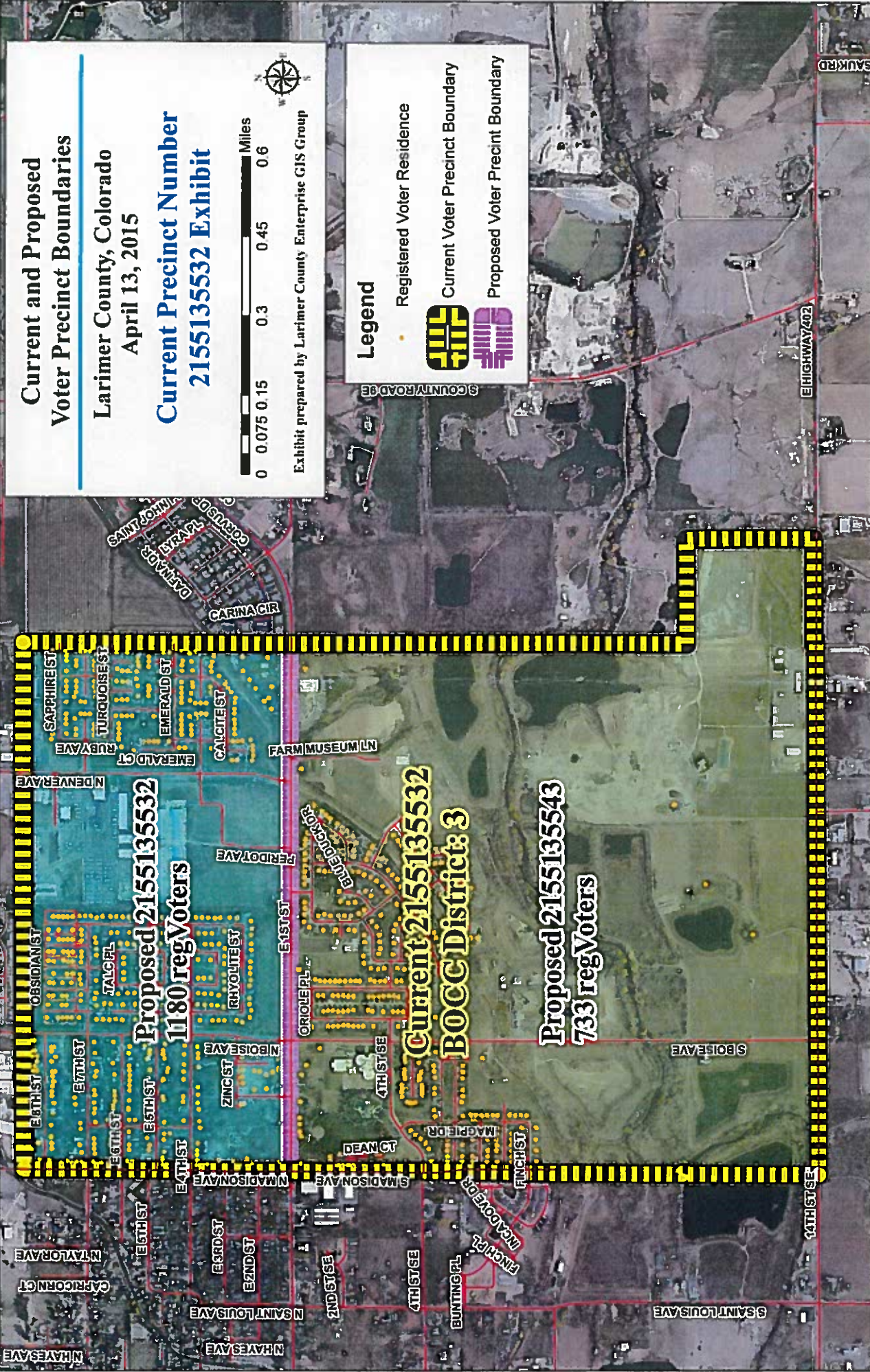
Current Precinct Number 2155135532 Exhibit



Exhibit prepared by Larimer County Enterprise GIS Group

Legend

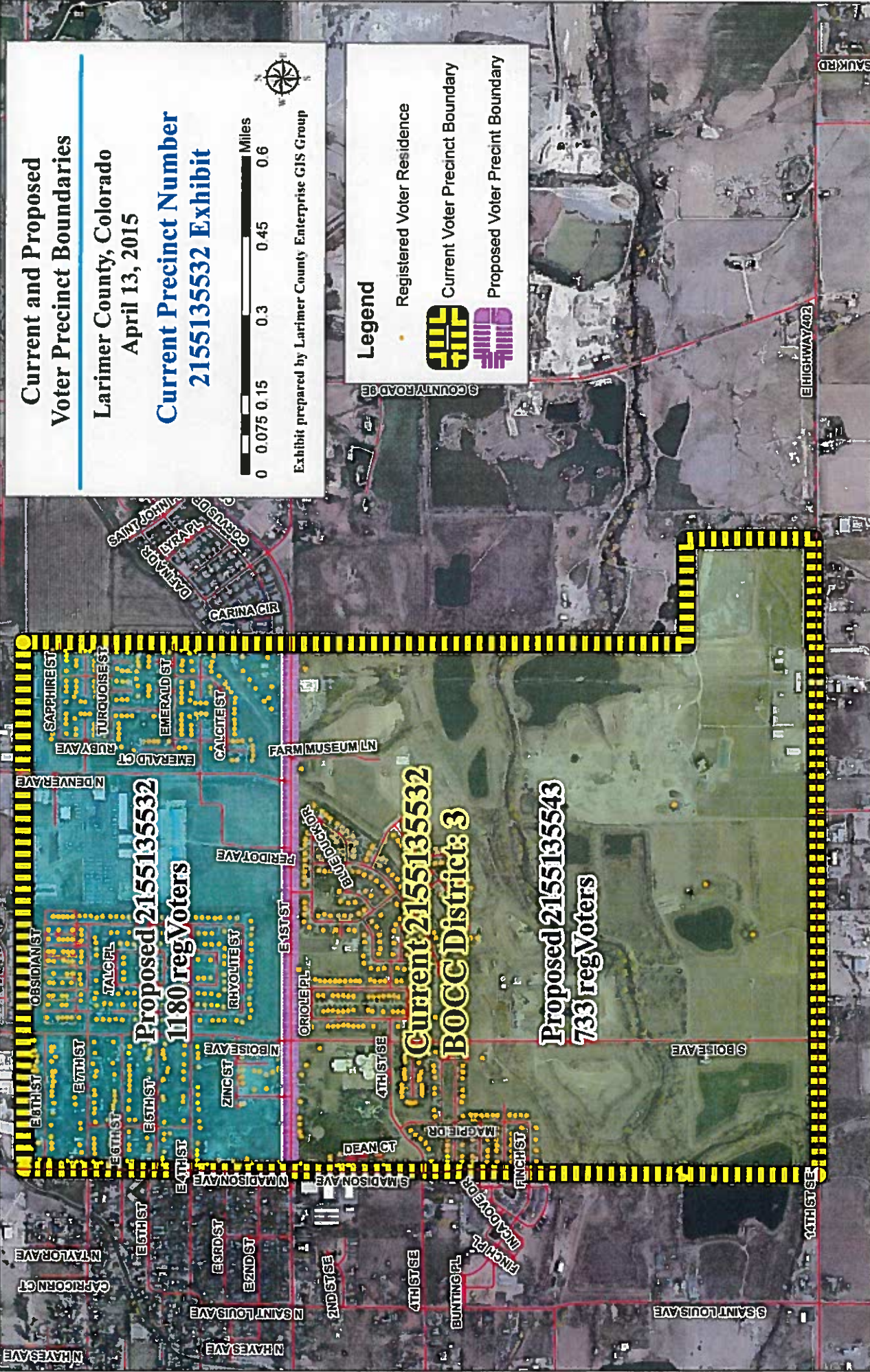
- Registered Voter Residence
- Current Voter Precinct Boundary
- Proposed Voter Precinct Boundary



**Proposed 2155135532
1180 reg Voters**

**Current 2155135532
BOCC District 3**

**Proposed 2155135543
733 reg Voters**



Current and Proposed Voter Precinct Boundaries




Larimer County, Colorado
April 13, 2015

Current Precinct Number 2155135517 Exhibit



Exhibit prepared by Larimer County Enterprise GIS Group

Legend

-  Registered Voter Residence
-  Current Voter Precinct Boundary
-  Proposed Voter Precinct Boundary





CITY OF LOVELAND
POLICE DEPARTMENT

810 East 10th Street • Loveland, Colorado 80537
(970) 667-2151 • FAX (970) 962-2917 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 7/7/2015
TO: City Council
FROM: Tim Brown, Police Department
PRESENTER: Luke Hecker, Police Chief

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for a School Resource Officer

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the motion.

OPTIONS:

1. Adopt the action as recommended, which will appropriate the funds received in the grant as well as matching funds from Thompson School District.
2. Deny the action, which will forfeit the grant funds and prevent the creation of the SRO position.
3. Adopt a modified action (specify in the motion)

SUMMARY:

This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Positive: The City will receive a total of \$232,850 in unanticipated revenue.

Negative: The City is required to appropriate \$35,950 of fund balance in the General Fund.

BACKGROUND:

This COPS grant application was submitted jointly by the Thompson School District ("the District") and Loveland Police to provide a third School Resource Officer in the District's Middle

Schools. The District has reflected this in their budget planning as well. This grant award was noted in the City Manager's report of October 3, 2014 and again on October 24, 2014.

The amount of federal grant funds over the three-year grant period is \$125,000. Loveland's local cash match is \$143,800. Our arrangement on SROs is that the Schools pay 75% of the match cost (\$107,850), and the City pays 25% (\$35,950).

We have confirmed with the Thompson Valley School District that they will be able to provide their cash match for the COPS grant. The school district's fiscal year starts on July 1, 2015, so that is why the supplemental budget request is brought to the Council at this time.

In accordance with the COPS grant, the City of Loveland must add the awarded officer position to its law enforcement budget with local funds for at least 12 months at the conclusion of 36 months of federal funding. When the grant expires, the Thompson Valley School District and the City of Loveland will maintain the 75% -25% cost share for the school resource officer.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 7, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR A SCHOOL RESOURCE OFFICER.

WHEREAS, the City and the Thompson School District (“the District”) have, by intergovernmental agreement, maintained a School Resource Officer program for many years in which Loveland Police officers are assigned to work in the District’s schools; and

WHEREAS, the City and the District jointly applied for, and were awarded, a COPS grant to provide a third School Resource Officer in the District’s middle schools; and

WHEREAS, the amount of federal grant funds awarded over the three-year grant period is \$125,000. Loveland’s local cash match is \$143,800. The District will pay 75% of the match cost (\$107,850), and the City pays 25% (\$35,950); and

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the additional School Resource Officer; 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 an additional School Resource Officer, 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 \$125,000 from a Federal Grant in the General Fund are available for appropriation. That revenues in the amount of \$107,850 from the District in the General Fund are available for appropriation. That reserves in the amount of \$35,950 from Fund Balance in the General Fund are available for appropriation. Revenues in the total amount of \$268,800 are hereby appropriated for an additional School Resource Officer. 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		35,950
100-21-202-2102-32630	R2J School District	107,850
100-21-202-2102-32000	Federal Grants	125,000
Total Revenue		268,800

Appropriations

100-21-204-2114-41011	Salaries Benefitted Emp	239,040
100-21-204-2114-41544	F.I.C.A. Taxes	3,470
100-21-204-2114-41546	Police Pension	26,290
Total Appropriations		268,800

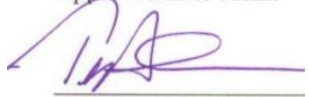
Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be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

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:


Teresa Ablao
Assistant City Attorney



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

AGENDA ITEM: 11
MEETING DATE: 7/7/2015
TO: City Council
FROM: Steve Adams, Water & Power Department
PRESENTER: Roger Berg, Senior Civil Engineer

TITLE:

A Resolution Approving an Intergovernmental Agreement between the City of Loveland and Centerra Metropolitan District No. 1 Concerning Construction Management and Oversight of the Interchange Lift Station.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution approving the IGA with the Centerra Metropolitan District No.1 concerning construction management and oversight of the Interchange Lift Station.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action (This would either require the City to fund the entire 3rd party construction management contract or leave that work up to the District, which would effectively reduce the City's control of the project.)
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. (Delaying approval of this IGA could leave the construction management of this project in limbo, leading to delays and confusion.)

SUMMARY:

This is an administrative action. The proposed Intergovernmental Agreement (IGA) with Centerra Metropolitan District No. 1 (District) relates to construction management, and oversight of the Interchange Lift Station. Since this IGA will obligate the City to an amount higher than \$10,000, the IGA will need to be approved by City Council. The District is responsible for design and construction of the necessary infrastructure to serve the development, which will serve the wastewater needs of Parcel 505 in Centerra (northeast corner of 25 and 34) and adjacent property. In order to ensure adherence to the plans and specifications, the City has requested to manage the construction phase of the project, along with a third party construction management firm (Ditesco) and share the cost of such management based on a 50/50 cost share. The proposed contract with Ditesco will be hourly based on actual hours worked not to exceed \$88,000; therefore, the City's share will not exceed \$44,000.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The net impact to the City will be an expense of approximately \$44,000, funds are available in the 2015 Water and Power budget.

BACKGROUND:

The Interchange Lift Station will be located at the northeast corner of Interstate 25 and US Highway 34 and will serve the wastewater needs of Parcel 505 in Centerra (northeast corner of 25 and 34) and related development in that portion of the Centerra Metropolitan District. Funding for design and construction of the wastewater lift station will be provided solely by the District, and upon completion, the City will take over operation, maintenance, and ownership. Due to the complex nature of wastewater lift stations and the regulatory risk associated with potential for future mechanical failures, the City requested to take the lead role in construction management and oversight of the project to ensure high quality construction. In order to adequately staff the project, the City intends to hire a third party construction management firm (Ditesco) and has agreed to share the cost with the District based on a 50/50 split.

The IGA provides a 50/50 cost sharing plan for the construction management fees such that the District will pay the first \$25,000, the City will pay the next \$25,000, and any additional fees will be split equally (see Attachment A). Our proposed contract with Ditesco is based on hourly rates times actual hours worked with a maximum contract amount of \$88,000. Therefore, the City's maximum share of the contract will be \$44,000. Ditesco's services will include: shop drawing review, document management, daily construction observation and reporting, photo logs, meeting coordination and attendance, review of change orders and payment requests, start-up, punch list, close out, warranty inspections, and other miscellaneous tasks. The IGA was approved by the District Board at their April 2015 meeting. Funding for the City's share of this contract was not budgeted in 2015, however there are funds available in the 2015 budget to cover this expenditure.

On June 17, 2015, the Loveland Utilities Commission unanimously recommended that City Council approve this intergovernmental agreement.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Proposed IGA
 2. Resolution
-

**INTERGOVERNMENTAL AGREEMENT CONCERNING CONSTRUCTION
MANAGEMENT AND OVERSIGHT OF THE INTERCHANGE LIFT STATION
(CITY OF LOVELAND - CENTERRA METROPOLITAN DISTRICT NO. 1)**

This INTERGOVERNMENTAL AGREEMENT CONCERNING THE CONSTRUCTION, MANAGEMENT AND OVERSIGHT OF THE INTERCHANGE LIFT STATION (this "Agreement") is entered into this ____ day of _____, 2015, by and between THE CITY OF LOVELAND, COLORADO, a home rule municipality, (the "City") and CENTERRA METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and a political subdivision of the State of Colorado (the "District") (each a "Party" and together, the "Parties").

RECITALS

WHEREAS, the District is responsible for managing the construction of facilities and improvements needed to develop the Centerra Metropolitan Districts Nos. 1-4 in the City of Loveland, Colorado; and

WHEREAS, certain property located within the District as is more particularly described in **Exhibit A**, attached hereto and incorporated herein (the "Project Site"), requires the construction of a lift station known as the Interchange Lift Station (the "Project") to support existing and planned development; and

WHEREAS, the District is prepared to provide for the construction of the Project and upon completion, to maintain certain portions of the Project, which maintenance is expected to be addressed in a separate agreement between the Parties; and

WHEREAS, the District anticipates that the Project will ultimately be dedicated to the City for ongoing operation and maintenance; and

WHEREAS, the City desires to oversee and manage the Project's construction from the initial bidding process through close-out to ensure that the City's needs and specifications are addressed; and

WHEREAS, the Parties agree that oversight and management of the construction of the Project by the City will reduce costs and is in the best interests of the public health, safety, and general welfare of the City and the District; and

WHEREAS, the Parties have negotiated and desire to enter into this Agreement to set forth their rights and obligations with respect to construction management and oversight for the Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Construction of the Interchange Lift Station. Construction of the Project is necessary due to the planned development of the property surrounding the Project Site. Accordingly, the award of a construction contract and the commencement of construction will be conditioned on the development of the property surrounding the Project Site. Assuming the development of the property surrounding the Project Site occurs, the District shall construct, or cause to be constructed, the Project in accordance with the terms and conditions of this Agreement. The construction contract for the Project is anticipated to require substantial completion by April 1, 2016. However, nothing in this Agreement shall be construed to require final completion of the Project by this date, or any particular date. Completion of the Project is conditioned on the development of the property surrounding the Project Site.

2. Construction Management and Oversight. The Parties acknowledge and agree that the City shall manage and oversee construction of the Project through a resident engineer selected and authorized for such purpose by the City, in its discretion (the "Resident Engineer"); provided, however, that the Parties and each of their officers, employees, contractors, and agents shall work collaboratively during the Term of this Agreement, as provided in Paragraph 4 below. At the direction of the City, the Resident Engineer shall perform such management and oversight services as are set forth in **Exhibit B**, attached hereto and incorporated herein (the "Services").

a. Relationship to District. The Resident Engineer shall be a contractor of the City, and nothing in this Agreement shall be construed as constituting any employment relationship with the District, including that of an independent contractor. Neither the Resident Engineer nor any of its employees are or shall be deemed employees of the District. The Resident Engineer is not and shall not act as an agent of the District.

3. Cost-Sharing of Construction Management and Oversight. The District shall be responsible for and pay all costs for Services by the Resident Engineer, up to and including Twenty Five Thousand Dollars (\$25,000) (the "District Contribution"). Should the costs for Services exceed the District Contribution, the City shall be responsible for and pay all costs for Services excess thereof, in an amount up to and including Twenty Five Thousand Dollars (\$25,000) (the "City Contribution"). The Parties agree that for all costs for Services in excess of the District Contribution plus the City Contribution (i.e., Fifty Thousand Dollars (\$50,000)), each Party shall be responsible for and shall pay an equal share thereof.

a. Payment of Services Costs - Invoices. The City shall submit to the District monthly invoices on behalf of the Resident Engineer. Prior to submitting invoices to the District, the City shall review and indicate its approval of the invoice. The City shall endeavor to make no more than one (1) invoice submittal per month to the District for payment. All invoices shall be subject to the review and approval of the District.

b. Invoice Documentation. The invoices shall include all supporting documentation, including, but not limited to, the date and time the Services were performed, a description of the Services performed, and receipts, if any, documenting direct costs as reflected in the invoice.

c. Time of Payments. The District shall render payment to the City within forty-five (45) days of receipt of the invoice.

4. Term. The term of this Agreement shall begin as of the date first set forth above and shall expire and be of no further force or effect upon expiration of a two-year warranty period following completion of construction of the Project, or December 31, 2018, whichever is sooner, unless this Agreement is terminated as provided herein (“Term”).

5. Multi-Fiscal Year Obligations. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the City, it shall be subject to annual appropriation pursuant to the City Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. The City shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the District, the District’s obligation shall be subject to annual appropriation pursuant to Article X, Section 20 of the Colorado Constitution. The District shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

6. Default and Remedies. Default, with respect to either Party, shall result upon the happening of the failure of such Party to observe or timely perform any covenant, condition, or obligation required to be performed by such Party pursuant to the terms of this Agreement. In the event of default by a Party in the performance of its obligations pursuant to this Agreement, notice of such default shall be given to the defaulting Party by the non-defaulting Party. If the default is a failure to pay any amount of money due pursuant to the terms of this Agreement, such default shall be cured within seven (7) days after notice of default is given to the defaulting Party. If such default constitutes a breach or violation of any term or provision of this Agreement other than the payment of a monetary amount, the defaulting Party shall have thirty (30) days within which to institute corrective action and shall proceed diligently thereafter to cure the default. In the event of a default, and in the event such default is not cured within the applicable notice and cure period provided herein, the non-defaulting Party may seek enforcement of the terms and provisions of this Agreement by any equitable remedy including specific performance, injunction, writ of mandamus and/or declaratory judgment, or seek monetary damages, but only to the extent specific performance, injunction, writ of mandamus and/or declaratory judgment are not available or not an adequate remedy.

7. Amendment. This Agreement may not be amended, modified, or changed, in whole or in part, without a written agreement executed by the Parties.

8. Assignment. This Agreement, in whole or in part, may not be assigned or transferred to any other party without the prior written consent of the non-assigning Party. Any attempted assignment in violation of this paragraph shall be immediately void and of no effect.

9. Notices and Place for Payments. Any notice or payment required under this Agreement or any notice desired to be given by any Party to this Agreement shall be in writing and may be personally delivered; sent by certified mail, return receipt requested; sent by electronic mail; or sent by a nationally recognized receipted overnight delivery service for earliest delivery the next day. Any such notice shall be deemed to have been given as follows:

when personally delivered to the party to whom it is addressed; when mailed, three delivery (3) days after deposit in the United States mail, postage prepaid; when by electronic mail, on the day sent if sent on a day during regular business hours (9 a.m. to 5 p.m.) of the recipient, otherwise on the next day at 9 a.m.; and when by overnight delivery service, one (1) day after deposit in the custody of the delivery service. The addresses of the mailing, electronic transmitting, or delivering of notices shall be as follows:

If to the Centerra District: Centerra Metropolitan District No. 1
 c/o Pinnacle Consulting Group, Inc.
 1627 E. 18th Street
 Loveland, Colorado 80538
 Attn: Peggy Dowswell
 Email: peggyd@pinnacleconsultinggroupinc.com

With a copy to: Icenogle Seaver Pogue, P.C.
 4725 S. Monaco St., Suite 225
 Denver, Colorado 80237
 Attn: Alan D. Pogue
 Email: APogue@ISP-law.com

To the City: Tom Greene, Utility Information Manager
 City of Loveland Water and Power Department
 200 N. Wilson Avenue
 Loveland, Colorado 80537
 Email: tom.greene@cityofloveland.org

With a Copy: City Attorney's Office
 Attn: City Attorney
 500 East 3rd Street, Suite 330
 Loveland, Colorado 80530
 Email: tami.yellico@cityofloveland.org

10. Further Assurances. The Parties shall execute such additional documents or instruments and shall take such action as may be reasonably necessary or required to carry out the terms and provisions of this Agreement.

11. Waiver. No waiver by any Party of any term or condition of this Agreement shall be deemed to be or shall be construed as a waiver of any other term or condition of this Agreement, nor shall any waiver of a breach of any provision of this Agreement be deemed to constitute a waiver or any subsequent breach of the same provision.

12. Governmental Immunity. Nothing in this Agreement shall be construed to be a waiver, in whole or in part, of any right, privilege, or protection afforded to the City or the District, or their directors, officers, employees, servants, agents, or authorized volunteers, pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S. and pursuant to any other law.

13. Third Party Beneficiaries. No rights created in favor of any Party shall be construed as benefiting any Person that is not a party to this Agreement.

14. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Colorado. Venue for any action brought to enforce the terms of this Agreement shall only be in the District Court in and for Larimer County, Colorado.

15. Severability. If any clause or provision of this Agreement is adjudged invalid or unenforceable or both by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Agreement as a whole, but shall be severed herefrom, leaving the remaining Agreement intact and enforceable.

16. Attorneys' Fees. In the event that litigation is brought by any Party hereto in connection with this Agreement, the prevailing Party shall be entitled to recover from the opposing Party all costs and expenses, including Reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any terms, conditions, or provisions hereof.

17. Headings. Paragraph headings used in this Agreement are for convenience of reference only and do not define, control, limit or otherwise affect the meaning or interpretation of any provision of this Agreement.

18. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties and their respective successors and permitted assigns.

19. Entire Agreement. This Agreement, including any and all exhibits attached hereto, constitutes the entire agreement of the Parties with respect to the subject matter set forth herein and supersedes all prior agreements, understandings, discussions, representations, or warranties made by any Party.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument. Facsimile or electronically transmitted signatures shall be deemed as original signatures.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

**CENTERRA METROPOLITAN DISTRICT
NO. 1**

By: _____
Name: Kim L. Perry
Title: PRESIDENT

ATTEST:

By: _____
Name: [Signature]
Title: TOM HALL / SECRETARY
Date: 16 June 2015

EXHIBIT A

Project Site

EXHIBIT B

Management and Oversight Services



**1315 Oakridge Drive - Suite 120
Fort Collins, CO 80525
ditescoservices.com**

Delivery by email to:
Tom.Greene@cityofloveland.org

January 2, 2015

Mr. Tom Greene
City of Loveland
Water and Power Department
200 N. Wilson Avenue
Loveland, CO 80537

RE: Resident Engineering Scope of Services
Interchange Lift Station Project

Dear Tom:

Please find attached a detailed scope of work for Resident Engineering services for the Interchange Lift Station Project. Our proposal is for services during the anticipated length of the project from March through October 2015 (approximately 210 calendar days or 7 months). We understand the project schedule may vary somewhat from this timeframe. Our scope of work will accommodate any change in this schedule for the calendar year 2015.

Thank you for the opportunity to work on this project. We greatly value our relationship with the City of Loveland and look forward to another successful project.

Please let me know if you have any questions or require further information regarding this proposal. I can be reached by phone at 970.988.8605 and email keith.meyer@ditescoservices.com.

Sincerely,


Keith Meyer, P.E.

Enc: Scope
Cc: Bill Renz
file

Wtl
1/21/2015
Page 1 of 5

Exhibit A
Interchange Lift Station Project
Resident Engineering
Scope of Services
Project No. TBD

Project Understanding

The Centerra Metropolitan District is developing land that will require additional infrastructure to support the existing and future planned development. A portion of the infrastructure installation includes a lift station that will be owned and maintained by the City of Loveland Water and Power Department upon completion. The proposed finished facility will be a 700 gpm (1 MGD) sanitary sewer lift station including a triplex submersible pump system with controls; VFD's, buried reinforced concrete valve vault, 370 square foot control building, and 45 KW natural gas powered generator; packaged odor control system; construction of a 85,000 gallon buried reinforced concrete emergency storage tank, and miscellaneous yard piping, site grading, concrete and gravel pavement, and landscaping with irrigation system. Ditesco's services for this scope of work are provided to cover the duration of the project.

Phase: Construction Management

During this phase, Ditesco will provide part time Resident Engineering services to assist in work coordination and ensure compliance with contract documents/specifications.

- We will manage a SharePoint document management site housed on our servers for design team and contractor access. This site will manage all construction phase communications including submittal review, RFIs, meeting minutes, test results, correspondence and reports.
- We will conduct weekly progress meetings on site (or other location) with the general contractor and their subcontractors. We will provide meeting minutes for all meetings.
- We will provide the City with general contract administration guidance working with the Metropolitan District's project manager to ensure the City's specifications and needs are met.
- Our staff will perform daily site inspections to ensure quality construction and conformity to the plans and specifications. Inspections will include all specialty inspections required of the project including: subgrade and backfill of pipe, structural concrete, mechanical piping, coating systems, holiday testing, loop checks, building inspections, asphalt paving, landscaping and site work. We will provide field engineering support addressing field changes quickly to avoid construction delays.
- We will provide the City with monthly reports documenting the contractors work progress, contract times and other pertinent information. We will also document daily work progress in the form of daily logs.
- We will assist in review of all project submittals providing comments directly to the general contractor. We will prepare responses to RFIs coordinated with the design engineer.
- Ditesco staff will review all material test reports. We will comment on reports not meeting specifications and recommend remediation measures if necessary. We will ensure the appropriate numbers of tests are taken and that they are sampled according to industry standards and the project specifications. We will coordinate all testing activities with the selected material testing contractor who will be hired directly by the Metro District.
- We will maintain a photographic log of the project documenting pre-construction, construction and post construction conditions. This work is expected to include brief descriptions of each photograph with a filename, time and date reference.
- As needed, we will coordinate work between the City, general contractor and outside agencies (e.g. utility companies) affected by the project.

- We will maintain project records including contracts, schedules (overall job and three week look-ahead), progress meeting minutes, material test results, weekly reports, correspondence, pay applications, change orders, routine photographs, submittals, RFIs, permits, and post construction close-out paperwork (punch lists, lien waivers, substantial completion/final acceptance – as applicable for the work we are performing).
- We will conduct a final punch list walk through and inspect the completed installation of the lift station and associated work.
- We will assist in start-up and commissioning of the system upon completion. We will work with the selected integrator to test the control loops/descriptions provided by us, the City or the Integrator. We will document all start up results with the appropriate vendors and contractor to ensure certificates of proper installation are obtained and made part of the project file. This is an important component to validate warranties with each vendor/equipment supplier. The City should ensure that all equipment warranties are made transferrable from the Metro District to the City upon final acceptance of the project.
- Ditesco personnel will ensure that an as-built plan set is maintained and transmitted to the City upon completion of the project. This will be a redlined drawing set maintained by our staff and will be coordinated with plan changes that may be documented by the general contractor.

Phase: Post Construction

- During the Post Construction Phase Ditesco staff will compile all job records in both an electronic and hardcopy (paper) format for submission to the City. We will make sure all warranty information is prepared and warranty walk through meetings are scheduled at the 1 and 2 year intervals (as applicable to this project).

Deliverables

- Deliverables will include full project documentation presented in tabbed binders or vertical files with information produced throughout the construction phase. Documents will also be provided in an electronic form external drives for City use.

Schedule

The anticipated schedule for construction of the Interchange Lift Station Project is as follows:

Construction: March 2015 – Oct 2015 (subject to change)

Fee Estimate

We have based our fee estimate on the following assumptions:

- 7 month project timeframe (approximately 147 working days; 29 weeks)
- Construction to begin around spring 2015 with completion in late summer/early fall 2015
- Access to the site will be provided by the City of Loveland or Metro District
- Daily Resident Engineering effort is part time for 7 months
- Temporary trailer office space is not provided
- All documents (plans, specifications, contracts) will be made available by the City of Loveland or Centerra Metro District

Estimated Fee:	\$ 85,308.00
Estimated Reimbursable Expenses:	\$ 2,756.00
Total:	\$ 88,064.00

A detailed task breakdown is included. Please find this on page 5 of this scope of work proposal.

The fee shown above is to be billed on a time and material not-to-exceed basis based on the rates shown in the table on page 4 and 5 of this proposal. All reimbursable expenses will be billed at direct cost.

Ditasco
2014-2015 Wage Rate Schedule

Principal:	\$130.00 - \$145.00 per hour
Project Manager:	\$100.00 - \$125.00 per hour
Project Engineer:	\$85.00 to \$115.00 per hour
Construction Manager/Resident Engineer:	\$95.00 - \$130.00 per hour
Administrative:	\$60.00 per hour
All other costs at direct expense	
Terms	30 days net



City of Loveland - Interchange Lift Station Project
Project No.

1/2/2015

Phase/Task Description	Classification			Task Total
	Project Manager (hrs) \$130	Resident Engineer (hrs) \$100	Administrative (hrs) \$60	
Task 1: Construction Management				
1.1 Review Construction Contracts	1	1	0	\$230
1.2 Review Construction Plans and Specifications	4	2	0	\$720
1.3 Create and compile job files	0	2	4	\$440
1.4 Set up SharePoint Site	0	1	2	\$220
1.5 Pre-Bid Attendance	0	0	0	\$0
1.6 Preconstruction Photographs and Video	0	2	0	\$200
1.7 Preconstruction Meeting (minutes, contact lists, etc.)	2	4	4	\$900
1.8 Schedule review	0	2	0	\$200
1.9 Submittal/shop drawing coordination and record keeping	0	50	0	\$6,000
1.10 Construction progress meetings (1 per week for 7 mos)	0	59	59	\$9,408
1.11 Monthly Budget Reports	0	0	0	\$0
1.12 Contract Management (pay applications, change orders, etc.)	0	0	0	\$0
1.13 RFI Responses	0	20	0	\$2,000
1.14 Resident Engineering (on site - 30% time for 7 mos)	8	441	0	\$45,140
1.15 Daily Construction Logs	0	74	0	\$7,350
1.16 Job Files (test reports, minutes, correspondence, photos, etc.)	0	10	10	\$1,500
Task 2: Start Up				
2.1 Start Up and Testing (control descriptions, start up forms, etc)	20	40	0	\$6,600
2.2 Commissioning	2	8	0	\$1,060
Task 3: Close Out				
3.1 Punch list walk through	0	3	0	\$300
3.2 Record Drawing Completion	2	8	0	\$1,060
3.3 Close out paperwork (substantial and final completion, etc.)	0	0	0	\$0
3.4 Project Close Out (compilation of files, photos, job records, etc.)	0	16	8	\$2,000
3.5 Warranty walkthrough (11th and 23rd months)	0	8	0	\$800
Reimbursable direct costs				\$2,758
Mileage Reimbursement				
Work Effort Subtotal	30	760	66.8	\$80,308
Subtotal Reimbursable Items				\$83,066
Contract Total				\$83,064
Cost per labor category	\$8,070	\$75,030	\$6,200	
% Assignment over project term	0.03	0.04	0.07	
Effort (days)	6	94	11	
Effort (weeks)	1	19	2	

- Assumptions:
- 7 month construction duration
 - Daily resident engineering effort at 30% of total time.
 - Construction Begin/End - spring/fall 2015

RESOLUTION #R-33-2015**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT CONCERNING CONSTRUCTION MANAGEMENT AND OVERSIGHT OF THE INTERCHANGE LIFT STATION BETWEEN THE CITY OF LOVELAND AND CENTERRA METROPOLITAN DISTRICT NO. 1**

WHEREAS, Centerra Metropolitan District No. 1 (the “District”) is responsible for managing the construction of facilities and improvements needed to develop Centerra Metropolitan Districts Nos. 1-4 in the City of Loveland, Colorado; and

WHEREAS, certain property located within the District requires the construction of a lift station known as the Interchange Lift Station (the “Project”) to support existing and planned development; and

WHEREAS, the District is prepared to provide for the construction of the Project, which will ultimately be dedicated to the City for ongoing operation and maintenance; and

WHEREAS, the City of Loveland (the “City”) desires to oversee and manage the Project’s construction from the initial bidding process through close-out to ensure that the City’s needs and specifications are addressed; and

WHEREAS, the City and the District agree that oversight and management of the construction of the Project by the City will reduce costs and is in the best interests of the public health, safety, and general welfare of the City and the District; and

WHEREAS, the City and the District have negotiated and desire to enter into an intergovernmental agreement to set forth their rights and obligations with respect to construction management and oversight for the Project.

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

WHEREAS, the City Council desires to approve the intergovernmental agreement on behalf of the City.

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

Section 1. That the “Intergovernmental Agreement Concerning Construction Management and Oversight of the Interchange Lift Station,” attached hereto as Exhibit A and incorporated herein by reference (“Intergovernmental Agreement”), is hereby approved.

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

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

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

ADOPTED this 7th day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant 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: 12
MEETING DATE: 7/7/2015
TO: City Council
FROM: Tami Yellico, City Attorney's Office
PRESENTER: Tami Yellico, City Attorney

TITLE:

A Resolution Approving an Intergovernmental Agreement between the City of Loveland, City of Fort Collins, City of Greeley and Town of Windsor for the Exchange of Legal Services

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution approving an Intergovernmental Agreement between the Cities of Loveland, Fort Collins, and Greeley and the Town of Windsor for the exchange of legal services.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The current IGA from 1993 would remain in place. The Town of Windsor would be excluded from participating without a separate agreement with each City.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action to approve an agreement between the listed municipalities to allow for each municipality's City Attorney's Offices to request one of the other participating municipalities' assistance in providing legal services if personal conflicts of interests or other situations impair the requesting City Attorney's ability to fully represent the interests of such in particular instances.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

In 1993, the Cities of Fort Collins, Greeley and Loveland had each entered into separate agreements with each other regarding the exchange of legal services in order to provide legal representation of the municipalities in an efficient and cost effective by exchanging the services of members of the respective legal staffs of the municipalities. Staff recommends that Council

approve an updated and unified version of those previous agreements and include the Town of Windsor as a participating municipality.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. Intergovernmental Agreement

RESOLUTION # R-34-2015

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF LOVELAND, CITY OF FORT COLLINS, CITY OF
GREELEY AND TOWN OF WINDSOR FOR THE EXCHANGE OF LEGAL SERVICES**

WHEREAS, pursuant to Section 29-1-203, C.R.S., governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, in 1993 the Cities of Fort Collins, Greeley and Loveland (collectively referred to as the "Cities") had each entered into separate agreements with each other regarding the exchange of legal services; and

WHEREAS, the Town of Windsor (referred to as the "Town") and the Cities (each also and all collectively referred to as the "Municipality or the Municipalities," respectively) are all jurisdictions located in northern Colorado; and

WHEREAS, the legal interests of the Municipalities are generally represented by the City and Town Attorneys employed thereby; and

WHEREAS, on occasion, the City or Town Attorney of one of the Municipalities is prevented from representing the interests of the such Municipality by reason of personal conflicts of interests or other situations which may impair their ability to fully represent the interests of such Municipality in particular cases; and

WHEREAS, the Municipalities are authorized by their respective home rule charters to employ the services of special legal counsel in such situations; and

WHEREAS, in certain such instances, the most efficient and cost effective manner of providing for the legal representation of the Municipalities would be to exchange the services of members of the respective legal staffs of the cities; and

WHEREAS, staff for the each Municipality is recommending that the Municipalities of enter into an updated and unified Intergovernmental Agreement to authorize the exchange of such legal services under appropriate circumstances and to establish the terms and conditions upon which such exchange of services should occur; and

WHEREAS, Council determines that it would be in the best interests of the City of Loveland to authorize the exchange of legal services with the Municipalities under appropriate circumstances, and that entering into a unified Intergovernmental Agreement with the Municipalities would be appropriate.

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

Section 1. That the Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized and directed to enter into the Agreement on behalf of the City, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

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

ADOPTED this 7th day of July, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

INTERGOVERNMENTAL AGREEMENT FOR THE EXCHANGE OF LEGAL SERVICES

THIS AGREEMENT is made and entered into this _____ day of _____, 2015, by and between THE CITY OF FORT COLLINS, COLORADO ("Fort Collins"), THE CITY OF GREELEY, COLORADO ("Greeley") THE CITY OF LOVELAND, COLORADO ("Loveland"), collectively referred to as the "Cities"; and the TOWN OF WINDSOR, COLORADO referred to as the "Town" and each also and all collectively referred to as the "Municipality or the Municipalities," respectively.

WITNESSETH:

WHEREAS, pursuant to Section 29-1-203, C.R.S., governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the legal interests of the Municipalities are generally represented by the City and Town Attorneys employed thereby; and

WHEREAS, on occasion, the City or Town Attorney of one of the Municipalities is prevented from representing the interests of the such Municipality by reason of personal conflicts of interests or other situations which may impair his or her ability to fully represent the interests of such Municipality in particular cases; and

WHEREAS, the Municipalities are authorized by their respective home rule charters to employ the services of special legal counsel in such situations; and

WHEREAS, in certain such instances, the most efficient and cost effective manner of providing for the legal representation of the Municipalities would be to exchange the services of members of the respective legal staffs of the cities; and

WHEREAS, in 1993 the Cities entered into separate agreements with each other regarding the exchange of legal services; and

WHEREAS, the Councils of the Cities have each determined that it would be in the best interests of each of the Cities to enter into an updated and unified Intergovernmental Agreement to authorize the exchange of such legal services under appropriate circumstances and to establish the terms and conditions upon which such exchange of services should occur; and

WHEREAS, the Town Board of the Town has determined it would be in the best interests of the Town to authorize the exchange of legal services with the Cities under appropriate circumstances, and that entering into a unified Intergovernmental Agreement with the Cities would be appropriate.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby

acknowledged, the parties agree as follows:

1. Exchange of Legal Services. If the City or Town Attorney (“Attorney”) of any of the Municipalities determines, in his or her discretion, that a conflict of interest or other situation arises or has occurred which prevents or impairs him/her from fully performing the normal duties of his/her office, said Attorney (“the Requesting Attorney”) shall determine whether the subject matter of the representation would be appropriate for an exchange of legal services under this Agreement. In making such determination, the Requesting Attorney shall consider the nature and complexity of the matter at issue; the amount of time which may be required to satisfactorily resolve the matter, either through litigation or otherwise; the level of special expertise, if any, which may be required to competently represent the interests of his or her client(s); and any other factors which the Requesting Attorney may consider to be relevant. Upon a determination that an exchange of legal services would be appropriate under this Agreement, the Requesting Attorney shall so notify the Attorney for the other party to this Agreement (“the Responding Attorney”) and request the provision of such legal services.

Upon receipt of any such request, the Responding Attorney shall determine whether such services may be provided by his/her office without unduly interfering with the Responding Attorney's ability to perform the normal duties of his/her own office. The Responding Attorney shall notify the Requesting Attorney within five (5) working days as to whether the request for legal services can be accommodated. If so, the Responding Attorney may assign any one (1) or more attorneys in the Responding Attorney's office to provide such services.

2. Reimbursement of Costs. The party for whom legal services are rendered under this Agreement (“the Requesting Municipality”) shall reimburse the other party (“the Responding Municipality”) for all out-of-pocket expenses incurred in rendering the requested legal services. Such expenses shall include, without limitation, cost of reproducing documents, mileage, long distance telephone calls, deposition costs and expert witness fees, but shall exclude any reimbursement for compensation paid by the Responding Municipality to its Attorney, its deputy and assistant attorneys, or to its support staff. Payment of such expenses shall be made within thirty (30) days of the date of receipt of any billing therefor.

3. Employment Status. Throughout the delivery of the requested legal services, the Responding Attorney and/or his/her personnel shall represent the interests of the Requesting Municipality but shall continue to be employed solely by the Responding Municipality, and the delivery of such legal services for the Requesting Municipality by the Responding Attorney and/or his/her personnel shall be considered to be within the scope of the performance of the Responding Attorney's duties for and employment by the Responding Municipality.

4. Workers’ Compensation Insurance and Other Benefits. If the Responding Attorney or other personnel of the Responding Municipality is injured, disabled or dies while providing services to the Requesting Municipality under this Agreement, said individual shall remain covered by, and eligible for, the workers compensation and other benefits to which said individual would otherwise be entitled if the injury, disability or death had occurred while acting solely as an employee of the Responding Municipality and not providing services to the Requesting Municipality under this Agreement.

5. Governing Law. This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, the Municipalities acknowledge that there are legal constraints imposed upon them by the constitutions, statutes, rules and regulations of the State of Colorado and of the United States, and by their respective charters and codes and that, subject to such constraints, the Municipalities intend to carry out the terms and conditions of this Agreement. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall only be in the District Court for Larimer County, Colorado.

6. Indemnification and Governmental Immunity To the extent permitted by law, the Requesting Municipality shall indemnify and hold harmless the Responding Municipality, its officers, employees and agents, including without limitation the Responding Attorney, from and against all liabilities, claims and demands which may arise from the negligent acts or omissions of the Responding Attorney or any of his or her subordinates, agents or other persons acting under his or her authority. In addition, the Requesting Municipality shall indemnify the Responding Municipality, its officers, employees and agents, including without limitation the Responding Attorney for all costs and expenses related to defending such liabilities, claims and demands, including, without limitation, litigation costs and attorneys' fees, whether or not such liabilities, claims or demands are groundless, frivolous, false or fraudulent. However, the parties agree that all such liabilities, claims and demands shall be subject to any notice requirements, defenses, immunities or limitations to liability that the Requesting Municipality may have under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., et seq.) and to any other defenses, immunities or limitations to liability available to the Requesting Municipality under the law.

7. Term. The term of this Agreement shall continue for a period of one (1) year from the date hereof and shall be automatically renewed for successive one (1) year periods unless terminated by any party as to such party. Any party may withdraw from this Agreement at any time by the giving of written notice of termination to the each of the other parties not less than thirty (30) days prior to the date of withdrawal.

IN WITNESS WHEREOF, the Municipalities have executed this Agreement the day and year first above written.

THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Fort Collins City Attorney

THE CITY OF LOVELAND, COLORADO
A Municipal Corporation

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Loveland City Attorney

THE CITY OF GREELEY, COLORADO
A Municipal Corporation

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Greeley City Attorney

APPROVED AS TO SUBSTANCE:

By: _____
City Manager

AVAILABILITY OF FUNDS:

By: _____
Director of Finance

THE TOWN OF WINDSOR, COLORADO
A Municipal Corporation

By: _____
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Windsor Town Attorney



CITY OF LOVELAND
FIRE & RESCUE DEPARTMENT

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 13
MEETING DATE: 7/7/2015
TO: City Council
FROM: Mark Miller, Fire Chief and Pat Mialy, Loveland Fire Rescue Authority
PRESENTER: Pat Mialy, Emergency Manager

TITLE:

A Resolution to Adopt the National Incident Management System (NIMS) as the Standard for Incident Management in the City of Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. A denial would be cause for forfeiture of Federal grant funds.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. If this item is referred back to staff, there is a possibility for federal grant funds to be held until the resolution passes.

SUMMARY:

This is an administrative action. This resolution is to adopt the National Incident Management System (NIMS) as the incident management template for all aspects of emergency management and incident response, a system that has been a standard part of our incident management practices since the early 2000's. The original signed copy of the resolution created sometime in 2004-2009 cannot be located within city archives or documentation.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The City of Loveland and the Loveland Fire Rescue Authority will retain eligibility for Federal grant funds.

BACKGROUND:

Following the requirements of Presidential Directive 5 (HSPD5), the National Incident Management System (NIMS) was established as the management template enabling all levels of governments, the private sector, and nongovernmental organizations to work together to

prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity. Furthermore, the NIMS national training program defines a national NIMS training curriculum and personnel qualifications.

Although a local government, such as the City of Loveland, is not required to apply for Federal preparedness assistance, HSPD-5 requires local adoption of NIMS by local governments as a condition for Federal preparedness assistance, through grants, contracts, and other activities.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

RESOLUTION #R-35-2015**A RESOLUTION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT IN THE CITY OF LOVELAND, COLORADO**

WHEREAS, the City of Loveland, Colorado desires to provide the most effective response possible to any emergencies which may occur locally and recognizes that an effective management system in response thereto is necessary and desirable; and

WHEREAS, The National Incident Management System (NIMS) is an organizational structure released in 2004 by the US Department of Homeland Security and was again revised in 2008; and

WHEREAS, NIMS is based upon proven principles that provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, Homeland Security Presidential Directive 5 directs federal agencies to withhold funding from state and local government agencies that do not participate in the NIMS; and

WHEREAS, by Executive Order D 011 04, Colorado adopted and established NIMS as the State standard for incident management in Colorado; and

WHEREAS, the City has previously adopted NIMS, but the original signed resolution cannot be found in the City's archives; and

WHEREAS, City staff has recommended that the City reaffirm its commitment to the NIMS to facilitate the most efficient and effective incident management disasters; and

WHEREAS, City Council desires to adopt NIMS and ratify any all actions taken by the officers, employees and agents of the City pursuant to the previous NIMS adoption; and

WHEREAS, the City Council believes the adoption of the NIMS standardized procedures for managing personnel, communications, facilities and resources enhances local and state agency readiness, maintains first responder safety and streamlines incident management processes.

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

Section 1. The National Incident Management System (NIMS) is hereby adopted as the standard for incident management in the City of Loveland, Colorado and all city departments are

directed to continue utilize NIMS for the management of emergency situations.

Section 2. This Resolution shall go into effect as of the date of its adoption.


ADOPTED this 7th day of July, 2015

Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant 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: 14
MEETING DATE: 7/7/2015
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Alison Hade, Community Partnership Office Administrator

TITLE:

A Resolution Amending Resolution #R-8-2015 Pertaining to Fee Waivers for Construction of Nine Residences by Loveland Habitat for Humanity to Remove Specific Address References

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution as presented.

OPTIONS:

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

SUMMARY:

This is an administrative action. On January 20, 2015, City Council adopted a resolution granting Loveland Habitat for Humanity fee waivers for the construction of nine homes. The total fee estimate for all nine dwellings was \$229,885.72, with a requested fee waiver not to exceed \$210,000. The purpose of this action is to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

There will not be a budget impact based on the change. \$65,000 was appropriated in the 2015 Budget to backfill enterprise fees waived by the original resolution.

BACKGROUND:

Loveland Habitat for Humanity applied for and received fee waivers for nine houses to be built for the benefit of low and moderate income families in Loveland. The City and Habitat desire to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise. Specifically, Habitat would like to relocate granted fee waivers from two lots in the Sierra Valley subdivision to two lots in the Wards Third Addition.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Resolution

RESOLUTION #R-36-2015

A RESOLUTION AMENDING RESOLUTION #R-8-2015 PERTAINING TO FEE WAIVERS FOR CONSTRUCTION OF NINE RESIDENCES BY LOVELAND HABITAT FOR HUMANITY TO REMOVE SPECIFIC ADDRESS REFERENCES

WHEREAS, by adoption of Resolution #R-8-2015 on January 20, 2015, City Council approved the waiver of certain development fees for construction of nine residences by Loveland Habitat for Humanity (“Habitat”), subject to execution of one or more development agreements pursuant to which Habitat agreed to construct residences for the benefit of low and moderate income City of Loveland (“City”) households; and

WHEREAS, Resolution #R-8-2015 identifies nine specific properties upon which the residences are to be built; and

WHEREAS, Habitat and the City desire to amend Resolution #R-8-2015 to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise.

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

Section 1. Whereas the first clause of Resolution #R-8-2015 shall be, and is hereby, amended to read in full as follows:

“**WHEREAS**, Loveland Habitat for Humanity, Inc., a Colorado nonprofit corporation (“Habitat”) has requested that the City of Loveland (“City”) waive certain City-imposed development fees, including capital expansion and enterprise fees, for nine residences (the “Residences”) that it will construct in 2015 in Loveland, Colorado; and”

Section 2. That Resolution #R-8-2015 shall remain in full force except as modified by this Resolution.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of July, 2015.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



CITY OF LOVELAND
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 15
MEETING DATE: 7/7/2015
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Brent Worthington

TITLE:

May 2015 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

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

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of May 31, 2015. Citywide Revenue (excluding internal transfers) of \$107,401,038 is 106.6% of year to date (YTD) budget or \$6,612,737 above the budget.

Sales Tax collections are 98.2% of the YTD budget or \$302,154 under budget. Certain retail sectors are trailing prior year collections, notably Utilities, Broadcasting, Telecommunications, and Office Supplies (which was affected by the recent closure of a major retailer). This data spans five months, and the trend has been steady. Staff is carefully monitoring sales tax collections. It should be noted that 2015 sales tax collected is 3.6% higher than 2014 year to date.

Building Material Use Tax is 105.3% of YTD budget, or \$52,838 over budget. Sales and Use Tax collections combined were 100.5% of YTD budget or \$99,528 over budget. When the combined sales and use tax for the current year are compared to 2014 for the same period last year, they are higher by 5.4% or \$981,408.

Citywide total expenditures of \$100,206,362 (excluding internal transfers) are 57.3% of the YTD budget or \$74,788,530 under the budget.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

May Snapshot Presentation
Snapshot report for May 2015

Snapshot

May 2015



A Snapshot In Time

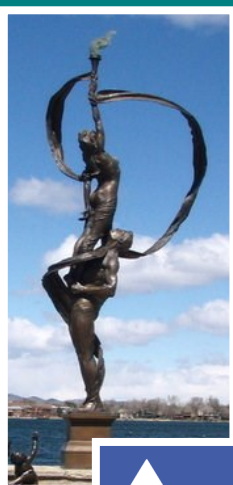


Citywide Revenues & Expenditures	2-3
General Fund Revenues & Expenditures	4-5
Capital Projects	5
Tax Totals & Comparison	6-7
Flood Update	8-9
Geo Codes & Sales Tax SIC	10-12
Health Care Claims	13
Activity Measures	14

- ◆ Citywide Revenue, excluding transfers between funds, \$107.4 million (6.6% above budget projections)
- ◆ Sales & Use Tax Collection, \$19.2 million (0.5% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$100.2 million (42.7% below budget projections)
- ◆ Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$7.2 million
- ◆ General Fund Revenue, excluding transfers between funds, \$37.2 million (3.5% above budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$29.1 million, (19.9% below budget projections)
- ◆ General Fund Revenues exceed Expenditures by \$6.8 million



Sales / Use Tax Basics



May 2015	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2015	\$ 17,167,250	\$ 978,360	\$ 994,070	\$ 19,139,680
Actual 2015	16,865,097	1,327,203	1,046,908	19,239,208
% of Budget	98.2%	135.7%	105.3%	100.5%
Actual 2014	\$ 16,286,683	\$ 1,108,435	\$ 862,682	\$ 18,257,800
Change from prior yr	3.6%	19.7%	21.4%	5.4%

“Loveland: a vibrant community...surrounded by natural beauty... where you belong.”

Combined Statement of Revenues and Expenditures May 2015				
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget
General Governmental				
1 General Fund	\$ 8,450,590	\$ 37,222,554	\$ 35,977,036	103.5%
2 Special Revenue	905,629	3,755,494	3,357,418	111.9%
3 Other Entities	3,255,761	12,812,101	13,219,423	96.9%
4 Internal Service	1,474,483	7,410,321	7,418,550	99.9%
5 <i>Subtotal General Govt Operations</i>	<i>14,086,463</i>	<i>61,200,470</i>	<i>59,972,427</i>	<i>102.0%</i>
6 Capital Projects	1,133,107	4,556,430	3,484,294	130.8%
Enterprise Fund				
7 Water & Power	7,759,844	35,312,702	31,066,780	113.7%
8 Stormwater	581,870	2,351,032	2,180,850	107.8%
9 Golf	344,435	1,213,795	1,336,600	90.8% ¹
10 Solid Waste	733,189	2,766,609	2,747,350	100.7%
11 <i>Subtotal Enterprise</i>	<i>9,419,338</i>	<i>41,644,138</i>	<i>37,331,580</i>	<i>111.6%</i>
12 Total Revenue	\$ 24,638,909	\$ 107,401,038	\$ 100,788,301	106.6%
		<i>Prior Year External Revenue</i>		
		<i>101,028,641</i>		
		<i>Increase From Prior Year</i>		
		<i>6.3%</i>		
13 Internal Transfers	1,179,609	3,720,901	23,597,584	15.8%
14 Grand Total Revenues	\$ 25,818,518	\$ 111,121,939	\$ 124,385,885	89.3%
EXPENDITURES				
General Governmental				
15 General Fund	5,380,434	28,100,947	30,764,637	91.3%
16 Special Revenue	791,394	4,292,307	6,924,782	62.0%
17 Other Entities	4,118,929	12,395,809	13,111,018	94.5%
18 Internal Services	1,574,688	7,473,316	8,105,327	92.2%
19 <i>Subtotal General Gov't Operations</i>	<i>11,865,445</i>	<i>52,262,379</i>	<i>58,905,764</i>	<i>88.7%</i>
20 Capital	3,893,929	17,162,752	78,846,093	21.8%
Enterprise Fund				
21 Water & Power	4,902,773	26,847,543	32,579,962	82.4%
22 Stormwater	212,918	1,043,259	1,183,213	88.2%
23 Golf	296,248	1,065,257	1,216,520	87.6%
24 Solid Waste	384,352	1,825,173	2,263,340	80.6%
25 <i>Subtotal Enterprise</i>	<i>5,796,290</i>	<i>30,781,232</i>	<i>37,243,035</i>	<i>82.6%</i>
26 Total Expenditures	\$ 21,555,664	\$ 100,206,362	\$ 174,994,892	57.3%
		<i>Prior Year External Expenditures</i>		
		<i>76,360,949</i>		
		<i>Increase (-Decrease) From Prior Year</i>		
		<i>31.2%</i>		
27 Internal Transfers	1,179,609	3,720,901	24,076,633	15.5%
28 Grand Total Expenditures	\$ 22,735,274	\$ 103,927,264	\$ 191,874,335	54.2%

¹ Lower than anticipated revenue from Green Fees.

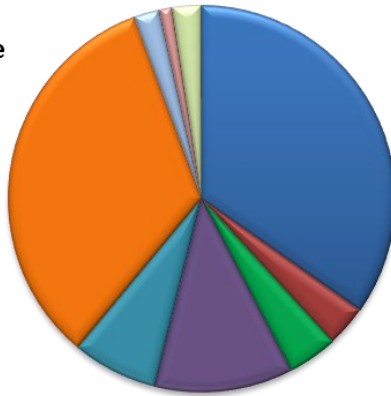
Special Revenue Funds: Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures, Transit, Transportation.

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

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

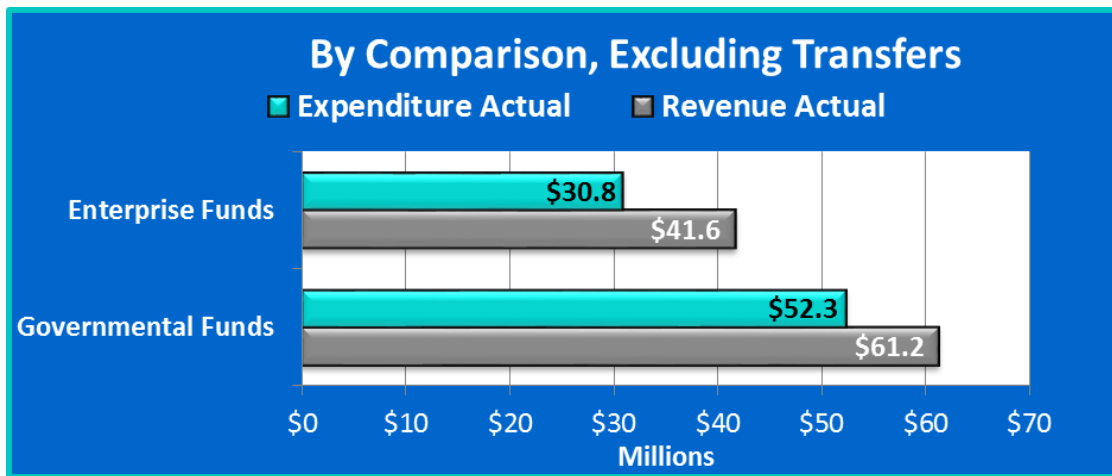
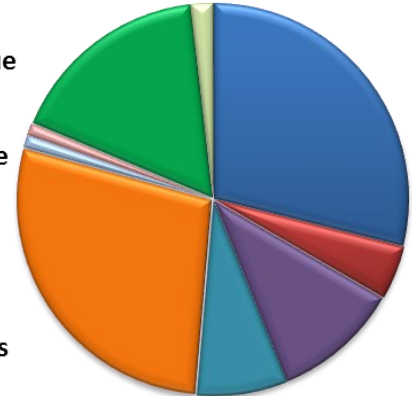
YTD Operating Revenues of \$107.4 Million

- General Fund
- Special Revenue
- Capital Projects
- Other Entities
- Internal Service
- Utilities
- Stormwater
- Golf
- Solid Waste



YTD Operating Expenditures of \$100.2 Million

- General Fund
- Special Revenue
- Other Entities
- Internal Service
- Utilities
- Stormwater
- Golf
- Capital Projects
- Solid Waste



- ◆ General Fund Revenue, excluding capital and transfers between funds, \$37.2 million (3.5% above budget projections)
 - * 0.2% above 2014 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$28.1 million (8.7% below budget projections)
 - * 11.5% above 2014 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$35.3 million (13.7% above budget projections)
 - * 12.5% above 2014 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$26.8 million (17.6% below budget projections)
 - * 6.5% above 2014 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$12.8 million (3.1% below budget projections)
 - * 6.6% below 2014 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$12.4 million (5.5% below budget projections)
 - * 2.3% above 2014 YTD

General Fund Revenues & Expenditures

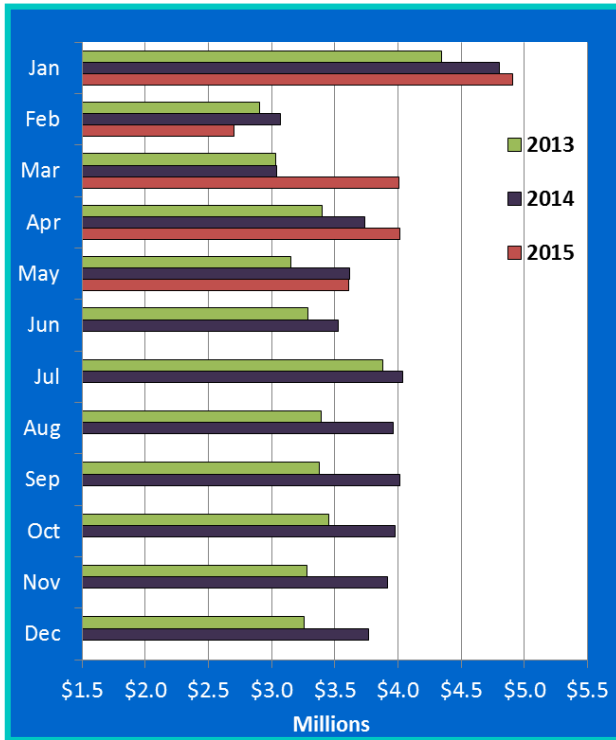
General Fund Revenue & Expenditures May 2015				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 1,895,333	\$ 4,884,566	\$ 4,373,170	111.7%
3 Sales tax	3,092,253	16,865,096	17,167,250	98.2%
4 Building use tax	248,738	1,046,908	994,070	105.3%
5 Auto use tax	270,477	1,327,203	978,360	135.7%
6 Other taxes	415,529	1,204,385	1,304,860	92.3% ¹
7 Intergovernmental	205,346	326,484	125,680	259.8%
8 License & Permits				
9 Building Permits	227,067	903,447	904,850	99.8%
10 Other Permits	(15,783)	120,905	69,520	173.9%
11 Charges for Services	1,436,183	6,707,477	6,575,890	102.0%
12 Fines & Forfeitures	91,324	429,457	388,940	110.4%
13 Interest Income	51,145	148,307	144,700	102.5%
14 Miscellaneous	532,978	3,258,318	2,949,746	110.5%
15 <i>Subtotal</i>	8,450,590	37,222,554	35,977,036	103.5%
16 Interfund Transfers	7,010	60,050	60,150	99.8%
17 Total Revenue	\$ 8,457,600	\$ 37,282,604	\$ 36,037,186	103.5%
EXPENDITURES				
Operating Expenditures				
18 Legislative	11,266	75,908	65,060	116.7% ²
19 Executive & Legal	155,671	878,757	838,570	104.8%
20 City Clerk & Court Admin	112,654	446,272	524,001	85.2%
21 Economic Development	98,318	1,047,664	4,013,809	26.1%
22 Cultural Services	149,366	736,978	827,060	89.1%
23 Development Services	414,162	1,708,573	2,299,479	74.3%
24 Finance	401,655	1,967,936	2,003,855	98.2%
25 Fire & Rescue	-	-	-	0.0%
26 Human Resources	84,584	477,479	509,360	93.7%
27 Information Technology	246,089	1,689,974	1,949,661	86.7%
28 Library	245,978	1,343,684	1,382,531	97.2%
29 Parks & Recreation	888,626	4,018,755	6,060,330	66.3%
30 Police	1,561,082	8,333,302	8,199,440	101.6%
31 Public Works	442,729	2,160,104	2,522,945	85.6%
32 Water/ Waste Operations	-	-	-	N/A
33 Non-Departmental	655,192	4,219,954	5,135,613	82.2%
34 <i>Subtotal Operating</i>	5,467,372	29,105,338	36,331,714	80.1%
35 Internal Transfers	109,969	1,378,058	6,290,623	21.9%
36 Total Expenditures	\$ 5,577,341	\$ 30,483,396	\$ 42,622,337	71.5%

¹ Lower than anticipated revenue due to timing of TV Cable payments.

² Higher than projected expenditures due to the Municipal Judge Assessment.

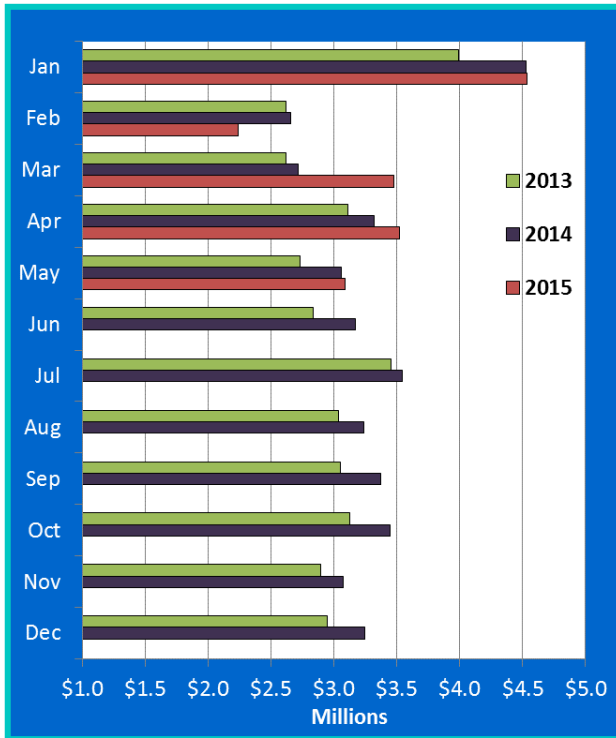
Capital Projects \$500,000+

Project Title	2015 Budget	2015 Expenditures	Remaining 2015	% of 2015 Budget
Water Capital				
WTP Phase II Expansion (38 MGD)	\$ 21,077,150	\$ 4,601,042	\$ 16,476,108	21.83%
36" & 20" Wtr Transmission Line River X'ings (capl)	1,507,843	1,430,728	77,115	94.89%
2015 Water Line Replacement	1,805,000	24,869	1,780,131	1.38%
Raw Water Capital				
Windy Gap Firming Project	1,000,000	92,055	907,945	9.21%
Wastewater Utility Capital				
WWTP Digester System Improvements	5,492,915		5,492,915	0.00%
Bio Nutrient Removal Facilities	800,000		800,000	0.00%
2015 WWTP Improvements	1,500,000		1,500,000	0.00%
Southside Lift Station	655,550	78,558	576,992	11.98%
2015 CIPP Sewer Rehabilitation	1,350,000	689,490	660,510	51.07%
East Side Lift Station Upgrade	575,000		575,000	0.00%
Power Capital				
Security Gates and Fences at Substations	500,000		500,000	0.00%
Colorado Renewable Energy Standard Compliance	500,000		500,000	0.00%
600 amp OH to UG Conversion	1,300,000		1,300,000	0.00%
200 amp OH to UG Conversion	500,000		500,000	0.00%
RMCIT - Valley Substation to Campus	650,000	10,831	639,169	1.67%
Valley Substation - Order new transformer	1,203,780	164,136	1,039,644	13.64%
Install new 750 AL Crossroads 622 on Boyd Lake to Lakes @ Centerra	500,000	-	500,000	0.00%
OH to UG conversion (circuit 314) from 42nd along Garfield	863,580	352,432	511,148	40.81%
Flood Alternative Project	682,103	33,363	648,740	4.89%
600 amp from SW219 on old RR N. on Van Buren	765,740		764,173	0.20%
Stormwater Capital				
2013 Flooding Response	533,983	-	533,983	0.00%
Streets Transportation Program				
2015 Street Rehabilitation	4,449,680	278,714	4,170,966	6.26%
Madison Av @ GRLY-LVLND C	682,040	512,462	169,578	75.14%
Taft Av (Gard-West Shore)	635,138	-	635,138	0.00%
R-O-W Acquisition - Citywide	530,000	-	530,000	0.00%
Boise & 37th Intersection IMP	1,256,142	2,449	1,253,693	0.19%
Miscellaneous CEF	1,203,005	2,416	1,200,589	0.20%
All Other				
Open Lands Acquisition	4,670,000	-	4,670,000	0.00%
Refurbish Smeal Engine for Reserve	1,531,335	823,851	707,484	53.80%
Maintenance Operations Center Remodel	805,730	80,568	725,162	10.00%
Police Records Management System (RMS)	2,978,000	17,875	2,960,125	0.60%
Mehaffey Community Park	3,871,304	600,114	3,271,190	15.50%
Parks & Trails Flood Projects	782,690	15,390	767,300	1.97%
Madison Trail Underpass	705,212	-	705,212	0.00%
Barnes Field Light Replacement Project	607,200	610,000	(2,800)	100.46%
Fire - Aerial Platform Truck	925,094	828,285	96,809	89.54%



Sales & Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 4,345,835	\$ 4,801,433	\$ 4,908,517	\$ 4,858,230	1.0%
Feb	2,906,780	3,066,965	2,700,204	3,289,660	-17.9%
Mar	3,033,347	3,037,688	4,007,386	3,391,970	18.1%
Apr	3,397,074	3,737,255	4,011,633	3,989,650	0.6%
May	3,150,201	3,614,459	3,611,468	3,610,170	0.0%
Jun	3,284,808	3,525,536		3,759,780	
Jul	3,882,561	4,038,555		4,240,990	
Aug	3,392,757	3,962,915		3,912,830	
Sep	3,379,303	4,014,321		3,924,480	
Oct	3,452,052	3,974,590		4,118,050	
Nov	3,280,666	3,919,205		3,772,070	
Dec	3,259,189	3,763,933		4,095,710	
	\$40,764,573	\$ 45,456,855	\$19,239,208	\$46,963,590	
YTD	\$16,833,237	\$ 18,257,800	\$19,239,208	\$19,139,680	0.5%

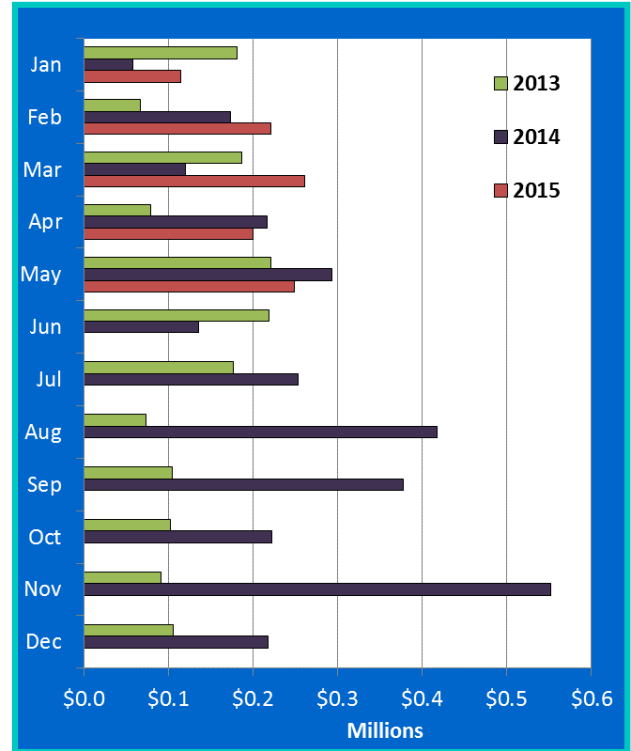


Retail Sales Tax

	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 3,995,194	\$ 4,531,650	\$ 4,535,554	\$ 4,518,690	0.4%
Feb	2,619,453	2,658,798	2,235,775	2,936,040	-23.9%
Mar	2,622,808	2,719,254	3,480,165	2,950,350	18.0%
Apr	3,109,701	3,317,905	3,521,350	3,573,610	-1.5%
May	2,733,983	3,059,076	3,092,253	3,188,560	-3.0%
Jun	2,835,171	3,170,467		3,347,900	
Jul	3,453,149	3,546,945		3,800,880	
Aug	3,039,219	3,241,521		3,475,330	
Sep	3,051,797	3,374,248		3,491,370	
Oct	3,125,566	3,448,473		3,663,760	
Nov	2,892,986	3,077,404		3,360,620	
Dec	2,946,709	3,246,097		3,681,570	
	\$36,427,749	\$ 39,393,852	\$16,865,097	\$41,988,680	
YTD	\$15,081,139	\$ 16,286,683	\$16,865,097	\$17,167,250	-1.8%

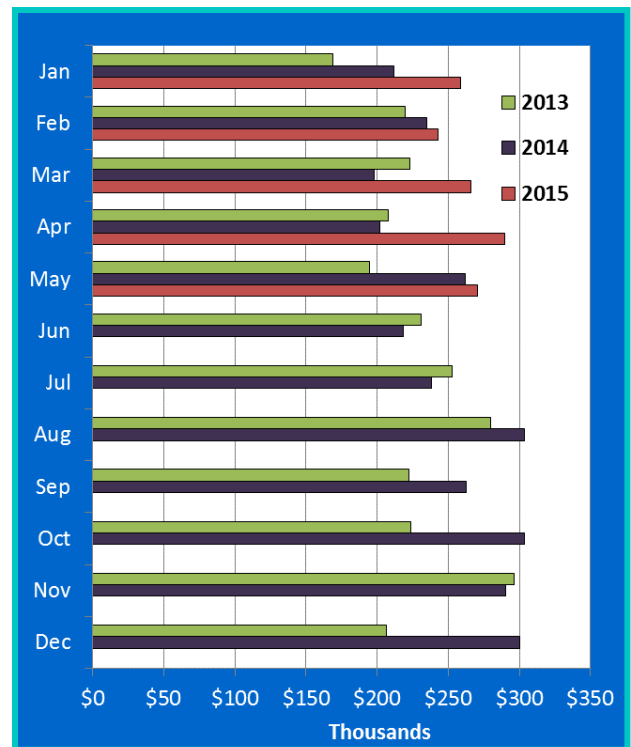
Building Materials Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 181,907	\$ 57,942	\$ 114,444	\$ 161,460	-29.1%
Feb	67,440	173,295	221,518	152,920	44.9%
Mar	187,222	120,768	261,500	258,330	1.2%
Apr	79,229	217,134	200,708	211,790	-5.2%
May	221,834	293,543	248,738	209,570	18.7%
Jun	218,722	136,432		216,970	
Jul	176,829	253,077		216,210	
Aug	73,524	417,801		205,740	
Sep	105,174	377,319		208,430	
Oct	102,584	222,297		228,800	
Nov	91,453	551,682		188,130	
Dec	105,740	217,712		216,560	
	\$1,611,658	\$3,039,002	\$1,046,908	\$2,474,910	
YTD	\$ 737,632	\$ 862,682	\$1,046,908	\$ 994,070	5.3%

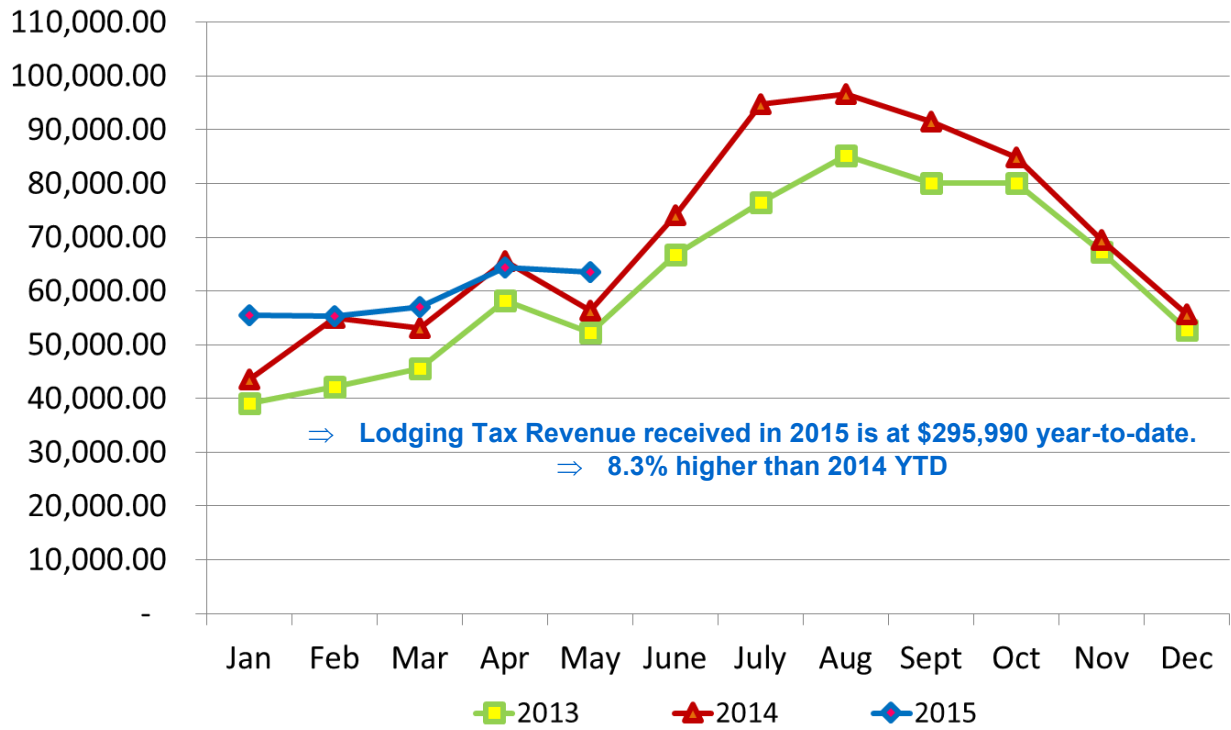


Motor Vehicle Use Tax

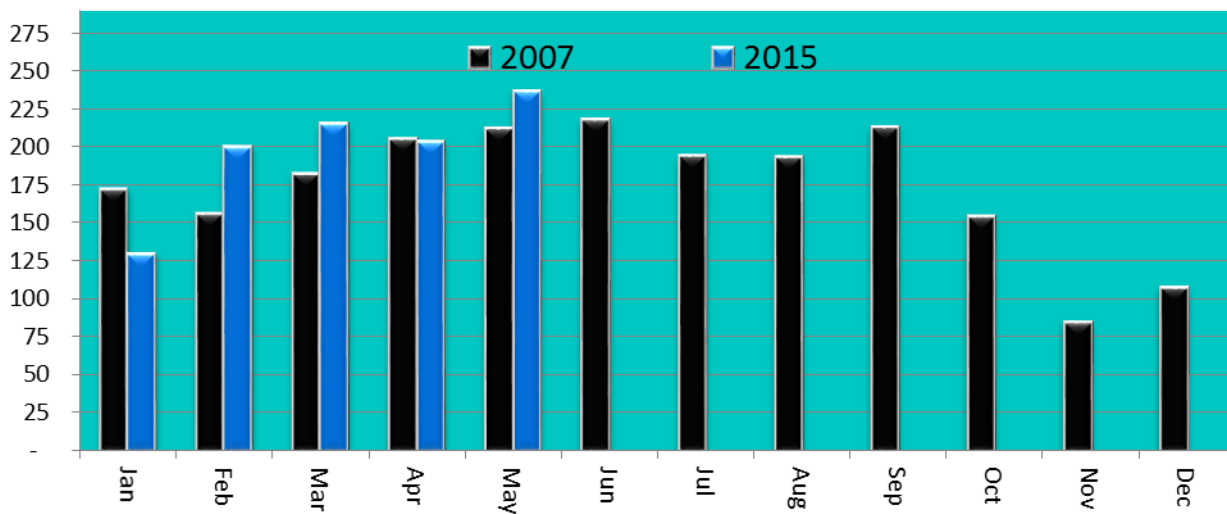
	2013	2014	2015	2015 Budget	+ / - Budget
Jan	\$ 168,734	\$ 211,841	\$ 258,519	\$ 178,080	45.2%
Feb	219,886	234,872	242,911	200,700	21.0%
Mar	223,317	197,666	265,721	183,290	45.0%
Apr	208,144	202,216	289,575	204,250	41.8%
May	194,384	261,840	270,477	212,040	27.6%
Jun	230,915	218,637		194,910	
Jul	252,583	238,533		223,900	
Aug	280,014	303,593		231,760	
Sep	222,332	262,754		224,680	
Oct	223,902	303,820		225,490	
Nov	296,227	290,119		223,320	
Dec	206,740	300,124		197,580	
	\$2,727,178	\$3,026,015	\$1,327,203	\$2,500,000	
YTD	\$1,014,465	\$1,108,435	\$1,327,203	\$ 978,360	35.7%



Lodging Tax



Building Permit Comparison History



Cost Estimates

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

Actual Expenditures

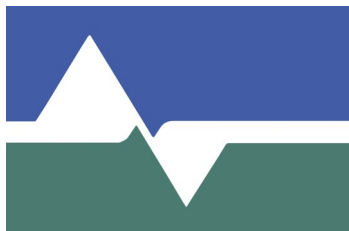
	May	To Date
Total	\$ 207,135	\$ 19,563,578

Reimbursements Applied For

	May	To Date
FEMA	\$ -	\$ 11,342,893
CIRSA	-	7,017,868
Other	2,087	464,308
Total	\$ 2,087	\$ 18,825,069

Reimbursements Received

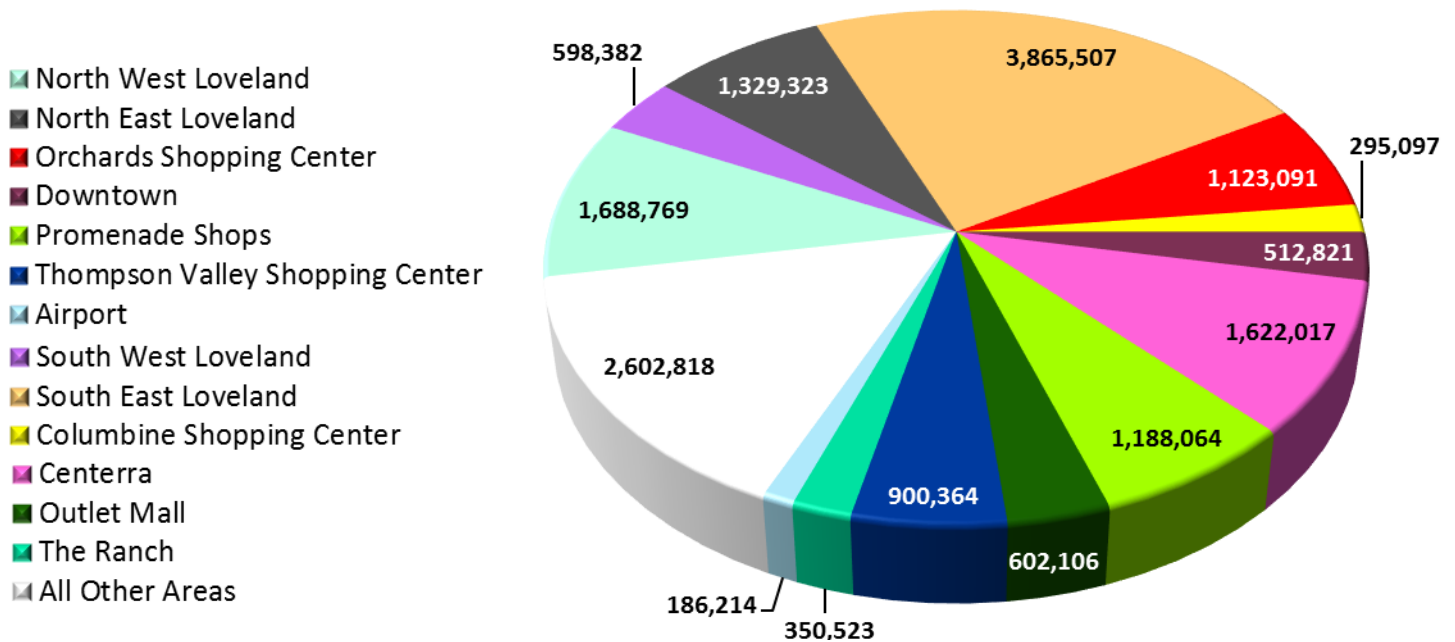
	May	To Date
FEMA	\$ 1,187,449	\$ 5,774,089
CIRSA	-	7,017,868
Other	2,087	464,308
Total	\$ 1,189,536	\$ 13,256,265



Geographical Codes

Geographical Area	YTD 2015	YTD 2014	Change
South East Loveland	\$3,865,507	\$3,845,522	0.5%
North West Loveland	1,688,769	1,645,114	2.7%
Centerra	1,622,017	1,539,983	5.3%
North East Loveland	1,329,323	1,276,313	4.2%
Promenade Shops	1,188,064	1,096,436	8.4%
Orchards Shopping Center	1,123,091	992,201	13.2%
Thompson Valley Shopping Center	900,364	822,725	9.4%
Outlet Mall	602,106	615,621	-2.2%
South West Loveland	598,382	535,270	11.8%
Downtown	512,821	474,250	8.1%
The Ranch	350,523	352,669	-0.6%
Columbine Shopping Center	295,097	290,851	1.5%
Airport	186,214	174,877	6.5%
All Other Areas (1)	2,602,819	2,624,851	-0.8%
Total	\$16,865,097	\$16,286,683	3.6%

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



Map →

Sales Tax Collections

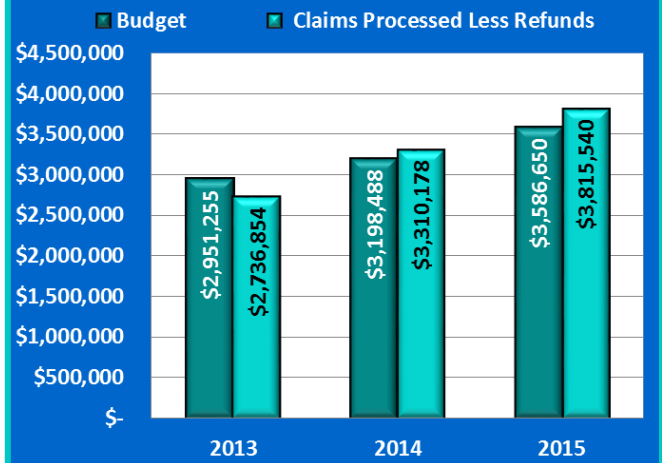
Description	YTD 2015	YTD 2014	\$ Change	% Change	% of To- tal	Total %
Department Stores & General Merchandise	\$ 3,266,018	\$ 3,295,467	\$ (29,449)	-0.9%	19.4%	19.4%
Restaurants & Bars	2,185,533	2,027,345	158,188	7.8%	13.0%	32.3%
Grocery Stores & Specialty Foods	1,856,341	1,666,946	189,395	11.4%	11.0%	43.3%
Motor Vehicle Dealers, Auto Parts & Leasing	1,232,337	1,159,416	72,921	6.3%	7.3%	50.6%
Clothing & Clothing Accessories Stores	1,225,919	1,165,946	59,973	5.1%	7.3%	57.9%
Building Material & Lawn & Garden Supplies	1,178,337	1,089,351	88,986	8.2%	7.0%	64.9%
Utilities	926,070	958,391	(32,321)	-3.4%	5.5%	70.4%
Sporting Goods, Hobby, Book & Music Stores	742,532	739,572	2,960	0.4%	4.4%	74.8%
Used Merchandise Stores	593,796	589,308	4,488	0.8%	3.5%	78.3%
Broadcasting & Telecommunications	577,647	609,986	(32,339)	-5.3%	3.4%	81.7%
Beer, Wine & Liquor Stores	397,909	369,058	28,851	7.8%	2.4%	84.1%
Hotels, Motels & Other Accommodations	361,205	347,601	13,604	3.9%	2.1%	86.2%
Consumer Goods & Commercial Equipment Rental	360,327	317,633	42,694	13.4%	2.1%	88.4%
Health & Personal Care Stores	302,343	276,043	26,300	9.5%	1.8%	90.2%
Electronics & Appliance Stores	286,836	258,994	27,842	10.8%	1.7%	91.9%
Electronic Shopping & Mail-Order Houses	271,682	301,091	(29,409)	-9.8%	1.6%	93.5%
Furniture & Home Furnishing Stores	225,518	217,876	7,642	3.5%	1.3%	94.8%
Gasoline Stations with Convenience Stores	171,558	137,336	34,222	24.9%	1.0%	95.8%
Office Supplies, Stationery & Gift Stores	142,332	163,219	(20,887)	-12.8%	0.8%	96.7%
All Other Categories	560,857	596,104	(35,248)	-5.9%	3.3%	100.0%
Total	\$16,865,097	\$16,286,683	\$ 578,413	3.6%	100.0%	

Claims Incurred

		OAP	HRA	Total
2015	May	679,376	198,792	878,168
	YTD	3,645,496	1,130,808	4,776,305
2014	May	511,520	145,236	656,756
	YTD	3,515,440	1,141,441	4,656,881
Change	May	167,856	53,556	221,412
	% May	32.8%	36.9%	33.7%
	YTD	130,057	(10,633)	119,424
	% YTD	3.7%	-0.9%	2.6%

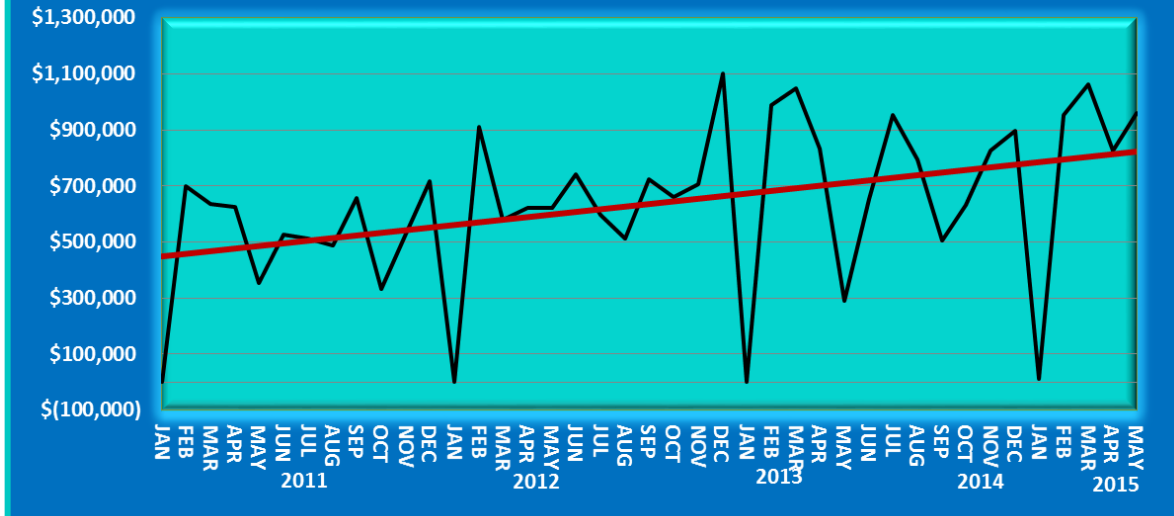
- ⇒ HRA—Health Reimbursement Arrangement
- ⇒ OAP—Open Access Plan

YTD Claims Processed Less Refunds vs Budget



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

Monthly Health Claims Paid (4 Year Rolling)



Comparison of YTD Claims Over \$25k

May	2012	2013	2014	2015
# of claims	23	24	32	33
YTD Cost of high claims	\$994,848	\$1,418,438	\$2,733,874	\$2,676,660

- ⇒ 2015 # of StopLoss claims: 4
- ⇒ Projected YTD Reimbursements: \$230,504
(claims over \$175k paid by StopLoss Carrier)

Activity Measures

Measures	May 2013	May 2014	May 2015	2013 YTD	2014 YTD	2015 YTD
# of Building Permits	217	218	236	863	869	984
Building Permit Valuations	\$ 14,957,919	\$ 20,889,147	\$ 16,710,886	65,562,008	76,870,019	70,566,464
# of Certified Occupancies	32	25	34	138	82	145
Net # of Sales Tax Licenses	11	(18)	(10)	(349)	(148)	(46)
New Residential Electric Meter Sets	32	21	26	114	154	334
# of Utility Bills Sent	36,565	36,936	37,627	182,422	183,962	187,072
Rounds of Golf	14,066	14,144	11,108	27,475	28,554	32,097
\$ Average Health Claim Costs/Emp.	\$ 1,315	\$ 1,001	\$ 1,244	\$ 1,100	\$ 1,418	\$ 1,390
KWH Demand (kH)	100,587	109,410	83,472	470,641	482,807	458,422
KWH Purchased (kwh)	57,998,782	59,422,714	57,448,043	291,431,309	239,730,839	295,624,931
Gallons of Water Sold	169,324,354	275,264,273	196,948,696	715,557,591	875,369,147	828,492,733
# of Workers' Comp Claims 2015	8	16	8	38	35	40
\$ of Workers' Comp Claims Paid 2015	\$ 25,751	\$ 35,841	\$ 67,406	114,908	282,108	261,671
# of Total Open Claims	8	26	14	<i>Not Cumulative</i>		
\$ of Total Open Claims	207,402	496,078	411,043	<i>Not Cumulative</i>		
\$ of Lodging Tax Collected	\$ 52,305	\$ 56,290	\$ 63,527	237,489	273,264	295,990



**Financial Sustainability
Strategies Can Be
Found At:
CityofLoveland.org**

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

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

SnapShot

May 2015



For more information regarding this report contact:

Brent Worthington

Finance Director

970.962.2300 or

brent.worthington@cityofloveland.org



Snapshot



May
2015

Brent Worthington
Finance Director

Presented
July 7, 2015

May 2015 Snapshot

- Citywide Revenue
 - \$107.4 million, excluding transfers
 - 6.6% above budget projections

- Citywide Expenditures
 - \$100.2 million, excluding transfers
 - 42.7% below budget projections

- Citywide revenues exceed expenditures by \$7.2 million.



May 2015 Snapshot

- General Fund Revenue
 - \$37.2 million YTD, excluding transfers
 - 3.5% above YTD Budget
 - 0.2% above same period last year
- Sales and Use Tax Revenue
 - \$19.2 million YTD
 - 0.5% above budget projections
 - 5.4% above same period as last year
- Sales Tax only
 - \$16.9 million YTD
 - 1.8% below budget projections
 - 3.6% above same period last year



May 2015 Snapshot

- General Fund Expenditures
 - \$29.1 million YTD, excluding transfers
 - 19.9% below budget projections

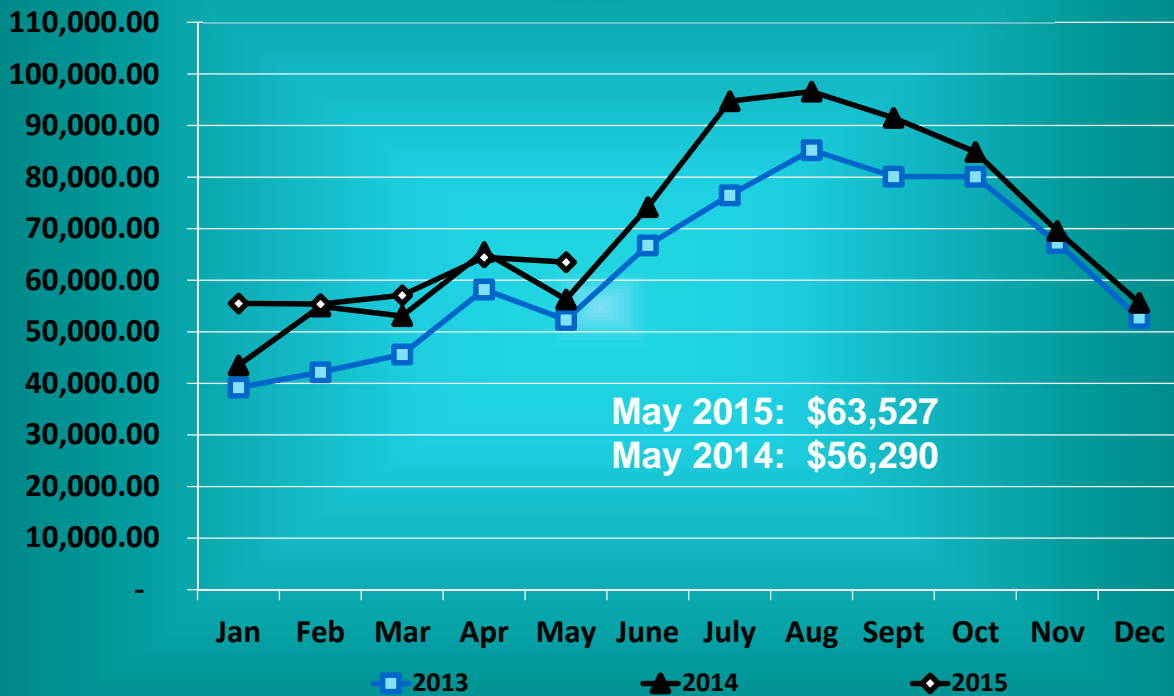
- General Fund Revenues Exceed Expenditures by \$6.8 million

- Health Claims
 - May Claims \$878 thousand
 - 2015 YTD increased from \$4.7 mil to \$4.8 mil from same time as last year (2.6%)



May 2015 Snapshot

Lodging Tax



May 2015: \$63,527
May 2014: \$56,290

➤ Lodging tax YTD is \$295,990 (8.3% higher than 2014 YTD).



Flood Report

Cost Estimates

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

Actual Expenditures

		<u>May</u>	<u>To Date</u>
Total	\$	207,135	\$ 19,563,578

Reimbursements Applied For

		<u>May</u>	<u>To Date</u>
FEMA	\$	-	\$ 11,342,893
CIRSA		-	7,017,868
Other		2,087	464,308
Total	\$	2,087	\$ 18,825,069

Reimbursements Received

		<u>May</u>	<u>To Date</u>
FEMA	\$	1,187,449	\$ 5,774,089
CIRSA		-	7,017,868
Other		2,087	464,308
Total	\$	1,189,536	\$ 13,256,265





May 2015 Snapshot

Questions?

Brent Worthington
Finance Director

Presented
July 7, 2015



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: 16
MEETING DATE: 7/7/2015
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE:

Investment Report for May 2015

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

The budget projection for investment earnings for 2015 is \$1,759,080. On the portfolio's 2015 beginning balance this equates to an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the securities held by USBank was steady at 1.05%. For May, earnings of \$215,310 were posted to City funds. Interest rates rose slightly in May, but the unrealized dropped to \$73,816 compared to \$100,770 in April. Due to draws from fund balances to pay for the cost of scheduled capital projects, flood response, and project repair, the portfolio is about \$3.1 million lower than December 2013 and \$18.6 million lower than the pre-flood peak.

SUMMARY:

At the end of May, the City's portfolio had an estimated market value of \$212.0 million, about \$5.1 million more than a month ago. Of this amount, USBank held \$190.6 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. After a sharp drop in January, interest rates have cycled down and back up through May. Short-term rates are projected to rise later in 2015 and are dependent upon the actions of the Federal Open Market Committee. 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 million annually.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Investment Focus May 2015



Investment Focus

Monthly Investment Report

May 2015

What's in here?

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

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 Colorado law and the City's adopted investment policy.**
- * **Interest earnings posted for the month totaled \$215,310.**
- * **Each 1% of market value amounts to nearly \$2.1 million.**
- * **The month-end market value shows the unrealized loss is estimated to be **\$73,816** at the end of May.**

Fed Signals Slow Pace for Rate Hikes

Yellen stresses caution as central bankers want to see higher inflation, more progress on jobs.

"Economic conditions are currently anticipated to evolve in a manner that will warrant only gradual increases in the target federal-funds rates."

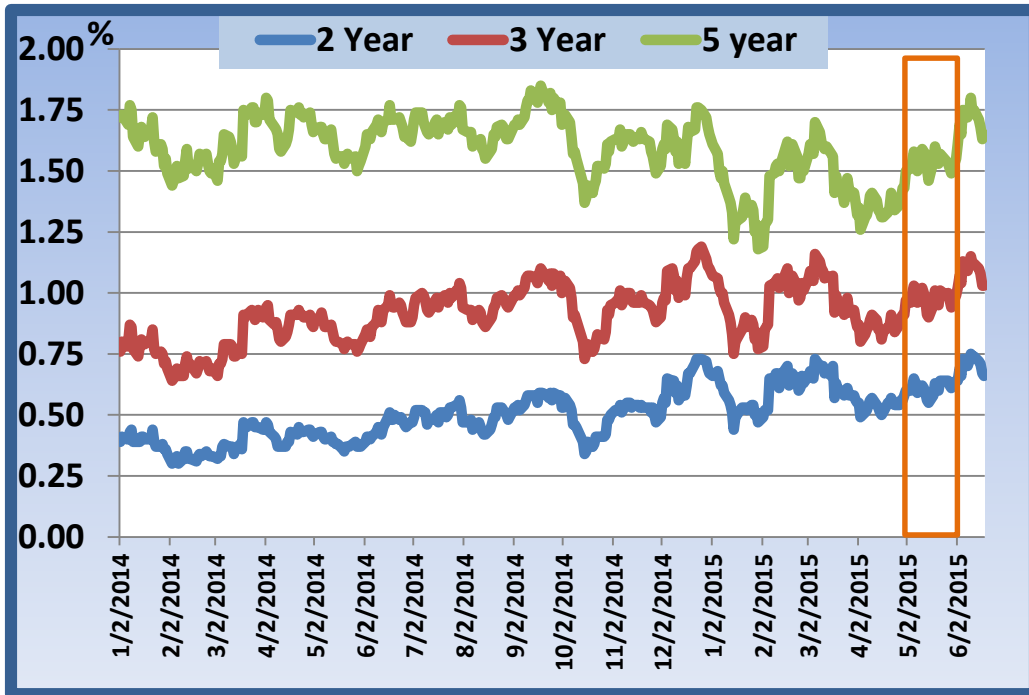
"The Fed said a benchmark interest rate near zero, where it has been since December 2008, "remains appropriate." Inflation has been running below the Fed's 2% target for three years and officials want to be sure it is moving up before changing rates. They also want to see more progress on jobs."

continued on page 2

Type of Investment	Purchase Price	Market Price	Unrealized Gain / Loss
Checking Accounts	\$ 21,372,526	\$ 21,372,526	-
Investment Pools	\$ 25,193	\$ 25,193	-
Money Markets	\$ 12,606,019	\$ 12,606,019	-
Subtotal	\$ 34,003,738	\$ 34,003,738	-
Notes, Bonds, and CDs	\$ 178,101,521	\$ 178,027,705	\$ (73,816)
Total Portfolio	\$ 212,105,259	\$ 212,031,442	\$ (73,816)
Data sources	(Morgan Stanley)	(US Bank)	

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

Treasury Rate Trends / Slow Pace on Rates



Interest rates on U.S. Treasuries rose in May. The 2-year and 3-year Treasury note were up 3 basis points and the 5-year Treasury was up 6 basis points.

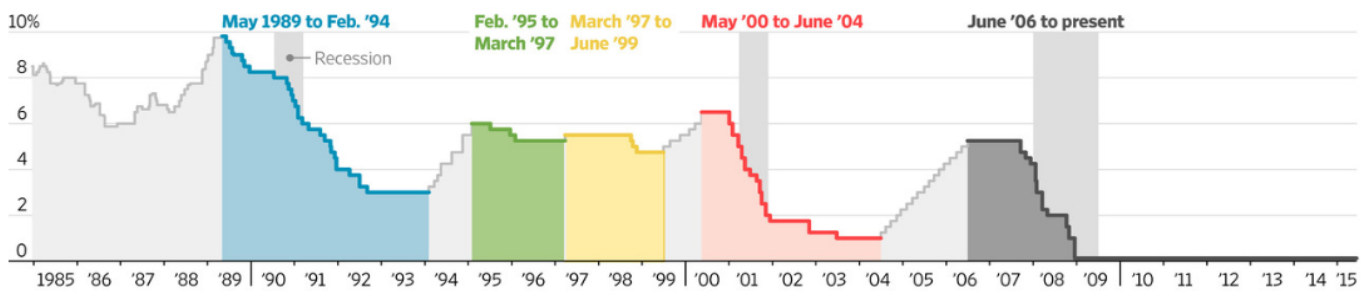
When rates rise, the price of securities held in the portfolio decreases, usually resulting in a slightly larger unrealized loss at month end.

Continued from page 1

Points of Interest

How the Fed's streak of about nine years without an interest-rate rise stacks up against past periods of falling or steady rate targets.

Fed's interest-rate target, with highlights indicating the longest periods without a rate rise since 1980



“The Fed’s June policy meeting—which ran Tuesday and Wednesday—had been the subject of intense focus earlier in the year. Fed officials declared in March that the session would be a “live meeting” when an interest-rate increase was possible if the economy had performed up to expectations. . . Many Fed officials indicated they thought a rate increase in June was a likely scenario... a winter slowdown derailed that plan, and officials in recent weeks had pulled away from a June move.”

“In economic projections accompanying the Fed’s statement, the central bank revised down its estimate of growth for 2015. In March the Fed saw economic output expanding by 2.3% to 2.7% this year. In the latest estimate it revised output growth to 1.8% to 2.0%.”

Jon Hilsenrath in **THE WALL STREET JOURNAL**, June 18, 2015.

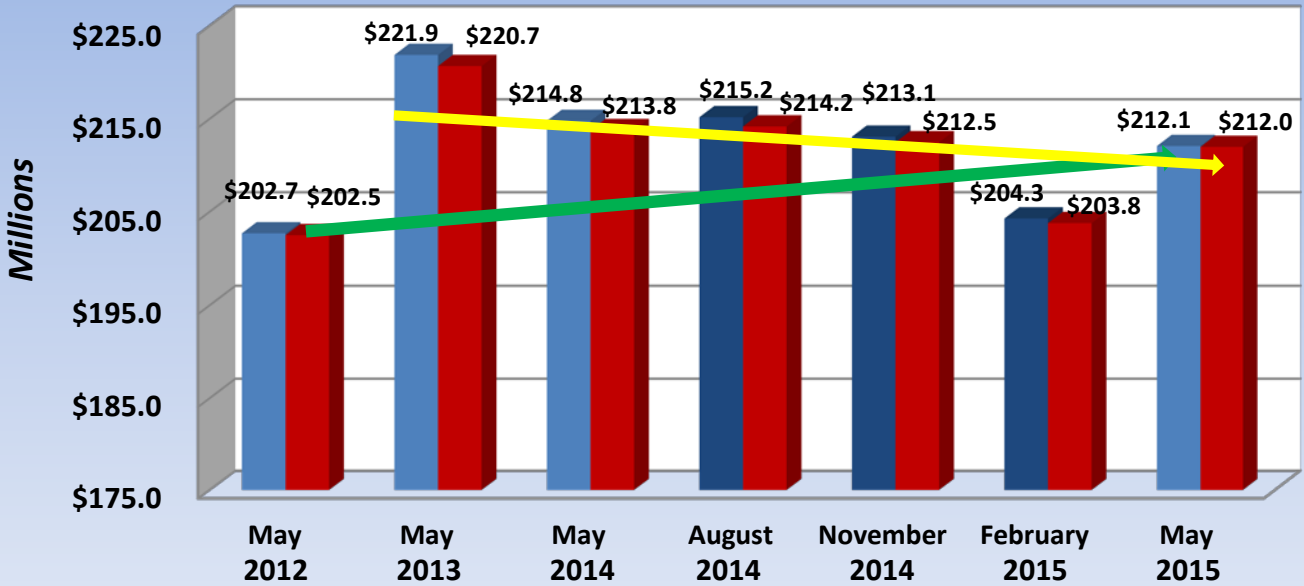
Bottom Line: Plus 1.2% to Beginning Balance

		Est. 2015 Beginning	YTD Activity	Month End Total
	Restricted Reserves			
1	Capital Expansion Fees	\$ 26,441,888	\$ 2,681,647	\$ 29,123,535
2	Water System Improvement Fees	8,739,018	(2,292,835)	6,446,182
3	Raw Water Revenue - Windy Gap	23,717,172	(3,312,767)	20,404,405
4	Wastewater System Imp. Fees	6,567,194	642,423	7,209,617
5	Storm Drainage System Imp. Fees	1,560,948	154,959	1,715,907
6	Power Plant Investment Fees	3,062,677	1,689,465	4,752,142
7	Cemetery Perpetual Care	2,796,863	(6,453)	2,790,410
8	Other Restricted	32,887,093	(4,430,154)	28,456,938
9	Total Restricted	\$ 105,772,852	\$ (4,873,716)	\$ 100,899,136
	Committed / Assigned			
10	General Fund	\$ 11,224,908	\$ 1,006	\$ 11,225,914
11	Enterprise Funds	5,277,806	155,415	5,433,221
12	Internal Service Funds	16,298,335	(664,539)	15,633,795
13	Total Committed / Assigned	\$ 32,801,049	\$ (508,119)	\$ 32,292,930
14	Total Restricted/Committed/Assigned	\$ 138,573,901	\$ (5,381,835)	\$ 133,192,066
	Unassigned Balance			
15	General Fund	\$ 30,998,781	\$ 6,723,430	\$ 37,722,211
16	Airport	1,937,715	(179,531)	1,758,184
17	Internal Service - Vehicle Maint.	37,349	(37,347)	3
18	Enterprise Funds	36,009,298	1,323,290	37,332,587
19	Total Unassigned	\$ 68,983,143	\$ 7,829,843	\$ 76,812,986
20	TOTAL FUND BALANCE	\$ 207,557,044	\$ 2,448,007	\$ 210,005,051

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

Portfolio Growth Trend / Types of Investments

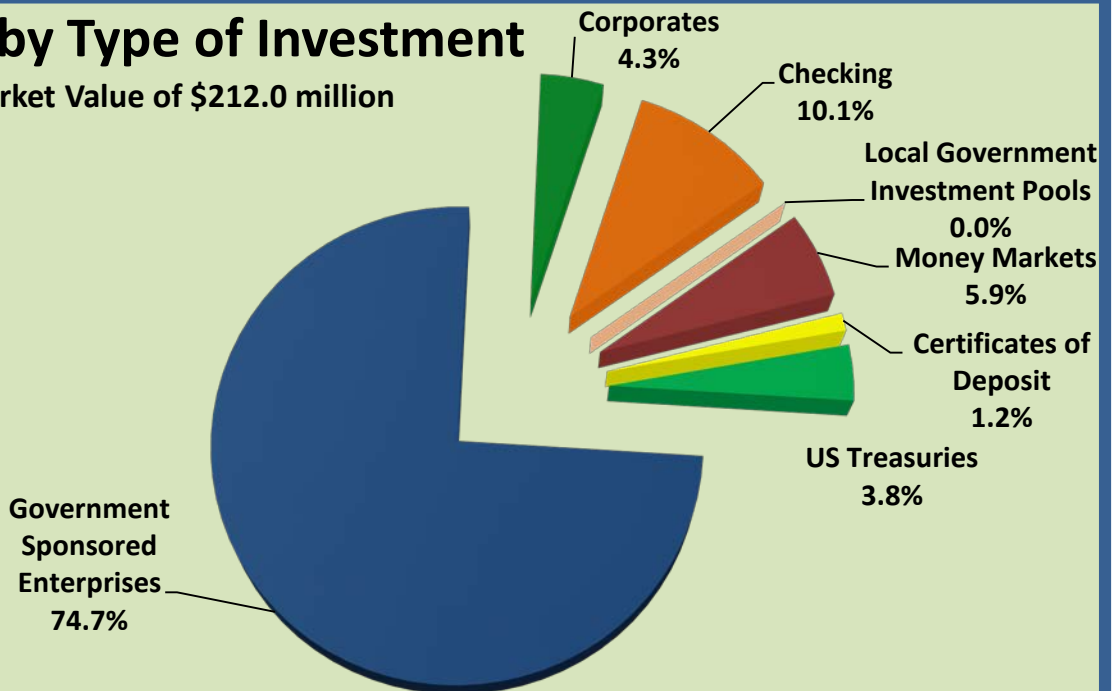
Portfolio Size Since May 2012



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

Portfolio by Type of Investment

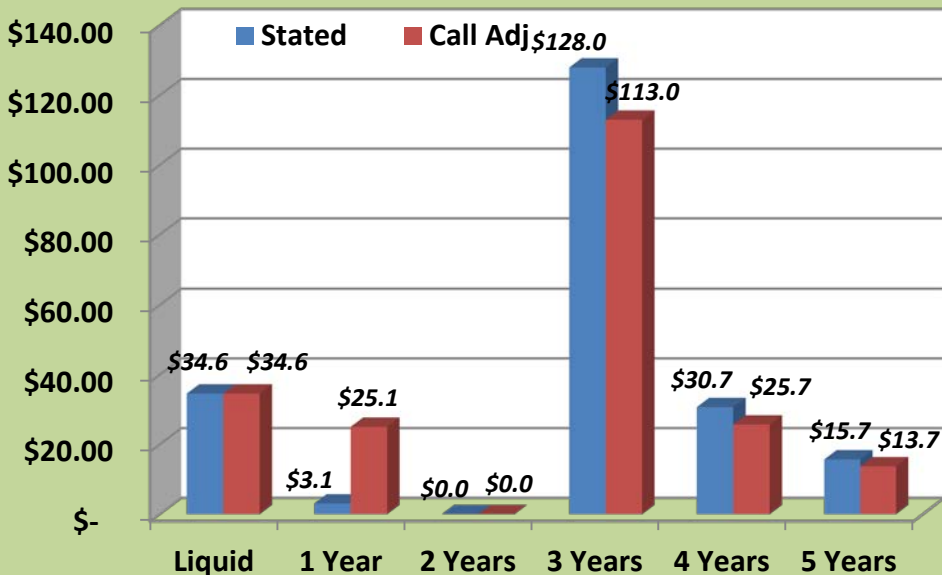
May 2015 – Market Value of \$212.0 million



Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
Purchases				
None this month				
Matured				
None this month				
Called			<u>Call Value \$</u>	
None this month				
Sales			<u>Gain/(Loss) \$</u>	
None this month				

Portfolio by Estimated Maturity Term
(in millions - Total = \$212.0 at the end of May)



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

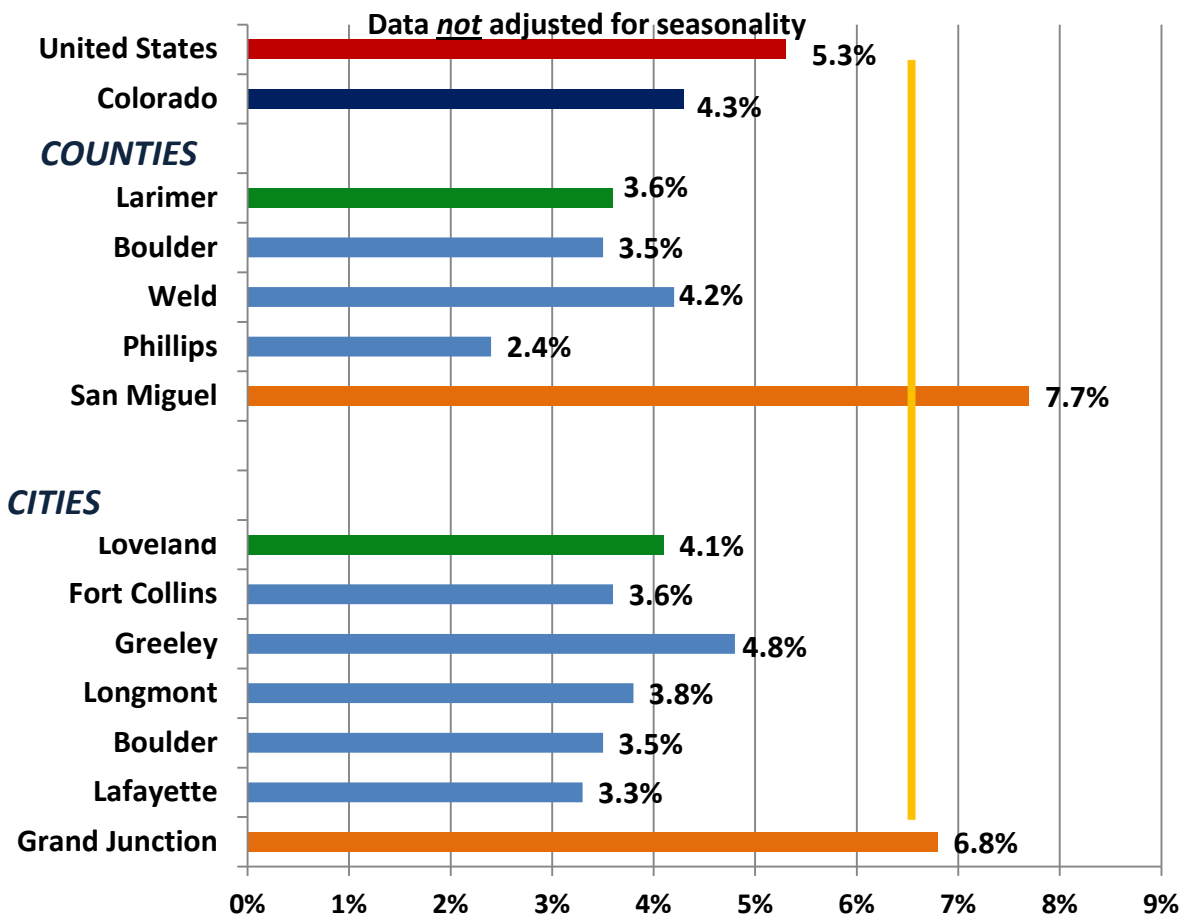
To support earnings, or to reposition the portfolio, bonds may be sold. Sales have netted (\$ -1,692) this year.

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

- ❑ Loveland’s employed workforce expanded in May, **up 483** jobs from April.
- ❑ Compared to May of 2014, there are now **583 more** jobs reported by Loveland residents

Important note: It is a routine practice at the beginning of each year for the Bureau of Labor Statistics to revise estimates for prior years based on new information available and updated methodologies. Revisions to the unemployment rate and all related household survey based series as a result of the benchmark process this year were particularly significant due to a change to American Community Survey based inputs. All series were revised back to 1976.

Unemployment Rates



Current “missing worker” estimates at a glance

Updated June 5, 2015, based on most current data available.

Total missing workers,
May, 2015:
2,830,000

Unemployment rate if
missing workers were
looking for work:
7.2%

Official
unemployment rate:
5.5%

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 5.5% number above right), the rate rises to **10.8%** (the seasonally adjusted U-6 number; the unadjusted number is **10.4%**).

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





Future Scan: Dollar Strength, Greece Lifeline, Employment, Recession Outlook

❖ **Dollar Is Stung by Officials' Caution**

- "The Federal Reserve's signal that it is likely to go slow with any interest-rate increases has reinforced Wall Street's doubt about the dollar. After its latest policy-making meeting, the Fed again lowered both its U.S. growth forecast and its interest-rate projections... the economy wasn't strong enough to handle an increase in the short-term benchmark interest rate."
 - "That was the cue for investors to sell the dollar, which tumbled to a one-month low against the euro Wednesday [June 17]."
 - "The greenback staged a broad rally last year and at the beginning of 2015 on the belief the Fed would be the first major central bank to raise rates. Higher rates draw portfolio managers to investments in that currency, and these flows of money tend to push up its relative value."
 - "Softness in the U.S. economy in the first quarter cast a pall on forecasts for the remainder of the year. And economic indicators are sending missed signals. Meanwhile, the outlook in the Eurozone has brightened."
- (Source: *Dollar Is Stung by Officials' Caution*, by James Ramage in **THE WALL STREET JOURNAL** June 18, 2015.)

❖ **Bloomberg: Greece Extended ECB Lifeline as Tsipras Readies for EU Summit**

- Developments revolving around the potential debt default by Greece also roiled the markets. "The European Central Bank extended Greece a financial lifeline ahead of a meeting of leaders on Monday that may determine its future in the euro."
- "Greek Prime Minister Alexis Tsipras used a speech in Russia to paint Greece's travails as a defining issue affecting all of Europe. The European Union should return to its founding principals of "solidarity, democracy and social justice"... But the obsession with austerity and policies which rupture social cohesion make it impossible."

(Source: **Bloomberg** online story by Marcus Bansasson and Alessandro Speciale, June 19, 2015.)

❖ **The May 2015 Colorado Employment Situation** was released June 19th. Total nonfarm payroll jobs rose 4,900 from April to May. Year over year, the number of jobs is up by 61,100. The latest household survey data show Loveland's unemployment rate to be 4.1%, 0.2% lower than March. Other cities and counties show similar improving results. The chart with other cities and counties is on page 6. (Next Update July 21.)

(Source: Colorado Department of Labor and Employment **May 2015 Colorado Employment Situation**, June 19, 2015.)

❖ **Recession Outlook:** Four indicators (Industrial Production, Nonfarm Employment, Real Personal Income, and Real Retail Sales) are the basis for determining a recession. Based on May data, Industrial Production fell by **0.17%**; Real Retail Sales rose significantly by 0.76% and, Employment continued on a growth trend of 0.20%. Real Income was up 0.40% in April. "The US economy has been slow in recovering from the Great Recession"... Our four indicator table "illustrates that two of the four indicators have contracted every month for the previous five months. At this point it is crucial that we begin seeing improvements in Industrial Production and Real Sales."

(Source: *Advisor Perspectives*, Doug Short, May 22, 2015.)

[For more information regarding this report, please contact:](#)

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



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: 7/7/2015
TO: Loveland City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale, Economic Development Director
 Representatives of the Loveland Downtown Development Authority

TITLE:

A Resolution of the Loveland City Council approving the Plan of Development for the Loveland Downtown Development Authority

Discussion and preliminary determination of DDA mill levy percentage for 2016

RECOMMENDED COUNCIL ACTION:

Hold a Public Hearing and adopt the Resolution for the plan of development.

Information only item, no action required for the mill levy discussion.

OPTIONS:

1. Adopt the action as recommended. This action is required by State law.
2. Deny the action. If the action is denied election deadlines won't be met.
3. Adopt a modified action. (specify in the motion)

SUMMARY:

This is an administrative action. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. On June 8, 2015 the Planning Commission unanimously approved a motion recommending the City Council consider the DDA Plan at a study session held June 23, 2015 and on July 7, 2015 hold a public hearing and consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan.

The City Council will annually approve the recommended mill levy and DDA budget. This budget may include revenue generated by the mill levy for the purposes of DDA operations. This mill levy can range from 1 to 5 mills. The DDA is recommending the City Council consider 1 mill as the percentage for 2016. This will be included in the election language.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible
-

BACKGROUND:

In January 2014 the Loveland City Council directed staff to work with the private sector to develop an organization that would lead downtown redevelopment efforts. In July 2014 the Loveland Downtown Partnership (LDP) was formed to act as in this capacity. The City has made a commitment to fund the Loveland Downtown Partnership for a period of 10 years. An election to form the DDA was held in February of 2015 and the voters approved the formation of the DDA.

The LDP (and its precursor, the “Downtown Working Group”), working with a variety of interested downtown individuals and groups, drafted and approved “A Strategic Plan for Revitalizing Downtown Loveland” (Strategic Plan) which has now been approved by the City Council as an official City downtown plan. The Strategic Plan, along with other applicable City downtown plans and policies (listed on page 9 of the DDA Plan) formed the basis of the DDA Plan, which was drafted by the LDP with assistance from City Staff. City Council reviewed and commented on the draft DDA Plan at a public meeting in December of 2014 and at a study session on June 23, 2015.

With regard to the planning components of the DDA Plan, it includes the DDA’s objectives and purposes, a list of potential development and redevelopment projects, and contains the legal description and map of the DDA District. The plan also includes the methods of financing the potential projects. These resources include property tax increment, municipal sales tax increment and other sources of revenue as listed on page 10 of the attached plan. It should be noted that the municipal sales tax increment excludes the sales tax on food for home consumption. The DDA Plan has been recommended for approval by the LDP Board and Planning Commission and has been adopted by the DDA Board subject to City Council approval.

REVIEWED BY CITY MANAGER:


LIST OF ATTACHMENTS:

1. Resolution
 2. Plan of Development including the map of the district
-

RESOLUTION #R-37-2015

**A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING
THE PLAN OF DEVELOPMENT FOR THE LOVELAND DOWNTOWN
DEVELOPMENT AUTHORITY**

WHEREAS, the Loveland Downtown Development Authority, in the City of Loveland, State of Colorado (the “Authority”), is a body corporate duly organized and existing under laws of the State of Colorado; and

WHEREAS, the members of the Board of the Authority (the “Board”) have been duly appointed and qualified; and

WHEREAS, pursuant to C.R.S. § 31-25-807(3)(a), the Board has adopted the attached Plan of Development for the Authority (the “Plan”), subject to approval of the Plan by the City Council of the City of Loveland (the “City”); and

WHEREAS, it is anticipated that, pursuant to Article X, Section 20 of the Colorado Constitution, the Authority will propose to the City Council that an election be held on November 3, 2015 (the “Election”), for the approval of debt to be issued by the City for Authority purposes, taxes to be levied by the City for Authority purposes and revenue retention above certain limits (collectively, the “Ballot Questions”); and

WHEREAS, the Plan provides for the pledge of property tax increment and municipal sales tax increment in order to finance projects and purposes of the Authority as authorized in the Plan (the “Tax Increment Provisions”); and

WHEREAS, in the event all of the Ballot Questions are not approved by the qualified electors at the Election, the City Council desires that the Tax Increment Provisions of the Plan shall then be automatically repealed; and

WHEREAS, pursuant to C.R.S. § 31-25-807(4)(b), the City Council submitted the Plan to the Loveland Planning Commission (the “Planning Commission”) and the Planning Commission recommended in writing to the City Council approval of the Plan; and

WHEREAS, pursuant to C.R.S. § 31-25-807(4)(c), the City Council held a public hearing on the Plan after notice of such hearing was published once during the week preceding the public hearing in a newspaper having a general circulation in Loveland.

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

Section 1. Findings. The City Council hereby finds that there is a need to take corrective measures in order to halt or prevent deterioration of property values or structures within the Plan area and to halt or prevent the growth of blighted areas therein. The City Council further finds that the Plan will afford maximum opportunity, consistent with the sound needs and

plans of the City as a whole, for the development or redevelopment of the Plan area by the Authority and by private enterprises.

Section 2. Approval of Plan. Having received a recommendation from the Planning Commission on the Plan and having held a public hearing thereon after required public notice, the City Council hereby approves the Plan.

Section 3. Automatic Repeal. The section of the Plan entitled “Methods of Financing Projects” contains the Tax Increment Provisions. In the event that the qualified electors do not approve all of the Ballot Questions at the Election, the Tax Increment Provisions found in the above-referenced section of the Plan shall thereupon, without further action of the City Council, be automatically repealed and of no further force and effect. In such an event, the City shall promptly give written notice to the Larimer County Assessor of such repeal.

Adopted this 7th day of July, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

replace with
LOGO

LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY

Plan of Development



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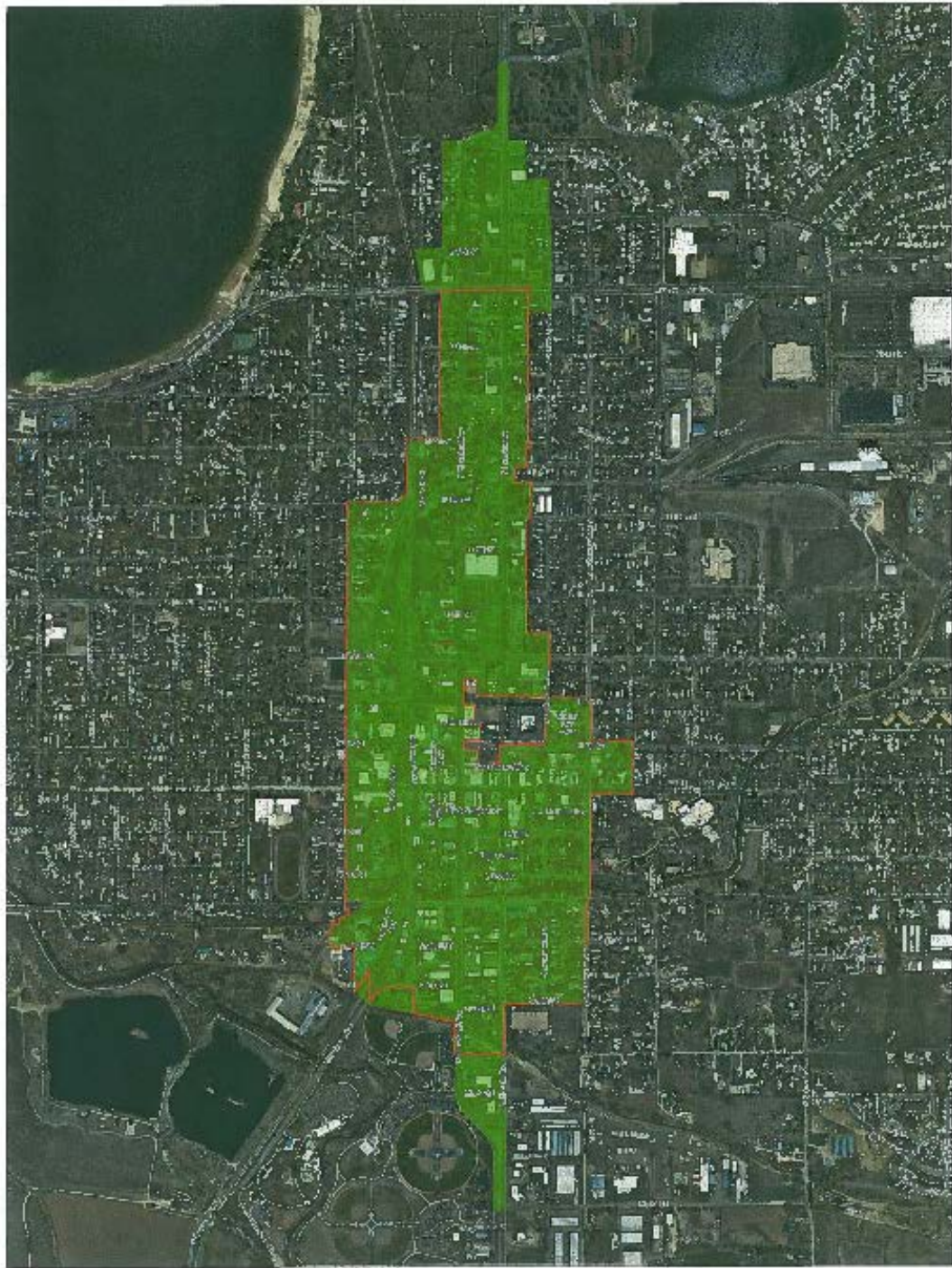
Foreword

The downtown (“Downtown”) of the City of Loveland (“Loveland”) serves as the heart of a city that from its beginnings in 1877 has defined the best of Colorado’s entrepreneurial spirit and sense of civic pride, with an emphasis on arts and cultural activities. Downtown Loveland business and property owners believe that a strong economic foundation is critical to sustaining a vibrant community respectful of its history, committed to the full inclusion of all its citizens, and strategically positioned to thrive in a globally competitive marketplace.

This Plan of Development (the “Plan”) is an essential first legal step in creating a vibrant Downtown that provides a safe, dynamic environment to gather, live, educate, shop, work and play. The needs of the Downtown have been recognized over the past years in vision documents, comprehensive and strategic plans and master planning efforts. All of these have identified the need to have a strong Downtown for the economic health and future of Loveland.



The emphasis of this Plan is on needs of the Downtown over a thirty (30) to fifty (50) year period and the type of projects and programs that are required to satisfy those needs, rather than dictating the physical location, dimensions and design which can only evolve through continual planning efforts.

District Map



Loveland Downtown Development Authority

District Map

-  DDA approved by voters on February 10, 2015
-  Downtown URA



We are an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.



Boundaries of the DDA

The boundary of the Loveland Downtown Development Authority (the “DDA”), as shown on the preceding map, outlines the area in which the DDA will exercise its statutory powers (the “District”). The District was established on the basis of the best information available at the time. It is intended that the boundaries will change given changing times and circumstances. Property owners adjoining the District are encouraged to petition for inclusion if and when the uses and purposes of their properties become compatible with the purposes of the District.

The District is generally bounded by northbound Lincoln Avenue and southbound Cleveland Avenue; the eastern boundary of the District 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.

The legal description of the District is attached as Appendix I to this Plan.

Objective and Purposes

The primary objectives of the DDA are to promote the safety, prosperity, security and general welfare of the District and its inhabitants, to prevent deterioration of property values and structures within the District, to prevent the growth of blighted areas within the District, to assist Loveland in the development, redevelopment and planning of the economic and physical restoration and growth of the District, to improve the overall appearance, condition and function of the District, to encourage a variety of uses compatible with the artistic and cultural community, to sustain and improve the economic vitality of the District, to promote the historic, artistic and cultural elements of the District, and to encourage pedestrian traffic and security in the District. To achieve these objectives, the specific goals of the DDA include the following and any other activities, plans, and development and redevelopment authorized by law.

The Plan recognizes that this is a long term revitalization strategy focused on implementing an entrepreneurial environment in which District products and services meet local demands and attract new residents and businesses to the area.

To achieve these objectives, the specific goals of the DDA include, but are not limited to the following:

1. Work with private entities, developers and property owners to promote positive investment in the District.
2. Work with business owners, and business entrepreneurs to promote retail growth, new job growth and other uses in the District.
3. Identify and help form collaborative public/private partnerships that promote economic growth in ways that honor and sustain strong community values.
4. Implement key elements of Loveland's approved infrastructure plan.
5. Increase residential and employment density as catalysts for enriching life for residents and visitors alike.
6. Assist emerging and existing businesses in navigating various local, county, and state regulations and taxing policies.
7. Identify and establish a communications process with current business and property owners within the District.
8. Establish multiple communication forums with emphasis on email, social media, and newspaper.
9. Work with Loveland in evaluating and potentially implementing a "One Stop" approach to Downtown development including identifying a potential organizational structure therefor.
10. Improve the visual attractiveness of the District including but not limited to façade renovations, public streets, alleys, curbs, gutters, sidewalks, lighting along with street furniture and landscaping.
11. Underground the utility systems.
12. Promote a diversity of activities in the District.
13. Promote and encourage the renovation and reuse of vacant and deteriorated structures within the District.
14. Encourage the creation and continuation of public events within the District
15. Promote and market the District.
16. Promote Loveland's unique identity as a destination for arts and culture.

Plan of Development Projects

- A. Plan projects may include public facilities and other improvements to public or private property of all kinds consistent with the priorities of the DDA by all means permitted by federal, state and local laws and regulations, including but not limited to, land assemblage, demolition, removal, site preparation, construction, renovation, repair, remodeling, reconstruction purchase of property interests, rehabilitating, equipping, selling and leasing in connection with such public and private improvements.
- B. Descriptions of specific development projects that have been conceptually identified as potential key downtown redevelopment projects including, but not limited to, the following:

Item	City/DDA Funding	Other Public Funding	Private	Notes
Redevelopment Projects				
South Catalyst Project: 3 rd Street Site	\$15,000,000	\$15,000,000	\$50,000,000	Amount includes the estimate on land plus the cost of the redevelopment with a parking structure
4th Street/Rialto Square	\$2,500,000	\$0	\$7,500,000	Includes the cost of the land plus redevelopment cost
Arcadia (4th and Cleveland)	\$400,000	\$75,000	\$1,800,000	Based on preliminary review of proposed plan.
4th and Lincoln/Redevelopment	\$2,000,000	\$0	\$6,250,000	Potential project/timeline unknown
Elks Lodge	\$250,000	\$200,000	\$2,000,000	Estimates are for rehab at \$100/square foot
Loveland	\$250,000	\$200,000	\$2,000,000	Estimates are for rehab at \$100/square foot
VFW Hall	\$500,000	\$0	\$4,000,000	
Feed and Grain	\$0	\$2,300,000	\$1,000,000	
Pulliam Building	\$4,600,000	\$200,000	\$1,200,000	Assumes the City receives a grant from the State Historic Fund and Historic Tax Credits
House of Neighborly Service Building	\$500,000	\$0	\$5,000,000	Assumes a redevelopment of a 20,000 sq/foot building
Larimer County Building/6th and Cleveland	\$500,000	\$0	\$3,750,000	Assumes the City takes possession of the building as part of the South Catalyst
Safeway site	\$5,000,000	\$0	\$30,000,000	Requires further investigation
Railroad site	\$2,500,000	\$0	\$15,000,000	Land at 7th and Garfield

Other private	\$1,500,000		\$10,000,000	Includes other projects not contemplated plus façade grants and fire safety grants
SUBTOTAL REDEVELOPMENT	\$35,500,000	\$17,975,000	\$139,500,000	

C. Descriptions of specific potential public facilities and improvements that have been conceptually identified to complement private developments including, but not limited to, the following:

Infrastructure				
4th Street/Phase I - 3 blocks	\$5,860,000			4th Street from Railroad to Jefferson
4th Street/Additional 2 blocks	\$2,500,000			4th Street to Garfield and Washington
3rd Street	\$2,250,000			3rd Street west of Cleveland to Feed and Grain
5th Street	\$3,010,000			5th Street from Lincoln to Railroad
5th Street Plaza	\$2,187,413			Museum plaza proposal in the parking lot at 5th and Lincoln
Power	\$5,000,000			Estimates are for \$300,000 per block to underground the power
Railroad Avenue 1st to 5th	\$4,000,000			May include connectivity with the trail system.
Cost Escalation	\$3,161,483			Estimates were completed in 2009, the number is 20 percent of the cost of the streetscape improvements
SUBTOTAL INFRASTRUCTURE	\$27,968,896	\$0	\$0	

D. Other specific development projects and public facilities currently contemplated are as follows:

Other Capital Cost				
Trail Expansion	\$1,000,000			
Quiet Zones	\$1,000,000	\$2,000,000		Includes four rail crossings located at 1 st , 4 th , 6 th and 7 th Streets

SUBTOTAL OTHER	\$2,000,000	\$2,000,000	\$0	

- E. The DDA also may seek to support other projects not directly identified above including, but not limited to, the following:
- a. Beautification programs;
 - b. Pedestrian facilities and circulation improvements;
 - c. Parking that is not otherwise included within specific projects (IE 3rd Street Catalyst); and
 - d. Downtown hotel or other convention facilities built in conjunction with a private development.

DRAFT

Strategic Downtown Plan

The DDA, acting in coordination with the Loveland Downtown Partnership and Loveland, will need to establish short and long term priorities based on adopted strategic plans and identified development projects as such plans and projects evolve. The current plans, which are referenced below and attached as Appendices II through V to this Plan, are as follows:

Appendix II: *A Strategic Plan for Revitalizing Downtown Loveland (2014)*

The plan, adopted by the Loveland City Council and the Loveland Downtown Partnership, provides the comprehensive outline for short and long term success in Downtown Loveland.

A Strategic Plan for Revitalizing Downtown Loveland is driven by the following principles:

1. We are committed to a process driven by community stakeholders and supported by the City of Loveland.
2. We are committed to a long term revitalization strategy (20 yrs.) that combines immediate action to improve communications and marketing with an ongoing responsibility to maintain and improve the downtown infrastructure.
3. We are committed to shaping policies and procedures that provide adequate flexibility for the organization to respond quickly and effectively to changing conditions at the local, state, national, and/or international levels.
4. We are committed to implementing an entrepreneurial environment in which Downtown products and services meet local demands and attract new residents and businesses to the area.
5. We are committed to shaping collaborative public/private partnerships that promote economic growth in ways that honor and sustain strong community values.

Appendix III: *Downtown Vision Book (2010)*

The purpose of the Downtown Vision Book is to highlight catalyst projects, and describe the context, character and the opportunity for revitalization. In addition, the Downtown Vision Book identifies ideas, opportunities and strategies to further benefit Downtown Loveland. The Private-Public projects are designed to capture not only the value of public participation, but to be a catalyst for private investment, enhanced connections and enrichment of the community experience for residents, businesses and visitors alike.

Appendix IV: *Destination Downtown: HIP Streets Master Plan (Infrastructure Plan) (2010)*

The Infrastructure Plan was completed in 2009 highlights the streetscape, utility and other public infrastructure improvements in Downtown Loveland.

Appendix V: *Downtown Strategic Plan – Amendment to the City’s Comprehensive Plan (2009)*

The plan, adopted by the Loveland City Council as an amendment to the Comprehensive Plan, was the basis for the effort by Loveland and the Loveland Downtown Team to revitalize the Downtown.

Methods of Financing Projects

In order to finance the projects and purposes of the DDA, the following financial sources are authorized to be utilized:

- A. Proceeds of bonds of, loans or advances to, or indebtedness incurred by Loveland secured by the pledge of the following tax revenues for the maximum period of time authorized by C.R.S. § 31-25-807(3):
 - a. **Property Tax Increment:** All of that portion of property taxes in excess of such taxes which are produced by the levy at the rate fixed each year by or for any public body upon the valuation for assessment of taxable property within the boundaries of the District last certified prior to the effective date of approval by the City Council of Loveland of this Plan or, as to an area later added to the boundaries of the District, the effective date of the modification of this Plan.
 - b. **Municipal Sales Tax Increment:** All of that portion of municipal sales tax in excess of such taxes collected within the boundaries of the District for the twelve month period ending on the last day of the month prior to the effective date of approval by the City Council of Loveland of this Plan. For purposes of calculating the amount of municipal sales tax, “municipal sales tax” shall be as defined in Section 3.16.010 and Section 3.16.020A of the Loveland Municipal Code, provided that such definition shall specifically not include sales tax on the sale of food for home consumption as defined in C.R.S. § 39-26-102(4.5)(a), with the exception of candy and soda as defined in C.R.S. § 39-26-707(1.5) which shall be included in the definition of municipal sales tax.
 - c. **Other sources:** Such other sources of revenue for repayment of bonds, loans, advances or other indebtedness of Loveland as may be authorized by law.

All such taxes described in this paragraph A shall be adjusted, collected, allocated and used as set forth in C.R.S. § 31-25-807(3), as amended from time to time.

- B. Membership fees
- C. Private contributions
- D. Proceeds of loans to the DDA
- E. Fees and other charges imposed in connection with projects undertaken by the DDA
- F. Grants and other funds made available by public agencies and other entities
- G. All types of bond issues, including industrial development revenue and special assessment bonds, and
- H. All such other sources and methods as may be authorized by law from time to time, including but not limited to, C.R.S. § 31-25-801, et seq.

Appendix I

Legal Description of the District

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 ROW line of W. 1st Street; thence continuing northerly to the point of intersection of the north ROW line of W. 1st Street and the west ROW line of the N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 2nd Street; thence continuing northerly to the point of intersection of the north ROW line of W. 2nd Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 3rd Street; thence continuing northerly to the point of intersection of the north ROW line of W. 3rd Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the south ROW line of the alley between W. 3rd Street and W. 4th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 4th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 4th Street and the west ROW line of N.

Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between W. 4th Street and W. 5th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 5th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 5th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 6th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 6th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 7th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 7th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line its the point of intersection with the south ROW line of the alley between W. 7th Street and W. 8th Street; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 8th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 8th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 10th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 10th Street and the west ROW line of N. Garfield Avenue; thence easterly to the point of intersection of the east ROW line of N. Garfield Avenue and the north ROW line of W. 10th Street; thence easterly and northeasterly along said north ROW line to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW to its point of intersection with the south ROW line of the alley between W. 10th Street and W. 11th Street; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence continuing northerly along said west ROW line to its point of intersection with the south line of Little Barnes Ditch; thence continuing northerly to the point of intersection of the north line of said Ditch and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW line to its point of intersection with the south ROW line of E. 11th Street; thence continuing northerly to the point of intersection of the west ROW line of said Railroad and the north ROW line of W. 11th Street; thence northeasterly to the point of intersection of the east ROW line of N. Railroad Avenue and the north ROW line of E. 11th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence northerly along said west ROW line to its point of intersection with the south ROW line of the alley between E. 11th Street and E. 12th Street; thence continuing northerly to the point of intersection of the north ROW line of the alley between E. 11th Street and E. 12th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of E. 12th Street; thence continuing northerly to the point of intersection of the north ROW line of E. 12th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between E. 12th Street and E. 13th Street; thence continuing northerly to the point of intersection of the north ROW line of the alley between E. 12th Street and E. 13th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of E. 13th Street; thence continuing northerly to the point of intersection of the north ROW line of E. 13th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between E. 13th Street and E. Eisenhower Boulevard; thence continuing northerly to the point of intersection of the north ROW line of said alley between E. 13th Street and E. Eisenhower Boulevard and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW 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 Cemetary; 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 Avneue; 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 southwestery 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.

DRAFT



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: 18
MEETING DATE: 7/7/2015
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale

TITLE:

A Resolution of the Loveland City Council Concerning a Possible Modification to the Downtown Urban Renewal Plan for the City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

If the resolution is adopted, staff would be directed to mail and publish the required notices for the modification of the Downtown Urban Renewal Plan and the modification of the Downtown Urban Renewal Plan would be referred to the Planning Commission, as required by statute, to determine its conformity with the general plan of development for the City.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If this action is denied, the substantial modification of the Urban Renewal Plan would not move forward and would not be referred to the Planning Commission.
3. Adopt a modified action. (specify in the motion)

SUMMARY:

This is an administrative action. Termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan.

The resolution directs the referral of the proposal to terminate the URA Plan to the City Planning Commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review.

The resolution also directs City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

On October 1, 2002, the Loveland City Council (the "Council") adopted Resolution #R-74-2002 approving the City of Loveland Urban Renewal Plan ("URA Plan").

At an election held on February 10, 2015, the qualified electors approved the formation of the Loveland Downtown Development Authority (the "DDA").

It is anticipated that a plan of development (the "DDA Plan of Development") will be proposed by the DDA for consideration by the Council and that the DDA will propose that an election be held on November 3, 2015 for the approval of debt to be issued by the City for DDA purposes and taxes to be levied by the City for DDA purposes (collectively, the "Ballot Questions").

If the DDA Plan of Development is approved by Council and if the Ballot Questions are approved by the qualified electors, it would be appropriate to terminate the URA Plan. C.R.S. §31-25-107(7) allows the Council to amend the URA Plan at any time provided that if the modification will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved, the modification of the URA Plan must be pursuant to certain notice and hearing requirements set forth in C.R.S. §31-25-107(7).

Termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan.

The resolution directs the referral of the proposal to terminate the URA Plan to the City Planning Commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review.

The resolution also directs City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions.

REVIEWED BY CITY MANAGER:


LIST OF ATTACHMENTS:

Resolution

RESOLUTION #R-38-2015

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
CONCERNING A POSSIBLE MODIFICATION TO THE
DOWNTOWN URBAN RENEWAL PLAN FOR
THE CITY OF LOVELAND**

WHEREAS, on October 1, 2002, the Loveland City Council (the “Council”) adopted Resolution #R-74-2002 approving the City of Loveland Urban Renewal Plan (“URA Plan”); and

WHEREAS, at an election held on February 10, 2015, the qualified electors approved the formation of the Loveland Downtown Development Authority (the “DDA”); and

WHEREAS, it is anticipated that a plan of development (the “DDA Plan of Development”) will be proposed by the DDA for consideration by the Council and that the DDA will propose that an election be held on November 3, 2015 for the approval of debt to be issued by the City for DDA purposes and taxes to be levied by the City for DDA purposes (collectively, the “Ballot Questions”); and

WHEREAS, if the DDA Plan of Development is approved by Council and if the Ballot Questions are approved by the qualified electors, it would be appropriate to terminate the URA Plan; and

WHEREAS, C.R.S. §31-25-107(7) allows the Council to amend the URA Plan at any time provided that if the modification will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved, the modification of the URA Plan must be pursuant to certain notice and hearing requirements set forth in C.R.S. §31-25-107(7);

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

Section 1. That the Council hereby finds that such termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan.

Section 2. That the proposal to terminate the URA Plan is hereby referred to the City Planning Commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review.

Section 3. That City staff is directed to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan

contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions.

Adopted this 7th day of July, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



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: 19
MEETING DATE: 7/7/2015
TO: City Council
FROM: Greg George, Development Services Director
PRESENTERS: Greg George

TITLE:

A motion directing the City Manager to work with the Thompson School District on a draft intergovernmental agreement setting forth procedures for Planning Commission review of new school sites under the provisions of State Statutes and a commitment from the School District to utilize building permit review and inspection services provided by the City's Building Division.

RECOMMENDED CITY COUNCIL ACTION:

Adopt motion as presented.

OPTIONS:

1. Direct City Manager to have the Building Division be prequalified through the Colorado Division of Fire Prevention and Control to provide building code services for public schools.
2. Take no action: The City Manager would take no action to see if the School District wishes to enter into an IGA dealing with Planning Commission review of new school sites or utilizing the City's Building Division for building code services.
3. Adopt a modified action. (specify in the motion)

SUMMARY:

This is an administrative action. Adoption of the motion will direct the City Manager to work with the Thompson School District on a draft Intergovernmental Agreement setting forth procedures for Planning Commission review of new school sites under the provisions of State Statutes and a commitment from the School District to utilize building permit review and inspection services provided by the City's Building Division.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

To become pre-qualified by the State, the Building Division will need to train existing staff to become properly certified to provide these services. It is estimated that supplementary training of staff will initially cost \$13,850, with an additional annual cost of \$825 per inspector. It would take approximately 8 months to obtain the necessary certifications, but it is likely full pre-qualification would not be obtained until January of 2017.

BACKGROUND:

The Colorado Department of Public Safety, Division of Fire Prevention and Control, provides building code services to school districts within the state. However, local governments can be certified through the state to provide some or all of these building code services. Windsor and

Greeley have obtained this certification. The advantages can include more local involvement, a broadened partnership between schools and local government, and possibly faster review and permitting of school facilities.

Following the Planning Commission's review of the site plan for the High Plains K-8 School on February 9, 2015, the Commission began investigating the possibility of the City becoming qualified to provide building code services. This interest grew out of the Commission's frustration with its limited ability to affect the design of this new school site. Several Commissioners articulated concern that the school's design did not fit properly into the context of The Lakes residential neighborhood which is developing adjacent to the school site. On April 13th, the Commission voted 8-1 to adopt a resolution recommending to City Council that the Building Division obtain prequalified status from the State in order to provide building permit services to school districts within the City.

On June 8th, the Planning Commission determined that the resolution should be forwarded to the Construction Advisory Board (CAB) prior to City Council review. On June 24th, this matter was brought to the CAB. Planning Commission Chairman John Crescibene and Commissioner Michele Forrest described the purpose of the resolution, indicating that having the City provide building code services to the School District would expand local involvement and would take advantage of growing cooperation between the City and School District staff. Following discussion, the CAB voted to endorse the resolution.

Analysis: The local certification alone does not require the School District to use the City's services. It is possible that the City could spend the money to obtain certification (expenses are described above under Budget Impact), and the services might never be requested. The City has no authority to require the District to use the local services and to date the District has not stated any official intention to use City services for building code compliance.

In a parallel effort to address the Planning Commission's concerns with the site plan review process for school projects, Current Planning staff has been working productively with Thompson School District representative Dan Maas, Chief Operations Officer, to develop a clear and reliable process. As recently as June 29th, Mr. Maas indicated that the School District was open to pursuing a mutually beneficial agreement with the City. The Planning Commission has been supportive of this effort. Such an agreement could include design and process issues which go beyond the scope of building permit plan review.

Staff recommends an approach to include negotiation of an IGA. An IGA could include provisions for building plan review and inspection as well as other planning issues, and could go beyond simply obtaining pre-qualification from the State.

REVIEWED BY CITY MANAGER:

William A. Cavill

LIST OF ATTACHMENTS:

Staff Memorandum



Development Services Current Planning

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MEMORANDUM

JULY 7, 2015

From: Bob Paulsen, Current Planning Manager

To: City Council

Subject: Planning Commission Resolution recommending that the City obtain qualifications to provide building permit services for school districts

On April 13, 2015, the Loveland Planning Commission unanimously passed a resolution recommending that the City Council direct the Building Division to become prequalified through the Colorado Division of Fire Prevention and Control to provide building code services for public schools within the municipal limits.

PLANNING COMMISSION:

Development of the resolution followed the Planning Commission's February 9, 2015 review of the site plan for the proposed K-8 High Plains School to be located on Boyd Lake Avenue adjacent to The Lakes residential community being developed by McWhinney. **(See attachments 5 & 6, Planning Commission February 13, 2015 agenda and approved minutes.)** Review by the Planning Commission is required by State Statute (22-32-124(1)(a)) and occurs as major school facilities are being planned. While City staff reviews infrastructure design to ensure that utilities, roads and stormwater facilities meet City standards, site plan review by the Planning commission focuses on site design elements. These design elements include parking, internal pedestrian and vehicle circulation, landscaping, and building design. This review process enables the Planning Commission to provide design input to school representatives, but does not authorize the Commission to require design changes or to approve or deny the submitted plans. This process is similar to the arrangement that exists with other subdivisions of State government. In accordance with state statutes, a local planning commission can request a public hearing before the local board of education—a process never pursued by the Loveland Planning Commission.

With the High Plains School, the Planning Commission was concerned with several design elements of the school site, including security, pedestrian safety, landscaping, along with building materials and colors. During the review of school plans on February 9, 2015, Commissioners articulated concern with these and other design elements and expressed frustration that they did not have authority to require design adjustments, although Thompson Schools representatives indicated that Commission concerns would be given serious consideration.

At the Planning Commission meetings on March 9th and March 23rd the Commission discussed the concept of the City providing building permit services to the Thompson Schools and requested

that staff research the process for obtaining certification from the State. The articulated purpose was to provide more local involvement in the School District's building process and to build a better working relationship through this process. On April 13th, the Planning Commission adopted a resolution recommending that the City Council direct the Building Division to pursue prequalification and the provision of building services to public schools (**See Attachment 1**).

CONSTRUCTION ADVISORY BOARD:

On June 8th, the Planning Commission determined that the resolution should be forwarded to the Construction Advisory Board (CAB) so comments could be presented to the City Council for full consideration by the Council on July 7th. On June 24th, this matter was brought to the CAB. Planning Commission Chairman John Crescibene and Commissioner Michele Forrest provided the CAB with information on this issue, indicating that the provision of this service to Thompson Schools would facilitate more local involvement with school facilities and would broaden cooperation between the City and the School District. After discussing this matter, the CAB voted to support the resolution.

STATE CERTIFICATION:

Most public school facilities in Colorado are reviewed and inspected for building code compliance by the Division of Fire Prevention and Control, a division of the Colorado Department of Public Safety. Some local jurisdictions, however, provide building code services to local schools upon becoming certified by the State. There are approximately 20 local government jurisdictions in Colorado which provide these services (in full or part) to local school districts, including Windsor and Greeley, (**see Attachment 4**). The advantages can include more local control, a broadened partnership between schools and local government, and possibly faster review and permitting of new school facilities. In recommending this action, the Planning Commission articulated strong interest in the opportunity for the City and Thompson Schools to develop a stronger, ongoing association through this arrangement.

IMPLICATIONS:

The provision of plan review and inspection services to the School District have cost and planning implications to the City's Building Division. Building inspectors would be required to obtain an average of three additional certifications each, at a cost of \$180 each. Education and training would be required to assist inspectors in achieving the required certifications and the cost associated with the education and training would be approximately \$12,230. The ongoing cost of maintaining those certifications would be approximately \$825 per year per inspector.

While the City would have to expend resources to provide this service, the School District has the choice as to whether to use the City services or not; furthermore, school districts can selectively choose which specific building permit services they would like to use on a project by project basis. Also, it is currently unclear whether or the degree to which the School District would be interested in utilizing City permitting services, if the services were available. Consequently, the City's investment in training and certification costs could go unutilized or underutilized. Under these circumstances, it would be challenging for the Building Division to plan for and anticipate staff resource needs. Given the recent restructuring efforts and personnel changes within the Building Division, the challenges presented by the resolution are particularly problematic. However, if an

intergovernmental agreement (IGA) can be reached with the Thompson School District, a predictable arrangement for the provision of City services can achieve a manageable process.

Another factor that should be given further consideration is that even if the City provides the building code compliance services to Thompson Schools, the City and the Planning Commission will not gain any official authority over the visual and compatibility aspects of new school facilities. The expanded authority of the City would be exclusively in the arena of building code compliance. Building codes have no standards addressing building or site aesthetics.

FOLLOW-UP COORDINATION WITH THOMPSON SCHOOLS:

Following the Planning Commission's review of the High Plains School on February 9th, Dr. Dan Maas, Chief Operations Officer for Thompson Schools, returned to the Planning Commission twice to provide an update on school design and construction progress. Commissioners have been pleased with this level of responsiveness. In addition, Dr. Maas and the City's Current Planning Manager have been working to specify a clear and reliable process for the review of School District plans. This process would clarify expectations and help build a more cooperative working relationship between the Planning Commission, School District and City staff. On June 8th, Dr. Maas and the Current Planning Manager presented a working draft proposal to the Planning Commission for review and comment (**See Attachment 14**). The Commission was complimentary of the draft proposal and the overall effort to build clarity and cooperation. The Commission indicated support for formalizing this process in an IGA when the process is completed. With this direction, City staff and School District representatives are continuing to work on this effort.

LIST OF ATTACHMENTS:

1. Planning Commission Resolution, April 13, 2015
2. Colorado Code Regulations: Code Enforcement and Certification of inspectors for public schools, charter schools and junior colleges, pages 1-9 of 30.
3. Instructions for Prequalification of local jurisdictions related to public school construction projects
4. Listing of prequalified building departments
5. Planning Commission Agenda from February 9, 2015
6. Planning Commission Minutes (approved) from February 9, 2015
7. Planning Commission Minutes (approved) from March 9, 2015
8. Planning Commission Minutes (approved) from March 23, 2015
9. Planning Commission Minutes (approved) from April 13, 2015
10. Planning Commission Agenda (revised) from May 11, 2015
11. Planning Commission Minutes (approved) from May 11, 2015
12. Planning Commission Agenda from June 8, 2015
13. Planning Commission Minutes (unapproved) from June 8, 2015
14. Draft Proposal for the processing of Thompson Schools site plans, June 8, 2015

RESOLUTION NO. 15-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
LOVELAND, COLORADO, RECOMMENDING THAT THE CITY APPLY FOR
AND OBTAIN PREQUALIFIED BUILDING DIVISION STATUS FOR THE
PROVISION OF BUILDING PERMIT SERVICES TO SCHOOL DISTRICTS
WITHIN THE CITY**

WHEREAS, there is an opportunity to encourage further cooperation, goodwill and communication between the school districts in the City of Loveland and the City of Loveland by having City staff within the building division prequalified by the State of Colorado to provide building permit services for school buildings and structures; and

WHEREAS, pursuant Section 22-32-124 of the Colorado Revised Statutes, the Division of Fire Prevention and Control in the Department of Public Safety (the "Division") is responsible for conducting plan reviews, issuing building permits, performing inspections and issuing temporary certificate of occupancy and certificates of occupancy for school building or structure construction, improvements and certain maintenance ("Building Permit Services"); and

WHEREAS, said section also authorizes the City and the Division to enter into a memorandum of understanding to prequalify City staff in the building division to provide Building Permit Services and take enforcement action to ensure that school buildings or structures are constructed in conformity with the Division's building and fire codes, and provides the school districts with discretion to obtain such services through the Division or the City; and

WHEREAS, the Planning Commission finds that having prequalified City Staff in the building division to provide the school districts with Building Permit Services is in the best interest of the City and will provide the City and school districts with opportunities for further cooperation, goodwill and communication.

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

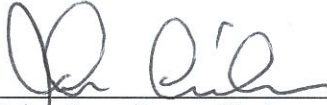
Section 1. That the Planning Commission recommends to City Council that the City prequalify City staff in the building division to provide Building Permit Services to school districts within the City.

Section 2. That the Director of Development Services submit for City Council's consideration a resolution in support of prequalification of City staff in the building division to provide Building Permit Services to school districts within the City.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.


Signed this 13 day of April, 2015

LOVELAND PLANNING COMMISSION:



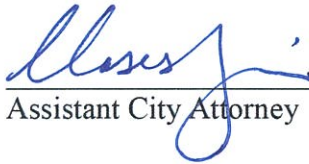
John Crescibene, Chairperson

ATTEST:



Planning Commission Secretary

APPROVED AS TO FORM:



Assistant City Attorney



DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES

8 CCR 1507-30

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

ARTICLE 1 – Purpose and Authority to Promulgate Rules

1.1 Purpose:

- 1.1.1 These rules establish uniform standards and minimum requirements for the construction, inspection and maintenance of public school buildings and structures.
- 1.1.2 The purpose of these rules is to ensure that public school buildings or structures are constructed and inspected in compliance with Sections 22-32-124, 23-71-122, C.R.S. adopted codes and applicable rules.

1.2 Technical Rationale

- 1.2.1 The technical requirements of these rules are supported primarily by codes developed by the International Code Council, a membership association dedicated to building safety and fire prevention. These rules establish minimum requirements for building systems using prescriptive and performance related provisions, which are widely used to construct residential and commercial buildings, including homes and schools.

1.3 Statutory Authority

- 1.3.1 Sections 22-32-124, 23-71-122 and 24-33.5-1203, C.R.S. establish the authority and duty of the Division to conduct or oversee the necessary plan reviews, issue building permits, and cause the necessary inspections to be performed as required by the adopted codes for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.2 Section 24-33.5-1213.5, C.R.S. establishes the authority and duty of the Division to certify persons to conduct Building Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges. Such persons are reviewed and certified as part of the Prequalified Building Department process, or through third-party building inspector certification.
- 1.3.3 Section 24-33.5-1211 C.R.S. establishes the authority and duty of the Division to certify persons to conduct Fire Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.4 Sections 22-32-124 and 23-71-122, C.R.S. establish the authority of the local fire department or the Division to inspect buildings and structures of a Board when deemed necessary to assure that they are maintained in accordance with the adopted Codes.

- 1.3.5 The Director of the Division is authorized by the provisions of section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division. This rule is adopted pursuant to the authority in section 24-33.5-1203.5, C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101, et seq. (the "APA"), C.R.S.
- 1.3.6 The Director of the Division is authorized to establish fees and charges necessary to defray the anticipated costs of the program.

ARTICLE 2 – Definitions

- 2.1 The definitions provided in 24 33.5 1202, C.R.S., shall apply to these rules. The following additional definitions shall also apply:

ANNUAL PERMIT – An official document issued by the Division, or a Prequalified Building Department, in accordance with the International Building Code and Article 6.9 of this Rule.

BOARD – The school district Board of education, charter school, institute charter school, junior college, or their designated representative, subject to these rules.

BUILDING DEPARTMENT - The appropriate Building Department of an authority, county, town, city, or city and county and includes a Building Department within a fire department.

BUILDING PERMIT - An official document issued by the Division, or a Prequalified Building Department, which authorizes the erection, alteration, demolition and/or moving of buildings and structures.

CERTIFICATE OF COMPLIANCE – An official document issued by the Division, or the Prequalified Building Department, stating that materials and products meet specified standards, or that work was performed in compliance with approved construction documents.

CERTIFICATE OF OCCUPANCY - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be used or occupied.

CEU – Means continuing education units. Each 10 hours of related professional development activities equals one CEU.

COMPANY – A corporation, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

CORE AND SHELL PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundation, columns, floor slabs, roof structure, exterior walls, and exterior glazing to the point of the building being weather tight.

CONSTRUCTION - Work that is not considered as maintenance or service, and that requires a building permit or Annual Permit.

C.R.S. – Means Colorado Revised Statutes

DEMOLITION PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the demolition of all or part of a building or structure.

DIRECTOR – The Director of the Division of Fire Prevention and Control.

DIVISION – Means the Division of Fire Prevention and Control.

FIRE CHIEF -- The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

FIRE CODE OFFICIAL – The designated authority charged with the administration and enforcement of the Fire Code. Refer to Article 5 for information pertaining to the definition of the Fire Code Official.

FOUNDATION - Work related to building footings, piers, foundation walls, slabs on grade, under slab and underground building services.

FOUNDATION PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundations.

ICC – Means the International Code Council and its legacy codes.

INDIVIDUAL (or PERSON) – Means a person, including an owner, manager, officer, employee, or individual.

INSPECTION, TESTING AND MAINTENANCE PROGRAM – A program conducted by the building owner to satisfy the periodic inspection, testing and maintenance requirements of fire protection and life safety systems as required by applicable codes and standards.

INSTALLATION – The initial placement of equipment or the extension, modification or alteration of equipment after the initial placement.

LOCAL AUTHORITY HAVING JURISDICTION (AHJ) – The Building Department, Fire Chief, Fire Marshal or other designated official of a county, municipality, special authority, or special district that has fire protection and life safety systems enforcement responsibilities and employs or otherwise provides a Certified Inspector.

MAINTENANCE – To sustain in a condition of repair that will allow performance as originally designed or intended.

MAINTENANCE INSPECTIONS – Refers to periodic inspections conducted by the local fire department or the Division to verify conformance with the adopted Fire Code, rules and standards. Such maintenance inspections shall not be considered to relieve the building owner of the responsibility to conduct an inspection, testing and maintenance program for fire protection and life safety systems as required by the adopted Fire Code and Standards.

MECHANICAL PERMIT – An official document issued by the Division, or Prequalified Building Department, which is limited to authorizing an owner, authorized agent or contractor who desires to erect, install, enlarge, alter, remove, convert or replace a mechanical system, in accordance with the adopted mechanical code.

MOU – Means memorandum of understanding.

NICET – Means the National Institute for Certification in Engineering Technologies.

NFPA – Means the National Fire Protection Association.

PREQUALIFIED BUILDING DEPARTMENT – Means a Building Department that employs certified plans examiners and inspections, that has been approved by the Division and has executed a Memorandum of Understanding with the Division in accordance with Article 4 of this rule.

QUALIFIED FIRE DEPARTMENT - A fire department providing fire protection service for the buildings and structures of the Board that has Certified Fire Inspectors, as defined by C.R.S. 24-33.5-1202(2.5) at the appropriate level for the task being performed.

QUALIFIED TRADESPERSON - Means an employee of the Board who has satisfactorily demonstrated to the Division that they either hold a current building inspector certification from ICC or other similar national organization, or have at least five years of demonstrated education, training, and experience in commercial building construction or inspection.

SERVICE (or REPAIR) – Means to repair in order to return the system to operation as originally designed or intended.

SMALL PROJECT PERMIT: An official document issued by the Division, or a Prequalified Building Department, in accordance with Article 6.8 of this Rule.

TEMPORARY CERTIFICATE OF OCCUPANCY - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be temporarily used or occupied for a period not to exceed 90 days, unless an extension has been granted by the Division, or the Prequalified Building Department.

TEMPORARY CONSTRUCTION TRAILER/OFFICE – A temporary modular building, owned and operated by the contractor that is less than 1,000 square feet and only placed for the duration of the project. Trailers meeting this definition are exempt from this rule. Trailers not meeting this definition shall be considered as a modular building and permitted as such.

THIRD PARTY INSPECTOR – Building inspectors that have been certified by the Division to perform third party inspection services in accordance with Article 10.1 of this rule.

TOTAL PROJECT VALUATION-The construction cost of the project for which the permit is being issued including materials and labor, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. Such valuation will be calculated using one of the following two methods:

1. For new construction or additions to existing facilities, construction cost is calculated based on a per square foot cost using the International Code Council's Building Valuation Data Square Foot Construction Cost Table published February 2013.
2. For all other projects, construction cost is equal to the cost of the project as demonstrated by detailed estimates provided by the Business Entity.

ARTICLE 3 – Codes, Documents and Standards incorporated by reference

3.1 The following codes and the standards referenced therein are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings and structures of a Board in the State of Colorado. Plans submitted for review prior to April 1, 2015 are allowed to comply with the 2006 codes adopted under previous rule.

3.1.1 International Building Code - 2015 Edition, First Printing: May 2014(Copyright 2014 by International Code Council, Inc. Washington, D.C.).

As amended by the following:

1010.1.11 Classroom Door Hardware. In classrooms within group E occupancies, hardware shall include a means to manually lock egress doors from inside the classroom. Such means shall not prevent these doors from being readily openable from the egress side without key or special knowledge or effort.

Exceptions:

1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 shall not be required to include a manual locking means.
3. Egress door within classrooms of group E occupancies complying with 1020.1, exception 1 shall not be required to include a manual locking means.

3.1.2 International Fire Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.), including Appendices B and C.

As amended by the following:

703.2. Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. Where allowed by the *fire code* official, the application of field applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for *listing* the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

Exceptions:

1. Egress door assemblies within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.
2. Egress door assemblies within classrooms of group E occupancies complying with 1020.1, exception 1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.

3. Egress door assemblies within classrooms of group E occupancies not complying with exceptions 1 or 2 which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching provided that all of the following are met:
 - 3.1. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.
 - 3.2. The device used to prevent latching can be quickly disabled or removed in the event of an evacuation.
 - 3.3. No more than one such device may be used on any egress door.
 - 3.4. Devices shall be disabled or removed at all times that the classroom is unoccupied.
 - 3.5. Faculty working within the room shall disable or remove the device used to prevent latching in event of an evacuation, whether for a drill or an actual emergency.
 - 3.6. Subsequent to all evacuations, the Principal or designee shall verify the status of devices and initiate appropriate corrective action in cases where responsible staff fails to disable or remove them.
 - 3.7. The School District's School Safety, Readiness, and Incident Management Plan Includes training and/or other procedures necessary to ensure compliance with these requirements.
 - 3.8. Egress door hardware shall be replaced with hardware complying with IBC Section 1010.1.11 by no later than January 1, 2018.
 - 3.9. This exception may be rescinded by the Fire Code Official upon evidence of noncompliance with these provisions.

1031.10. Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with Section 1010.1.11.

Exceptions:

1. Egress door assemblies complying with 703.2, Exceptions 1 or 2.
2. Egress door assemblies which operate in compliance with NFPA 80.
- 3.1.3 International Mechanical Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).
- 3.1.4 International Energy Conservation Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).

- 3.1.5 International Existing Building Code- 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).

As amended by the following:

604.2. Repair or Replacement of Door Hardware in Classrooms. Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with IBC Section 1010.1.11.

Exceptions:

1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with IBC Section 903.3.1.1 shall not be required to include a manual locking means.
3. Egress doors within classrooms of group E occupancies complying with IBC Section 1020.1, exception 1 shall not be required to include a manual locking means.

- 3.1.6 International Residential Code – 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.)

- 3.2 The Division shall maintain copies of the complete texts of the adopted codes, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or obtain copies of the adopted codes for a reasonable fee by contacting the Fire and Life Safety Section Chief at the Division, 700 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the adopted codes are available from the organization originally issuing the codes, the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at www.iccsafe.org.
- 3.3 In the event that a new edition of the code is adopted, the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.
- 3.4 This rule does not include later amendments or editions of the incorporated material.

ARTICLE 4 – Prequalification of Building Department.

- 4.1 The Division may prequalify a Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with these rules.

- 4.2 In lieu of applying for a building permit through the Division, an affected Board may, at its own discretion, opt to use the appropriate Prequalified Building Department that otherwise has code enforcement jurisdiction over the location in which the school is situated and has entered into a MOU with the Division as the delegated authority to conduct building code plan reviews, inspections and issue certificates of occupancy.
- 4.2.1 A Building Department that otherwise has code enforcement jurisdiction over the location in which a school is situated may, through intergovernmental agreement (IGA), utilize the services of another Prequalified Building Department. A copy of this IGA shall be provided to the Division prior to submitting for any permit.
- 4.3 Prequalification Process
- 4.3.1 **Application Form:** In order to be considered for prequalification, the Building Department shall complete an application form, and include each qualified applicant seeking certification as a plan reviewer or inspector on a public school construction project. Qualified applicants shall comply with 10.1.2. A) Plan reviewer and Inspector certifications issued by the Division to applicants holding ICC or national certifications will be valid for three years, whereas certifications issued to applicants on the basis of demonstrated education, training, and experience will be valid for one year, and will require ICC or national certification prior to renewal.
- 4.3.2 Memorandum of Understanding: After the Division has reviewed the application and determined that the Building Department has plan reviewers and inspectors that have the necessary education, training, and experience; the Division may issue and execute a Memorandum of Understanding (MOU) between the Building Department and the Division. Pursuant to this MOU, the Division may prequalify a Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue Certificates of Occupancy, and issue Temporary Certificates of Occupancy to ensure that a building or structure has been constructed in conformity with the adopted building and fire codes, and take enforcement action.
- A) Nothing in the MOU shall be construed to allow the Building Department to take enforcement action other than in relation to the building codes adopted by the Division.
- B) Nothing in the MOU shall be construed to allow the Division to delegate to a Prequalified Building Department without the approval of the Board unless such action is taken for violation of third party inspection requirements as described in Article 7.1.2 of this rule.
- C) Nothing in the MOU shall be construed to allow the Building Department to assume authority for plan review and/or inspection services in locations in which it does not otherwise have code enforcement authority.
- 4.4 Duties of Prequalified Building Departments
- 4.4.1 The Prequalified Building Department shall conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure constructed in conformity with the building and fire codes adopted by the Division.
- 4.4.2 The Prequalified Building Department shall not take enforcement action other than in relation to the building codes adopted by the Division.

- 4.4.3 The Prequalified Building Department shall only use plan reviewers and inspectors within their Building Department that have been certified by the Division to work on public school construction projects.
- 4.4.4 The Prequalified Building Department shall cause copies of the building plans to be sent to the local fire department and the Division for review of fire safety issues.
- 4.4.5 If the building or structure is in conformity with the adopted building and fire codes, and if the Qualified Fire Department or the Division certifies that the building or structure is in compliance with the adopted fire code, the Prequalified Building Department shall issue the necessary Certificate of Occupancy prior to use of the building or structure by the permit applicant.
- 4.4.6 If all inspections are not completed and the Board requires immediate occupancy, and if the Board has passed the appropriate inspections, including fire inspections, that indicate there are no life safety issues the Prequalified Building Department may issue a Temporary Certificate of Occupancy to allow the Board to occupy the buildings and structures.
- 4.4.7 The Prequalified Building Department shall attest that inspections are complete and all violations are corrected before the Board is issued a Certificate of Occupancy. Inspection records shall be retained by the Prequalified Building Department for two years after the Certificate of Occupancy is issued.
- 4.4.8 The Prequalified Building Department may set reasonable fees and collect these fees to offset the cost of plan review and inspection of public school construction projects. Public School Boards shall be notified of any adjustment of fees a minimum of thirty (30) days prior to the effective date of the change

ARTICLE 5 – Definition of Fire Code Official and Delegation of Fire Code Authority.

- 5.1 The Fire Code Official for buildings and structures of public schools, institute charter schools, charter schools and junior colleges shall be the Division.
- 5.2 Where the local authority having jurisdiction has Certified Fire Inspectors at the appropriate level for the task, the responsibility of conducting the necessary construction plan reviews and inspections required by the adopted Fire Code will be delegated to the Local Authority having Jurisdiction in the location of the structure. Upon delegation of this responsibility, the local authority having jurisdiction shall be considered as the Fire Code Official.
- 5.3 If the local authority having jurisdiction declines to perform the plan review or any subsequent inspection, or if a Certified Fire Inspector is not available, the Division shall perform the construction plan reviews and inspections required by the adopted Fire Code and shall be considered as the Fire Code Official.
- 5.4 Where the Division serves as the Fire Code Official, it shall seek approval from the local fire department on code provisions requiring approval of the fire chief.



**Colorado Department of Public Safety
Division of Fire Prevention and Control**

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(303)239-4600 phone (303)239-5887 fax
cdps_dfpc_construction@state.co.us
<http://dfs.state.co.us>



**INSTRUCTIONS FOR PREQUALIFICATION OF LOCAL JURISDICTIONS RELATED TO
PUBLIC SCHOOL CONSTRUCTION PROJECTS**

The Division of Fire Prevention and Control (DFPC) is implementing a Prequalification Program for building departments related to Public School Construction projects.

STEP 1: In order to be considered for prequalification, DFPC first requires the attached application be completed by the building department, and by each qualified applicant seeking certification as a plan reviewer or inspector on a public school construction project. Qualified applicants should have appropriate ICC plan reviewer or inspector certifications or hold similar national certifications that require continuing education components. If an applicant is not certified in his or her respective field, the applicant shall have at least five years of demonstrated education, training, and experience in commercial building inspections and receive national certification within one year after the date of certification by DFPC.

Plan reviewer and Inspector certifications issued by DFPC to applicants holding ICC or national certifications will be valid for three years, whereas certifications issued to applicants on the basis of demonstrated education, training, and experience will be valid for one year, and will require ICC or national certification prior to renewal.

Please complete the attached application form and return it by mail to:

Division of Fire Prevention and Control - Public School Section

690 Kipling Street, Suite 2060

Lakewood, CO 80215

STEP 2: After DFPC has reviewed the application and determined that the local building department has plan reviewers and inspectors that have the necessary education, training, and experience, DFPC will execute and issue a Memorandum of Understanding (MOU) between the local building department and DFPC. Pursuant to this MOU, DFPC may prequalify an appropriate local building department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy to ensure that a building or structure has been constructed in conformity with the building and fire codes adopted by DFPC, and take enforcement action. Nothing in the MOU shall be construed to allow the local building department to take enforcement action other than in relation to the building and fire codes adopted by the division.

An affected board of education, state charter school institute, or charter school may, at its own discretion, opt to use a prequalified local building department that has entered into a MOU with DFPC as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued.

Prequalified Building Department Name	City	State	Contact Name	Contact Number	Appr. Date	Expir. Date
City and County of Denver	Denver	CO	Michael L Roach	720-865-2909	10/26/2012	10/26/2015
City of Greeley	Greeley	CO	Timothy Swanson	970-350-9853	11/10/2012	11/10/2015
City of Aurora	Aurora	CO	Scott Berg	303-739-7135	11/21/2012	11/21/2015
Larimer County Building Department	Fort Collins	CO	Tom Garton	970-498-7705	9/1/2012	9/1/2015
Pikes Peak Regional Building Dept	Colorado Springs	CO	Henry Yankowski	719-327-2900	10/26/2012	10/26/2015
Mesa County	Grand Junction	CO	Michael Mossburg	970-244-1631	11/30/2012	11/30/2015
Town of Gypsum	Gypsum	CO	Mark Gunther	970-524-1737	10/5/2012	10/5/2015
Town of Windsor	Windsor	CO	Russ Weber	970-545-3502	11/19/2012	11/19/2015
Town of Mt. Crested Butte	Mt. Crested Butte	CO	Joseph Fitzpatrick	970-349-6632	11/27/2012	11/27/2015
Moffat County Building Dept	Craig	CO	Patrick Mosbey	970-824-9149	10/5/2012	10/5/2015
Pueblo Regional Building Department	Pueblo	CO	David C. Vaughn	719-543-0002	10/10/2012	10/10/2015
Town of Hudson	Hudson	CO	Barry Kramer	303-774-1388	2/4/2013	2/4/2016
Chaffee County	Salida	CO	Dan Swallow	719-530-5574	8/26/2014	8/26/2017
City of Thornton	Thornton	CO	Greg Wheeler	303-538-7250	1/24/2012	1/24/2015
City of Federal Heights	Federal Heights	CO	Anthony Lell	303-412-3562	7/3/2012	7/3/2015
City of Cortez	Cortez	CO	Jerril (Sam) Proffer	970-564-4058	11/30/2013	11/30/2016
City of Centennial	Centennial	CO	Tom Pitchford	303-754-3321	11/30/2012	11/30/2015
Town of Kersey	Kersey	CO	Russ Weber	970-686-7511	2/4/2015	2/4/2018

Revised 02/05/2015



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, February 09, 2015
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the January 26, 2015 Meeting minutes

V. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items removed from the consent agenda will be heard at the beginning of the regular agenda.

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

1. Arcadia Hotel / Loveland Opera House - Right-of-Way Vacation

This application is a request to vacate a portion of public right-of-way along E. 4th Street for allowing the Arcadia Hotel/Loveland Opera House to conduct façade improvements along the north side of the building. The portion of right-of-way proposed to be vacated is approximately 6 inches wide along the face of the building. The property is located at the southwest corner of E. 4th Street and N. Cleveland

Avenue. The right-of-way contains approximately 25 square feet. The Planning Commission is requested to make a recommendation to the City Council for final action.

VI. REGULAR AGENDA:

1. New Thompson R2-J School District K-8 School – Presentation

The Thompson R2-J School District is proposing a new kindergarten through eighth grade school within “The Lakes” subdivision, a primarily residential development of McWhinney that obtained plat approval in 2014. Per State Statute, the review and permitting of the school is primarily the function of the State of Colorado. The City Planning Commission’s review of the proposed location and site plan is also required by statute. The Planning Commission is requested to make a recommendation to the Board of Education of the Thompson School District R2-J.

2. Finalize 2014 Accomplishments and 2015 Goals

VII. ADJOURNMENT

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
February 9, 2015**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on February 9, 2015 at 6:30 p.m. Members present: Chairman Crescibene and Commissioners Middleton, Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners that there are currently no projects scheduled for the February 23rd meeting other than updates from staff. He asked if the commissioners had any items they would like to have presented. **Commissioner Meyers** asked if the CEF status update would be ready. **Mr. Paulsen**, stated that he would check into what staff would be ready to present and will confirm in the next few days if there will be a meeting on the 23rd or not. **Commissioner Middleton** commented that he would like a short training on Planning Commissioner etiquette in meetings. Commissioners may email **Mr. Paulsen** additional ideas regarding any trainings they would like to have.
2. The Development Review Team will be involved in an extensive training program in 2015 addressing team-building, communications and community relationship building. The training will include all staff involved in the development review process. It is being led by a faculty member at UNC. **Mr. Paulsen** will give updated briefings on the training sessions as the year progresses.
3. The March 9th meeting will include a study session on Create Loveland and the 287 Strategic Plan. The March 23rd meeting will include a presentation from the Economic Development Department. Prior to these meetings commissioners are encouraged to send any questions they would like answered.
4. The City Council has requested that the recently-reviewed package of code amendments be presented at a study session prior to a public meeting, the soonest date available is April 28th. The Planning Commissioners attendance is optional.

COMMITTEE REPORTS

Commissioners Meyers and Molloy informed the commission that the Title 18 Committee will meet this Thursday the 12th they are working on a code amendment for Chapter 18.49, (Temporary Uses).

Commissioner Dowding shared that Create Loveland will have on going community outreach throughout the month of February.

COMMISSIONER COMMENTS

Chair Crescibene indicated that he has been asked about City standards addressing “light contamination” such as flood lights and bare bulbs. **Mr. Paulsen** indicated that staff would provide information on that topic to Chair Crescibene.

APPROVAL OF THE MINUTES

Commissioner Dowding asked for two grammatical changes to the minutes.

Commissioner Molloy made a motion to approve the January 26, 2015 minutes as amended; upon a second from **Commissioner Middleton** the motion passed with 8 ayes and 1 abstention.

CONSENT AGENDA

1. Arcadia Hotel / Loveland Opera House - Right-of-Way Vacation

Commissioner Middleton *moved to make the findings listed in Section VIII of the Planning Commission staff report dated February 9, 2015, and, based on those findings, recommend that City Council approve the requested vacation of public right-of-way.* Upon a second by **Commissioner Ray** the motion passed unanimously.

REGULAR AGENDA

1. New Thompson R2-J School District K-8 School – Presentation

Ms. Noreen Smyth, Senior Planner, presented the Thompson School District proposal to develop a new kindergarten through eighth grade (elementary & middle) school on a lot within The Lakes subdivision. **Ms. Smyth** explained that the Millennium General Development Plan (GDP) requires that a school site be provided within the Millennium area. **Ms. Smyth** indicated that the requirements for review of new school sites by the local planning commission are specified in State Statutes which are summarized in the staff report. She noted that the school district is not required to meet the GDP architectural style of the neighborhood. She also noted that the school district’s transportation engineer has worked closely with the city’s transportation engineers on traffic flow and design, indicating that the parent drop-off area is accessed from a neighborhood street and that the bus drop-off area is located along Boyd Lake Avenue. The impact on the City’s street system has been a concern with recently developed schools and has been addressed in this instance. **Ms. Smyth** indicated that Adequate Community Facilities

criteria has been met or is anticipated to be met with this project. **Ms. Smyth** concluded, indicating that if the Planning Commission has concerns about the school location or the submitted site development plan, it may request a public hearing before the board of education to present their concerns.

Commissioners Concerns:

Security – Fencing around playgrounds and park facilities, too open and not high enough.

Traffic – Not enough crosswalks on high traffic streets, not a clear understanding of where the crossing areas need to be.

District Area – The boundaries have yet to be defined and that would determine where traffic is coming from.

Landscaping – Lack of plan.

Architecture – The design of the building, especially the color, is inconsistent with other buildings in the neighborhood. The predominantly grey building doesn't fit in or look like a welcoming school. Many commissioners expressed concern and displeasure in regards to this topic.

Mr. Sean Kellar, Senior Civil Engineer, spoke to the traffic and crosswalk concerns stating that the traffic study took into account a maximum threshold of students and most being driven by car or bus. He explained where the parent drop off would be located, where the buses would drop off students, where the crosswalks are located and how they will be posted.

Mr. Skip Armatoski, Planning and Geographic Information Officer for Thompson School District, responded to the commissioners' questions regarding security, stating that security is built into the design of the building. There will be secured entrances that are key fobbed, video monitored, and visitors would be buzzed in. Regarding the outside areas and playgrounds, he stated that any time the kids are outside they are supervised. The fences will be six feet high chain link along Boyd Lake Drive and Pristine Lake drive with strategic openings on Pristine Lake, but no openings on Boyd Lake. Other chain link fences will be four feet high around the playgrounds. As far as traffic and where it will be coming from, **Mr. Armatoski** indicated that the school boundaries have not been finalized yet, but they see the majority of the traffic coming from the south. He informed the commissioners that the district is always reassessing traffic and safety needs and constantly responding to such needs at the various school sites to ensure the safety of students.

Planning Commission Recommendations

- Revise the crosswalk and pedestrian traffic.
- Provide an ample landscape plan consistent with the City standards.
- Reconsider architecture and change color palette to be in harmony with the surrounding area.
- Reconsider security specifically regarding the playgrounds.

Commissioner Middleton moved to communicate to the Board of Education of the Thompson School District R2-J that the City of Loveland Planning Commission has reviewed the site development plan for the proposed new K-8 school and recommends that the building be built as presented but including the Commission's recommendations specified on the record and in compliance with City standards for public utilities related thereto. Upon a second from **Commissioner Dowding**, the motion was approved unanimously.

Chair Crescibene called for a recess at 8:20PM.

Chair Crescibene reopened the meeting at 8:34PM.

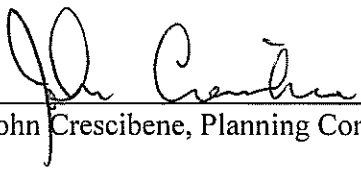
Mr. Dan Maas, Chief Operations Officer for Thompson School District, addressed the Commission and stated that their recommendations will be taken under consideration. He informed the commissioners that there is a Construction Review Committee made up of members from the community, parents and non-parents, that give a lot of input and participation. The responsibility of the committee, in addition to the design and the color of the building, is to decide the name of the school, the school colors, mascot, furnishings, etc. **Mr. Maas** shared that many decisions will be made over the next few months. The committee will carefully go through the commissioner's comments. He thanked the commission for the careful consideration.

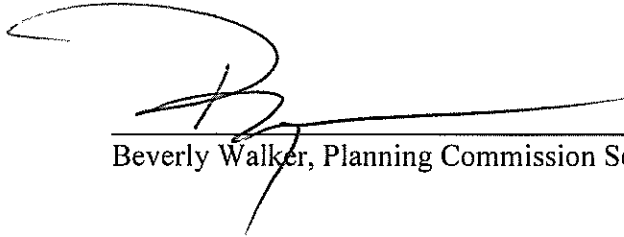
2. Finalize 2014 Accomplishments and 2015 Goals

Discussion ensued and additional items were suggested to be added to the 2015 Goals. **Mr. Paulsen** indicated that he would make the revisions and send an email to the commissioners with their suggestions added to the list of goals. **Mr. Paulsen** indicated that the final draft version will be presented to the Commission for review on February 23rd.

ADJOURNMENT

Commissioner Meyers, made a motion to adjourn. Upon a second by **Commissioner Middleton**, the motion was unanimously adopted.

Approved by: 
John Crescibene, Planning Commission Chair


Beverly Walker, Planning Commission Secretary

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 9, 2015**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 9, 2015 at 6:30 p.m. Members present: Vice Chairman Middleton; and Commissioners Meyers, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Chair Crescibene and Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

Mr. Paulsen, Current Planning Manager, updated the commission on several items:

- The March 23rd meeting agenda has several items to be presented and additionally there will be a Study Session from the **Economic Development Department**.
- The Current Planning Division will be hiring two positions, a Planner II and a Planning Technician.
- The **Youth Advisory Commission** has been invited to attend the April 27th meeting and will give a brief presentation to share some of their accomplishments and goals.
- Code Amendments will go to **City Council** as a Study Session on April 28th.
- The book titled The Citizen's Guide to Planning is on order for each commissioner.
- The Current Planning Division has received three emails from residents in the Mariana Butte 27th Subdivision, these were handed out to each commissioner. There is yet to be a Neighborhood Meeting and a Public Hearing, so all correspondence will be saved and compiled in the project packet for when it is presented to the Planning Commission. Any further information submitted by neighbors or other interested parties will be retained by staff and provided to the Planning Commission prior to the public hearing.

Mr. Moses Garcia, Assistant City Attorney, had nothing to report.

COMMITTEE REPORTS

Title 18 Committee will meet this Thursday the 12th at 7:30 a.m. stated **Commissioner Meyers**.

COMMISSIONER COMMENTS

- **Commissioner Ray** has read The Planning Commissioners Guide and shared an excerpt that explains how a Planning Commission is tied to a Comprehensive Plan and how the

plan impacts a site. **Commissioner Ray** stated that he would like a study session on this topic. He shared another point in the book that recommended when a site needs to be viewed, that commissioners should not go with the builder or applicant or others to the site; rather, it was recommended to view the site by yourself. **Mr. Garcia** agreed and expanded on the point, stating that there needs to be limited communication with residents for impartiality and to make sure, even the appearance of bias is not present.

- **Commissioner Meyers** handed out copies of three different publications, Local Government Land Use Authority in Colorado; C.R.S. 22-32-124. Building codes, zoning, planning, fees, rules and definitions; and the Colorado Code of Regulations, 8 CCR 1507-30. These publications relate to local building divisions being certified by the Division of Fire Prevention and Control to review plans and inspect public schools. **Commissioner Meyers** stated that having a certified building inspector would help bring the review process of schools closer to the local communities since the decision making would be done based on the city codes. **Commissioner Forrest** also provided comment on the value of the building department certification program based upon her professional experience.

Discussion ensued.

Commissioner Meyers made a motion for the Planning Commission to provide direction to the City Planning staff to further research the ability of the city of Loveland Building Division and other agencies outside of the existing relationship the fire protection group has with the Colorado Department of Education and the Department of Public Safety to determine what is required to have the Building Division of the City of Loveland certified as the jurisdictional authority for inspections permitting overall site integrity management as provided under Section 24-33.5-1213.5 of the Colorado Revised Statutes and to provide the Planning Commission with a report, at the March 23, 2015 Planning Commission meeting, to consider a resolution to the City Council with a proposal to seek direction from them and funding to city staff to pursue that, upon a second from **Commissioner Jersvig** the motion was unanimously approved.

APPROVAL OF THE MINUTES

Commissioner Ray made a motion to approve the March 9, 2015 minutes; upon a second from **Commissioner Dowding** the minutes were unanimously approved.

REGULAR AGENDA

1. Capital Expansion Fees Methodology

Alan Krcmarik, Executive Fiscal Advisor, addressed the commission and introduced consultants **Adam Orens and Janna Raley, with BBC Research & Consulting**. **Mr. Krcmarik**, informed the commissioners that the fee study team was directed by City Council to calculate CEFs using a different methodology compared to the traditional approach.

Mr. Orens, explained that in the past, Loveland’s CEFs were calculated using the current standards or capital “buy-in” approach where fees were based on the current level of capital investment. The new CEF calculations use the “plans-based” methodology, in which fees are calculated by determining the growth-related portion of future capital plans.

Not all capital costs are eligible to be included in CEF calculations. Only the expansion of facilities to serve new development at the existing level of service can be included in the fees. Any capital costs related to repair, replacement, and enhancement of services must be excluded from the fee calculation.

Mr. Orens indicated that there are two main standards that CEFs must achieve or adhere to, there must be a rational nexus of the fee being imposed and the infrastructure demanded by the party the fee is being imposed upon. Must be levied proportional across land uses based on their demand for that service. He stated that fees are adjusted annually for inflation, depending on the rate, such as the construction cost index. In a plan based methodology you see every fee, it ties the capital improvements closer with the fees and there may only be pieces that apply to CEFs in a development.

Ms. Raley explained how the team calculated fees for projects. The team looked at population growth and employment projections from the North Front Range Metropolitan Planning Organization (NFRMPO). She stated that the burden of city services across land use types is calculated based on growth. The team calculated the burden at 84% residential and 16% nonresidential weighted by square foot per employee.

Mr. Krcmarik indicated that the fee comparisons in 2012 for industrial projects were lower than surrounding communities. He stated that the city is very competitive when putting a package in front of companies and has been willing to back fill the fees from other sources to get and keep primary jobs. He stated that the plan based methodology makes us higher than three or four other surrounding communities, but there are other factors that make us more competitive such as the location and amenities.

When asked what “trended” means **Mr. Orens** explained that it means a level of service according to future growth.

Commissioner Concerns

- Commissioners asked what a reasonable time frame under the Colorado statutes and spending of the funds is.

Mr. Orens explained, the fee study team looked at a 10 year window, but extending it out to 25 years would give them a better look. The projects should be real constructible products, not a wish list. The system is designed to be updated and he feels that every 5 years would be an acceptable time frame to do updates. **Mr. Krcmarik** informed the commissioners that the Citizens Finance Advisory Commission is working on a report to address this policy question.

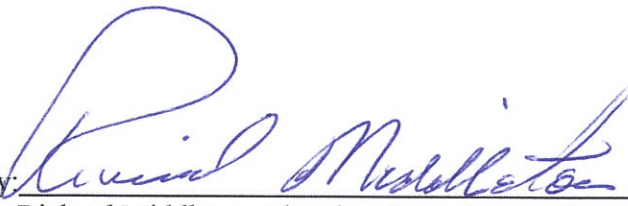
- Commissioners questioned the Fire and Rescue’s new training facility and 95% of the cost being covered by CEF’s. **Commissioner Ray** felt that it didn’t fall within the guidelines of the state statute.
Mr. Orens explained they were basing the calculation off of the facility being an expansion not a replacement.
- Industrial fees going up by 138.5% causes concern that industrial projects with “higher paying jobs” won’t choose Loveland if the fees are too high. The commissioners noted that the reduced commercial fees may be an incentive for more retail and service oriented businesses. There needs to be good high paying jobs in the area and not an over weighted balance of retail and service oriented new jobs.
It was suggested the team do a full cost recovery amount or a break even analysis to show how the change would affect costs.
Mr. Orens stated that the team had been given direction by **Bill Cahill, City Manager**, to go back and relook at the Industrial CEFs due to concerns of potential impacts to prospective companies. He also noted, even with the increase these fees were still not the highest in the area.
- Commissioners asked what the difference between commercial and industrial is. According to the NFRMPO the definition is of commercial is service/office and retail related and industrial is production related. Commissioners suggested it would be helpful to know what percentage of commercial is retail and what is office related.
- The Fire and Rescue’s CIP Analysis shows the City’s Share at 82% with the balance coming from the county of 18% since Loveland and the rural district are managed under the Fire Rescue Authority. The commissioners were concerned that the county wouldn’t have the balance when it is needed for a project especially if it came to a mill levy vote to come up with additional revenues.
- Commissioners would like to see nonresidential land uses pay fees for parks, open space, recreation, and trails because they felt these are the non-tangibles that contribute to the quality of life. They added that trails become critical to the infrastructure and they contribute to the healthy living and commuting life style promoted by employers. They felt that council should look into this. **Mr. Krcmarik** stated they will look at the commuter counts on the bike plan which could be a basis for some allocation.

The commissioners were appreciative of the presentation and how thorough the information was. No motion was made as this was an informational item.

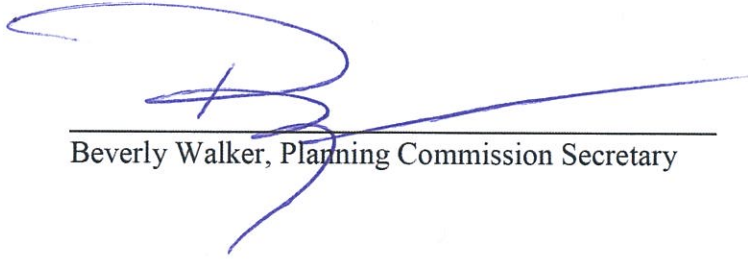
ADJOURNMENT

Commissioner Dowding, made a motion to adjourn at 8:26 p.m. Upon a second by **Commissioner Ray**, the motion was unanimously adopted.

Minutes Approved by:



Richard Middleton, Planning Commission Vice-Chair



Beverly Walker, Planning Commission Secretary

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 23, 2015**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 23, 2015 at 6:30 p.m. Members present: Vice Chair Middleton; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Chair Crescibene. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, shared that there will be items on the April 13th agenda.
2. The Building Division will announce the new Chief Building Official soon.

3. **Mr. Paulsen** shared with the commissioners that he spoke with **Dr. Dan Maas, Chief Operations Officer for Thompson School District**, about attending the Planning Commission in May to update what the district will do in response to the commissioners' concerns at the February 9, 2015 meeting regarding the new K-8 school. **Mr. Paulsen** also would like to present more information to the commission at the April 13th meeting regarding their request to provide a resolution to the City Council recommending the building division becoming prequalified to serve as the building permit review entity for the school district. He stated that the **Development Services Director, Mr. George** is interested in the possibility and that city legal needs to review what would be required of the city. **Mr. Paulsen** would like to get feedback from City administration, would like to talk the school district, and find out what other communities have experienced. **Commissioner Meyers** was concerned that the date will continue to move before a decision is able to be made. **Commissioner Meyers and Forrest** support the additional time in order to meet with the district to get their cooperation. **Mr. Paulsen** indicated that he understands the level of urgency and he encouraged the commission to move forward with their resolution if they so choose to. **Mr. Garcia, Assistant City Attorney**, indicated that he will prepare two draft resolutions for the commissioners to consider at the April 13th meeting.

Commissioner Meyers made a motion to continue the item in regards to the investigation of the building division becoming the jurisdictional authority related to school matters, as was approved for a resolution at the March 9, 2015 meeting, to be moved to April 13, 2015, upon a second by **Commissioner Forrest** the motion was unanimously adopted.

COMMITTEE REPORTS

The Title 18 Committee will meet on April 9th, there were several members absent at the March meeting so decisions were postponed.

COMMISSIONER COMMENTS

Vice Chair Middleton informed the commissioners that the Turney-Briggs Right of Way Vacation public hearing has been moved to the April 13th meeting.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the March 9, 2015 minutes; upon a second from **Commissioner Ray** the minutes were approved with 8 ayes and 1 abstention.

CONSENT AGENDA

1. Mountain Pacific PUD – Preliminary Development Plan

The application proposes to expand a self-storage facility. The subject property is located at the SE quadrant of the intersection of County Road 30 (E. 71st St.) and Hwy. 287 (N. Garfield Ave.). This is a quasi-judicial matter and the Planning Commission's decision is final. **Commissioner Meyers** stated for the record that the date referenced in the Summary, "The Planning Commission heard and recommended approval of the Mountain Pacific General Development Plan (GDP) August 25, 2015." should be changed to the correct date of August 25, 2014.

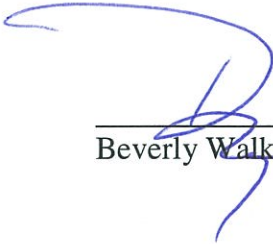
Commissioner Forrest moved to make the findings listed in Section VIII of the Planning Commission staff report dated March 23, 2015 and, based on those findings, instruct staff to prepare a resolution of approval for the Mountain Pacific Preliminary Development Plan, as amended on the record. Upon a second by **Commissioner McFall** the motion passed unanimously.

ADJOURNMENT

Commissioner Meyers, made a motion to adjourn at 6:53 p.m. Upon a second by **Commissioner Ray**, the motion was unanimously adopted.

Approved by: 

John Cresibene, Planning Commission Chair



Beverly Walker, Planning Commission Secretary

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 13, 2015**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 13, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners there would be items on the April 27th and May 11th agendas and there will be no meeting on May 25th which is Memorial Day.

COMMITTEE REPORTS

Title 18 Committee: Commissioner Molloy stated that the item discussed at the last committee meeting is on tonight's regular agenda and resulted in the changes that were mailed out regarding the Code Enforcement Amendment.

Create Loveland: Commissioner Dowding stated that the committee will be looking at a draft on Thursday the 23rd.

287 Advisory Committee: Commissioner Forrest attended the Urban Land Institute's, Building Healthy Places Workshop in which they toured the 29th Street area and analyzed what can be addressed to promote a more walkable area. **Commissioner Forrest** mentioned that she has asked the ULI to share the presentation with the Planning Commission and the City Council.

Commissioners Meyers and Molloy attended the Urban Land Institute's recent presentation on the impacts of the 2013 flood and the future mitigation and planning efforts that can be taken to respond to the past and future flood events.

COMMISSIONER COMMENTS

Commissioner Middleton acknowledged Administrative Professional's Day and thanked Beverly Walker, Planning Commission Secretary, for her assistance to the commission. He also noted that **Ms. Betsey Hale, Economic Development Director**, was recognized in the Colorado Municipality's April 2015 publication.

APPROVAL OF THE MINUTES

Commissioner Middleton made a motion to approve the March 23, 2015 minutes; upon a second from **Commissioner Dowding** the minutes were approved with eight ayes and one abstention.

CONSENT AGENDA

1. Mountain Pacific PUD – Preliminary Development Plan Resolution

Commissioner Meyers made a motion to approve Planning Commission Resolution 15-01, upon a second by **Commissioner Ray**, the motion was unanimously adopted.

REGULAR AGENDA

2. Turney-Briggs Right-of-Way Vacation

This is a public hearing on a legislative matter to review an application to vacate a portion of public right-of-way (alley) associated with the redevelopment of property located at the NE corner of Eisenhower Boulevard and Lincoln Avenue. The “T-shaped” portion of alley proposed to be vacated is approximately 0.2 acres in area. This vacation would facilitate re-platting and redevelopment of the properties associated with a Sprouts grocery store. The Planning Commission’s recommendation will be forwarded to the City Council for final action.

Mr. Troy Bliss, Senior Planner, presented the application explaining that vacating this portion of the alley does not grant development rights. This is a separate application from the Sprouts Grocery Store. A Site Development Plan, Public Improvement Construction Plans, a lot merger plat, a Site Work Permit, and a building permit have to be satisfied prior to the vacation being placed in effect. The City Engineer also has to determine that construction of the Public Access and Utility Easement has been satisfactorily completed. If development does not occur, the vacation will not be finalized or completed; it won’t be recorded until all of the provisions have been completed.

Mr. Bliss introduced the applicant **Mr. Zach Lauterbach, Evergreen Devco, Inc.** who offered to answer any questions.

Commissioner Questions

- **Commissioner Middleton** noted that Section 6 of the Ordinance states: This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b). He asked for clarity from **Mr. Bliss**; will it be held until the conditions are met or will it take effect.

Mr. Moses Garcia, Assistant City Attorney, explained that the Ordinance will be in effect, but it won’t be recorded until the conditions are satisfied.

- **Commissioner Molloy** asked: Will there be improvements to the alley, such as paving?

Mr. Bliss stated that there would not be improvements to the alley, the traffic study shows that traffic will not utilize the alley.

- **Commissioner Meyers** asked: Why is the alley access being left open and not made into a dead end?

Mr. Lauterbach and **Mr. Bliss** indicated that trash trucks use the alley for both commercial and residential properties. They want to ensure there is no dead end in the alley for access especially emergency access. **Mr. Bliss** stated that, based on the design, fire trucks will be able to make a turn into the future Sprouts site.

- **Commissioner Meyers** asked: Will delivery trucks parked at the loading dock block the alley access?

Mr. Lauterbach explained that the loading dock is designed so the delivery trucks will not block the alley access.

- **Commissioner Forrest** asked: What is the main reason for the alley; public or emergency access?

Mr. Bliss stated that both uses need access, in addition to the need for accessibility to public utilities and for use by adjacent property owners.

- **Commissioner Forrest** asked: Has staff looked at making the alley run east and west and emergency gating the alley entrance?

Mr. Bliss explained that the challenge to that option is how to keep the public's accessibility and the design need's to provide adequate landscape buffering for the adjacent neighborhood. **Mr. Bliss** stated they are also trying to limit the amount of access points onto Jefferson Avenue.

- **Commissioner Molloy** asked: Are there any intentions to regulate the directional movement of the alley?

Mr. Bliss indicated that the directional movement in the alley has not yet been discussed.

- **Commissioner Ray** asked: Can bollards be used that let only city vehicles in the alley?

Mr. Lauterbach stated he is willing to do whatever is going to be needed and what staff requires.

Mr. Sean Kellar, Public Works Engineer, stated that the Public Works Department tries to avoid installing anything that is going to be a maintenance issue and he has found that bollards aren't effective after a period of time. He shared that he recently drove the alley and found that it is not convenient and not smooth. He found that it is easier to access the site from Lincoln Avenue; therefore, he indicated that he did not expect much use of the alley associated with the Sprouts project.

- **Commissioner Ray** asked: What is the plan for when the store first opens and there is a lot of initial traffic?

Mr. Kellar stated that he is open to using temporary traffic controls when the store first opens. He indicated that if he finds that longer term neighborhood "traffic calming" is needed he will use them. Public Works has installed several different devices for such purposes.

- **Commissioner Jersvig** asked: What is the path that delivery trucks would be going?

Mr. Lauterbach explained the delivery trucks would come into the site from Lincoln, they will not utilize the alley. He stated, they have done what they could to mitigate trucks being able to use the alley.

- **Commissioner Meyers** asked: What is the snow removal plan?

Mr. Lauterbach stated the snow would be piled in the northwest corner and it would still allow enough room to allow trucks to maneuver.

- **Commissioner Middleton** asked: What is the schedule for getting the other applications going?

Mr. Lauterbach explained, this is part of the process. He stated that he is pressing forward and should have approval on the Site Development Plan in the next month or so.

- **Commissioner Middleton** asked: Is the process taking longer than normal?

Mr. Bliss explained that it is a complex site with a lot of design nuances. The project is moving forward.

Chair Crescibene opened the public hearing at 7:35 p.m.

Mr. Brian Wood, 1516 N. Jefferson Ave., stated that the increase in traffic will affect his quality of life. He shared that Jefferson is a quiet street, he thinks there are about 6-10 cars in an hour on average. He is concerned that it will turn into a high traffic highway, so he has asked for a no left turn sign to be posted. He stated that he would like the Planning Commission to wait to see if a lawsuit goes through and to hold off on making the vacation decision. **Mr. Wood** emphasized several times that traffic from the proposed Sprouts store will harm the neighborhood unless steps are taken to address impacts and redirect it from Jefferson.

Chair Crescibene closed the public hearing at 7:45 p.m.

Commissioner Questions and Comments

- **Commissioner Dowding** wanted to know what the objection to a “no left turn” sign is.

Mr. Kellar, stated that it is still under consideration, but could be an enforcement issue. If not enforced it eventually will not be obeyed. **Commissioner Ray** felt that if police don’t want to enforce it, it would be negligible, so that should not be an issue.

- **Commissioner Molloy** wanted to know if improving the alley would remove the opportunity to utilizing Jefferson.

Mr. Kellar stated that the alley is not wide enough to be a thoroughfare.

- **Commissioner Meyers** asked about putting up caution signs for the family with deaf children on Jefferson.

Mr. Kellar stated they have looked into it and talked to the resident to put up signs regardless of whether the project is approved.

- **Commissioners Dowding, Molloy, McFall, Ray, Forrest, Jersvig, Meyers, and Crescibene** indicated that they understand the resident’s frustration and wish there was more that could be done, but the action before the Commission is only for the vacation of the alley.

- **Commissioners Ray and Meyers** would like city staff to also consider signage and a no left turn on Jefferson and one way for the alley. They feel there needs to be a remedy for the traffic impact to the residents.
- **Commissioners Meyers and Middleton** indicated they are glad that approval of the vacation will be conditionally based and trust that the ordinance will be appropriately recorded. **Commissioner Middleton** suggested that **Mr. Lauterbach** also be prepared with more third party traffic reports.

Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated April 13, 2015 and, based on those findings, recommend that City Council approve the Turney-Briggs Addition and Turney-Briggs First Subdivision – Vacation of Public Right-of-Way, subject to the conditions listed in Section IX, by adoption of an ordinance in the form attached hereto, as amended on the record; upon a second from Commissioner McFall, the motion passed with eight ayes and one nay.

Chair Crescibene called for a recess at 8:10 p.m.

Chair Crescibene called the meeting to order at 8:24 p.m.

3. Title 18 Code Enforcement Amendment - Section 1.28.070 Clarification – Authority to Issue Summons and Complaint

This is a public hearing on a legislative matter: a proposed amendment to Title 18 (the zoning code) of the Loveland Municipal Code; specifically, the amendment addresses the repeal of Section 18.68.045 (Title 18), the creation of Section 1.28.070 (Title 1), and the amendments of four various provisions to be consistent with the new Section 1.28.070. The Planning Commission's recommendation will be forwarded to the City Council for final action.

Mr. Vincent Junglas, Assistant City Attorney, explained that the amendment is mainly a clarification concerning code enforcement officers. There will be no substantial change to current practices as a result of the amendment. Summons and Complaints can be written by code enforcement officers without involving the police department. The standard process for issuing a Summons and Complaint is probable cause and acquiring an inspection warrant to enter the property.

Mr. Junglas further explained that the limited commissioned code enforcement officer shall be considered a peace officer for purposes of issuing summonses into municipal court pursuant to Rule 204 of the Colorado Municipal Court Rules. Consolidating and clarifying such authority in Title 1 will establish a clear statement of authority for purposes of enforcement actions.

Commissioner Meyers stated that Peace Officers are defined within the Colorado Revised Statutes (C.R.S.). Specifically in 16-2.5-001 through 16-2.5-101 and Peace Officer Standards of Training (POST), the board and classifications in 16-2.5-200 through 16-2.5-202.

Mr. Junglas advised that as part of our Home-Rule charter we have the ability under this specific role not to have to comply but can define ourselves. He also shared that Article 20 of the Colorado Constitution makes the defining of a Peace Officer a matter of local concern. Officers are authorized under oath to write a Summons and Complaint for violations that don't concern the Police Department. Good examples of complaints include the presence of weeds, rubbish problems, and abandoned vehicles. In such circumstances, officers would need probable cause to acquire an inspection warrant under Section 1.08.010.

Mr. Junglas indicated that training of the officers will be a Human Resources issue: they will be duly deputized by the Chief of the Police or City Manager who would certainly be confident in the level of training received prior to issuing the oath.

Commissioner Questions

- **Chair Crescibene** asked: what is the process when a complaint is made?

Mr. Junglas indicated, that when code enforcement is called, a site visit is done, fact gathering with other neighbors is initiated, and communication with the violator takes place prior to a summons and complaint ticket being written.

- **Chair Crescibene** asked: How many letters are sent to a citizen?

Mr. Junglas indicated that three actions are taken; the first is a warning letter called a Notice and Order, the second item sent is a Notice of Abatement, and the third action would be a Summons and Complaint. There will be no change in the maximum amount of notices that are sent.

- **Chair Crescibene** asked: who writes the summons now?

Mr. Junglas indicated that the code enforcement officer writes the summons, but they will officially be Peace Officers to be consistent with Rule 204. It doesn't change the process, it just clarifies it.

Commissioner Meyers clarified that the training of the Peace Officer would include the training in the municipal code and how to interact with the public. He reiterated that it was his understanding that there would be no change to the current process.

- **Commissioner Ray** asked how many Summons and Complaints are given and are there any other peace officer duties that would come about, such as civil law and is there any other liabilities that the city or officer could face?

Mr. Junglas stated that out of the 6,000 cases he has seen, there have only been three code compliance cases and there would be no additional training necessary additionally, they would not be involved in civil matters. The city would not be liable, these would be municipal court violations.

- **Commissioner Meyers** asked about the enforcement for the Parks and Recreation Department; for example, parking issues at the Viestenz-Smith Mountain Park?

Mr. Junglas explained that this would be an issue to address with Parks and Recreation and the City Manager, only city Parks and Recreation employees may issue a summons and complaint or penalty assessment in such circumstances. There would be no weapons used of any type; no batons, cuffs, taser guns, etc. They do not have any arrest authority.

Mr. Paulsen indicated that code enforcement officers are non-confrontational. They try to work with the violator to help resolve the matter.

Commissioner Middleton moved to recommend that City Council approve the repeal of Section 18.68.045, the amendments of Section 18.68.040, Section 18.50.170, Section 12.44.050, Section 13.04.235, and the creation of Section 1.28.070 as specified in the draft ordinance identified as Exhibit A to the April 7th, 2015 memorandum, as amended on the record, upon a second by Commissioner Meyers, the motion was unanimously adopted.

4. Review and action concerning a resolution to City Council to seek direction certifying the Loveland Building Division as a Prequalified Building Department pursuant to section 22-32-124 C.R.S.

This resolution responds to the request made to staff by the Planning Commission on March 9, 2015 and further discussed on March 23rd.

Commissioner Forrest clarified that the school district still has the option to go with the state review or go with the City's review. She also stated that she would appreciate the inclusion of the school district's input on this recommendation along with research completed by staff on what other municipalities are doing in this regard.

Chair Crescibene asked for clarification that the action tonight only affects the City Building Department and not the school district.

Commissioner Forrest explained that the state wants to ensure that the review is from a life safety aspect and funding is through the BEST Grant Program.

Commissioner Meyers explained that the Resolution proposes a process allowed by the State Statutes.

Mr. Paulsen indicated that the Resolution doesn't change the requirement that the school district must present its site plans to the Planning Commission; rather, it recommends to City Council that the Building Division provide building permit review and inspection services to the district schools.

Commissioner Meyers emphasized that this matter should be moved forward to the City Council as the Council has authority to take action on the resolution.

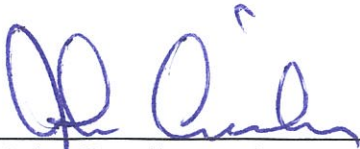
Commissioner McFall reiterated that he feels staff will research and submit to the City Council all findings relating to the resolution.

Commissioner Dowding called for the question.

Commissioner Meyers made a motion to pass the resolution from the Planning Commission recommending that the city apply for and obtain prequalified building division status for provisions of building permit services to the school district within the State of Colorado and authorizing the city staff to investigate and take to City Council as a recommendation for action, upon a second by Commissioner Dowding, the motion was adopted with eight ayes and one nay.

ADJOURNMENT

Chair Crescibene adjourned the meeting at 9:25 p.m.

Approved by: 
John Cresibene, Planning Commission Chair


Beverly Walker, Planning Commission Secretary



AMENDED (5-6-2015)

LOVELAND PLANNING COMMISSION MEETING AGENDA

**Monday, May 11, 2015
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the April 27, 2015 Meeting minutes

V. REGULAR AGENDA:

1. Development Center Update

Staff will provide a brief status update on the City's Development Center which will be located in the Fire Administration Building at 410 East 5th Street. Plans for renovating the building to provide integrated permitting services and accommodations for the entire Development Services Department are nearing completion.

2. Economic Development Update

Betsey Hale, Economic Development Director, will give an update on Council approved economic incentive packages for various business entities throughout the years. Council approves agreements based on five year projections, so projects since 2010 have not yet completed the expected five year performance period.

In analyzing the economic incentives, there are two essential parts: the City support of projects and the economic benefit the City is looking to gain from the incentive.

3. **High Plains School Update**
Dr. Dan Maas, Chief Operations Officer, Thompson Schools, will provide a progress update on the K-8 High Plains School and address Commission questions. *(See attached Thompson School District web page printout)*

4. **Proposed City Budget Reductions**

On May 19th the City Council will be considering an ordinance reducing the 3% sales tax on food for home consumption (groceries). In preparation of this public hearing, the Council has requested that the City Manager prepare a proposal for reductions to the City budget that would accommodate the loss in general fund revenues attributable to this tax. This is estimated to be approximately \$6 Million annually if the sales tax is reduced in full (eliminated).

The Planning Commission will be provided with information about the budget reduction proposal developed by City staff, and specifically provided with details about the reductions proposed for the Development Services Department. With this information, the Commission will be invited to provide a written statement in response to the proposed reductions to the City Council in advance of the May 19th public hearing.

VI. ADJOURNMENT

CITY OF LOVELAND
PLANNING COMMISSION MINUTES

May 11, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 11, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Forrest, Ray, and Jersvig, Members absent: Commissioners Dowding and McFall, City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners that Beverly Walker had accepted a position with the City Clerk's office and Jenell Cheever will be filling in for the Planning Commission in the interim.
2. **Mr. Paulsen** reminded the commissioners that there is no meeting on May 25th in observance of Memorial Day.
3. **Mr. Garcia, Assistant City Attorney**, provided an update on upcoming staff changes within the City Attorney's office. Judy Schmidt will be leaving her position the end of May and Sharon Citino will also be leaving her position June 26th. Mr. Garcia will continue with his assignment to the Planning Commission and to the Current Planning office.
4. **Mr. Paulsen** notified the commissioners that the resolution to City Council to seek direction certifying the Loveland Building Division as a Prequalified Building Department is scheduled for the 6/2/15 City Council meeting. He also noted that the City Council has referred back the Title 18 Code Enforcement Amendment to the Planning Commission for further review due to concerns with the code enforcement provisions.

Mr. Garcia noted that **Assistant City Attorney, Vincent Junglas**, will contact the Attorney General's office for interpretation of the Municipal Code and rules of procedure. **Commissioner Meyers** noted his concerns regarding the definition of a Peace Officer and the standards for training. He said that the City of Loveland should have been following the Sunrise Approach to classifying Peace Officers. **Commissioner Meyers** agreed with **Mr. Paulsen** that the issue will not need to go back to the Title 18 Committee, but instead go directly to the Planning Commission.

5. **Commissioner Meyers** noted that at the May 5th City Council meeting, some City Councilors received draft minutes and not the approved minutes by the Planning

Commission. **Mr. Paulsen** noted that the updated minutes were distributed to City Councilors; however, some councilors were unaware that they had received updated minutes.

COMMITTEE REPORTS

1. **Commissioners Meyers and Molloy** will attend the Title 18 Committee meeting on May 14th. **Mr. George, Development Services Director**, will discuss land use in the restricted zones associated with oil and gas. **Mr. Paulsen** noted that he will forward any notes from the meeting to the Planning Commission.
2. **287 Advisory Committee: Commissioner Forrest** is unable to attend the follow-up meeting/work-session with the Urban Land Institute on May 20th and asked if anyone would like to attend in her place. **Commissioner Molloy** volunteered to attend.

COMMISSIONER COMMENTS

1. **Commissioner Ray** had concerns with reclassifying Code Enforcement Officers to Peace Officers as this is not the standard in the surrounding communities. He will need to evaluate if this change is necessary when the issue returns to Planning Commission for review.

Chairman Crescibene also noted that the presentation regarding the reclassification of Code Enforcement Officers needed to contain more facts instead of a “personal understanding” of the presenter, **Vincent Junglas**.

2. **Commissioner Ray** felt, in retrospect, that the Transportation office did not provide adequate answers regarding the redirection of traffic associated with the alleyway vacation for the proposed Sprouts; the alley vacation request was heard by the Planning Commission on April 13, 2015. Specifically, the cost of signs and difficulties with traffic enforcement should have been explained in more detail.

Commissioner Molloy commented that sometimes issues confronted in the vacation should have been addressed in the rezoning application. These issues, such as traffic, become a clean-up item with the right-of-way vacation request, and should have been analyzed with the earlier application.

Commissioner Forrest commented that the impact of vacating the alleyway needs to be considered for future developments, not just specifically in relation to Sprouts. A more thorough consideration of the land use and its function should be considered.

Commissioner Meyers agreed that the long term impact of parcel consolidation and rezoning on the neighborhood should be considered and not just the necessity of the vacation in relation to Sprouts.

3. **Commissioner Meyers** referenced a May 9th article in the Reporter Herald and asked for clarification of the expansion of Artworks by 10-12 units. **Mr. Paulsen** is not aware of a request for adding 10-12 new units and believes this article pertains to Artworks opening up 10-12 existing units. **Mr. Paulsen** noted that any request to expand the project so significantly cannot be approved administratively and would need to be approved through the Planning Commission. **Mr. Paulsen** will confirm this information and notify the Planning Commission of his findings.

APPROVAL OF THE MINUTES

Commissioner Molloy made a motion to approve the April 27, 2015 minutes; upon a second from **Commissioner Forrest** the minutes were approved with six ayes and one abstention.

REGULAR AGENDA

1. Development Center Update

Project Description: Staff will provide a brief status update on the City's Development Center which will be located in the Fire Administration Building at 410 East 5th Street. Plans for renovating the building to provide integrated permitting services and accommodations for the entire Development Services Department are nearing completion.

Bob Paulsen, Current Planning Manager, presented the proposed concept for the new Development Center. The project will be out to bid in July with an anticipated finish date in early 2016. All of the Development Services Department, along with the Transportation Development Review office will move to the new center; reviewers from other departments will be at the new center on a part-time basis.

Commissioner Questions and Comments:

- **Commissioner Middleton** suggested that insulation be added above the suspended ceilings due to the close proximity of the fire trucks operating within the building.
- **Commissioner Meyers** expressed concerns with adequate conference rooms and meeting spaces and **Commissioner Crescibene** asked what the considerations for growth were. **Mr. Paulsen** stated that space availability within the building will be tight. Although meeting space is limited on the first floor, the Planning office will still be able to use the conference rooms in the Emergency Operation Center (EOC rooms) located on the second floor. Additionally, if expansion was needed, the basement could be renovated or an addition added onto the building at some future time.
- **Mr. Paulsen** stated that the move should have minimal disruptive effects on the daily operations as the new building will be completed prior to moving.

2. Economic Development Update

Project Description: **Betsey Hale, Economic Development Director,** will give an update on Council approved economic incentive packages for various business entities throughout the years. Council approves agreements based on five year projections, so projects since 2010 have not yet completed the expected five year performance period.

In analyzing the economic incentives, there are two essential parts: the City support of projects and the economic benefit the City is looking to gain from the incentive.

Commissioner Questions and Comments:

- **Commissioner Meyers** asked what the average hourly wage for the proposed 1125 jobs and what opportunities there are for graduating students. **Ms. Hale** said she could

research the average wage for primary employment and average wage for retail and provide this information to the commissioners.

- **Commissioner Meyers** asked what the financial impact the opening of the Bass Pro Shop would have on businesses like Jax and Sportsman Warehouse. **Ms. Hale** stated that the effects on sales shifting from shops like these to the Bass Pro Shop are evaluated when considering an incentive. So far, an incentive has not been offered to Bass Pro Shop.
- **Commissioner Molloy** asked if the new Scheels sporting goods store received an incentive in Johnstown. **Ms. Hale** was not sure if they received any assistance but would share any information that she receives with the Planning Commission. She noted that Johnstown cannot use the URA code anymore due to changes in legislation and that may affect future developments.
- **Commissioner Molloy** commented that Centerra has multiple levels of taxes and wondered if these taxes might drive the competition to shop in other cities. **Ms. Hale** said that is possible and sales shifting can affect the city's revenues. Economic Development is researching how sales shifting to other cities can be reduced.
- **Commissioner Molloy** asked what the likelihood that all of the RTA-related projects mentioned in the presentation will actually coming to fruition. **Ms. Hale** said the likelihood is high because prior to applying you must actually show that you can build the project and what the financial gap is. However, ultimately would need to receive the RTA from the state in order for the projects to move forward.
- **Ms. Hale** provided an update on the Brinkman Project. She noted that it has been successful and that the project has been full since its opening. However, due to taxes being paid a year later you won't start seeing the revenue until 2015 or 2016.
- In regards to the HP Campus Redevelopment / RMCIT, **Ms. Hale** explained that there are several tenants considering the space and some smaller companies committed to moving into the space. Recently the city entered into a partnership with Loveland Development Fund and commissioned an evaluation for an Art and Design School that would encompass 200,000 square feet. **Commissioner Meyers** asked how close the site was to filling the projected 5000 jobs and **Ms. Hale** stated there are currently between 30-40 jobs created. Ms. Hale explained that this is partly due to the space being restricted for use only by technology jobs, limiting what businesses can occupy the site. **Commissioner Ray** asked for clarification for why call centers have been rejected as these tend to have an IT basis. **Ms. Hale** clarified that the call centers interested in the space are more outbound call centers focused on sales.
- **Commissioner Ray** asked how many of the 2500 jobs at the proposed Adventure Park are good jobs, defined as jobs that will pay greater than \$70,000. **Ms. Hale** stated the average for all jobs will be between \$30,000 -\$40,000; however, she will need to research how many positions are higher paying jobs versus entry level jobs.

Chair Crescibene called for a recess at 9:15 p.m.

Chair Crescibene called the meeting to order at 9:27 p.m.

- **Ms. Hale** commented that by creating the Adventure Park it will help make Loveland a destination center that will generate other income through overnight stays, food sales and retail sales. **Ms. Hale** stated that she is willing to come to another meeting with additional information on the economic impact and development in Loveland.

3. High Plains School Update

Project Description: **Dr. Dan Maas, Chief Operations Officer, Thompson Schools,** will provide a progress update on the K-8 High Plains School and address Commission questions.

Dr. Maas provided an update on the school design and site preparation efforts. He noted that there is a Construction Review Committee required by Board of Education policy whenever a school is built. The members are: Julie Piotraschke, Marc Seter, Candie Joshi, Scott Holzclaw, Christine Ricks, Nancy Rumfelt, Tiffany Miller, Lisa Rigggenbach, Chastity Stringer, Jennifer Kingston, David Hallet. Ex-Officio members are: Dr. Carl Langer, Denise Montagu, Dr. Dan Maas, Sara Rasmussen, Matt Throop, Skip Armatoski, Noreen Smyth, Kim Perry.

Commissioner Questions and Comments:

- **Dr. Maas** provided samples of the building materials that would be used for the school. In light of concerns raised at the February 9, 2015, Planning Commission meeting, the Construction Review Committee considered a lighter color palate of materials but felt that this darker palate was actually more pleasing and inviting.
- **Dr. Mass** noted that the High Plains School has a smaller than typical site, but will utilize multi-purpose outside space that is shared with the city Parks Department. Some space will be public park space and other space that will be school property used as playground. **Dr. Maas** explained that a perimeter fence was not part of the design as the Parks Department asked that there not be a perimeter fence due to the dual nature of a playground and a community park. **Commissioner Ray** expressed concerns about not having a fence around the playground.
- **Dr. Maas** addressed the traffic concerns presented by the commissioners. Two separate studies were performed to redesign the bus loop to ensure safety. The new design separates buses from parent pick-up. It is anticipated that the school will be serviced by four to five buses. **Commissioner Meyers** recommended the school have more than one traffic guard.
- **Dr. Maas** discussed proposed boundary areas and the method used to determine the recommended school boundaries. The proposed boundary maps are posted on the Thompson School District website. The School Board will need to approve the school boundaries in August of 2015
- **Dr. Maas** discussed the landscape and said the design is basic due to cost and safety, utilizing mostly low level rock work and a planned learning garden. **Commissioner Malloy** expressed concerns with the extent of landscape plantings and indicated that the

landscape plan may initially be limited and would like to see some areas planned with more extensive landscaping in the future once funds are available.

- In response to **Commission Forrest** question, **Dr. Maas** said the school is seeking a gold level of LEED certification.
- **Commissioner Meyers and Commissioner Middleton** asked for clarification on what limits there might be when a commissioner is in going to a school board meeting to express concerns as a private citizen. **Mr. Garcia** said that the appearance of a conflict of interest needs to be considered when making statements as a private citizen when as a commissioner you are involved in making a recommendation on the issue. **Mr. Garcia** stated that when addressing an outside board or commission, you can communicate that you are a commissioner but you should not state that you are representing the opinion of the Planning Commission.

4. Proposed City Budget Reductions

Project Description: On May 19th the City Council will be considering an ordinance reducing the 3% sales tax on food for home consumption (groceries). The reduction would be implemented over a 3-year period. In preparation of this public hearing, the Council has requested that the City Manager prepare a proposal for reductions to the City budget that would accommodate the loss in general fund revenues attributable to this tax. This is estimated to be approximately \$6 Million annually if the sales tax is reduced in full (eliminated).

The Planning Commission will be provided with information about the budget reduction proposal developed by City staff, and specifically provided with details about the reductions proposed for the Development Services Department. With this information, the Commission will be invited to provide a written statement in response to the proposed reductions to the City Council in advance of the May 19th public hearing.

Commissioner Questions and Comments:

- **Commissioner Cresibene** emphasized that the Commission is not going to discuss if they like the sales tax cut or not; rather, the discussion will focus on the effects to the city's budget and programs.
- **Mr. Greg George, Development Services Director**, provided an introduction to this matter, explaining that all City departments have developed a plan to accommodate revenue reductions that would occur if the sales tax on groceries is eliminated. **Mr. George** indicated that all boards and commissions were being given the opportunity to respond to the impacts that are proposed to occur to the City department that they are associated with. **Mr. George** focused his presentation on the proposed impacts to the Development Services Department. **Mr. George** stated that the Commissioners can either formulate a statement of their collective position (must be motioned and voted upon) and then submitted, in writing, to City Council by May 13th at 5:00pm. The second option is that as individuals each member can submit their position regarding the budget

cuts. All city staff must be totally neutral and therefore cannot provide the Planning Commission any direction on their response.

- **Mr. George** stated that most cuts are line item budget cuts that reduce such items as printing, supplies, etc. However, some cuts include staff positions not currently filled or positions that will be eliminated.
- **Commissioner Meyers** questioned why there was such a drastic cut proposed in 2016 versus a reduction implemented over 3 years. **Mr. George** explained that some of the budget cuts deal with vacant position which results in a larger budget reduction in the first year of the three year phase-in.
- Several Commissioners voiced concerns that being short staffed may negatively affect the turn-around time for processing development applications. **Mr. George** reiterated that it is up to the Planning Commission to decide if the proposed budget cuts are a good idea and what their recommendation to City Council will be.
- **Commissioner Meyers** questioned whether the consultant fees would be reduced. **Mr. Paulsen** said that the consultant budget for current projects would not be reduced and most expenditures will be complete prior to the end of 2015. **Mr. Paulsen** indicated that the proposed reductions are focused on eliminating ongoing expenditures, not one time expenses like specific consultant contracts.
- **Mr. George** stated that Development Services was asked to reduce their budget by almost 4%. **Chair Crescibene** asked where the remaining 96% percent of budget cuts would come from and **Mr. George** responded that a reduction similar to 4% across all other departments would be implemented. Since there are other departments larger than Development Services their 4% budget reduction will have a greater impact on the overall budget reduction package.
- **Mr. Paulsen** clarified that certain programs and services must be provided, including federally or state mandated program that cannot be cut. **Mr. George** stated programs that have a low mandate or a low cost recovery feature were looked at first to cut. In the event City Council does not implement the repeal of the food sales tax, there is no plan to implement these cuts.

Chair Crescibene called for a recess at 10:37 p.m.

Chair Crescibene called the meeting to order at 10:51 p.m.

Commissioners discussed the proposed budget reductions and formulated a recommendation for City Council.

Commissioner Meyers, made a motion to approve these recommendations be submitted to the City Manager by the Chair. Upon a second by Commissioner Ray, the motion was unanimously approved.

ADJOURNMENT

Chair Crescibene adjourned the meeting at 11:40 p.m.

Approved by: 
John Crescibene, Planning Commission Chair


Jenell Cheever, Planning Commission Secretary



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, June 08, 2015
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the May 11, 2015 Meeting minutes

V. REGULAR AGENDA:

1. Plan of Development (DDA)

The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed by the Planning Commission and a recommendation provided to the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing on July 7, 2015 and thereafter consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan. Review of this Plan does not require a public hearing.

2. Mariana Butte 25th Subdivision Preliminary Plat Extension Request

This request requires quasi-judicial review by the Planning Commission to consider extension of the Preliminary Plat for Mariana Butte 25th Subdivision (Mountain Gate) for an additional two-year period. In February of 2012, the Preliminary Plat and Preliminary Development Plan (PDP) were approved by the City for 51 lots (46 paired single-family units and 5 detached single-family units). The Preliminary Plat and PDP were extended previously for a two year period. The 34-acre property is located at the northwest corner of West. 1st Street and Namaqua Avenue. The Planning Commission has final authority on this matter.

3. Giuliano 4th Subdivision - Preliminary Development Plan, Preliminary Subdivision Plat, and Vacation of Rights-of-Way

The application requires a public hearing and quasi-judicial approval by the Planning Commission for the project to be developed. The Preliminary Development Plan (PDP) and Preliminary Subdivision Plat (PP) require quasi-judicial review. Vacation of Rights-of-Way is considered a legislative matter. The applications for a PDP and PP propose to develop 36 single-family lots on 29.7 acres. In conjunction, a request to vacate Fife Court and a portion of Cascade Avenue are being proposed because the currently platted rights-of-way do not align with the proposed development. New rights-of-way would be re-established with the subdivision plat as presented. The Planning Commission has final authority over the PDP and PP; the Commission must make a recommendation to the City Council on the right-of-way vacation request.

4. Update: Site Plan Review Process for Public Schools

Current Planning staff has been working with representatives of Thompson Schools to develop an agreed upon process for City review of site plans for new schools and other School District projects. Planning staff and School District representatives are bringing forward a draft proposal for review and direction by the Commission.

VI. ADJOURNMENT

CITY OF LOVELAND
PLANNING COMMISSION MINUTES

June 8, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 8, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners that the draft Comprehensive Plan is currently posted on the City of Loveland website. **Karl Barton, Senior City Planner**, has three upcoming Open Houses scheduled for the public to review the Comprehensive Plan. The Comprehensive Planning Team is anticipating presenting the plan to City Council at a study session on July 13th.
2. **Mr. Paulsen** noted that the 287 Strategic Plan Final Draft will be presented to the Planning Commission on June 22nd. Current Planning anticipates receiving the 287 Strategic Plan from the project consultants on June 15th. The final draft will be distributed to the commissioners upon receipt. The 287 Strategic Plan is scheduled for review by City Council on July 7th.
3. **Mr. Paulsen** addressed emails pertaining to the resolution the Planning Commission passed pertaining to the city's Building Division providing building permit and inspection services to the Thompson School District. This item is scheduled for City Council review on July 7th. **Mr. Paulsen** Explained that a full packet of analysis will be provided to City Council prior to the July 7th meeting addressing the implications on city budget and staffing associated with providing these services.

Commissioner Molloy commented that that the issue of the City providing building review services to Thompson Schools seemed more of a Construction Advisory Board (C.A.B.) issue than a Planning Commission issue. **Commissioner Molloy** noted that he had been in contact with the Committee Chair of the C.A.B. and some issues to consider are:

- What does the City of Loveland gain by providing these services?

- Has the issue been discussed with **John Schmacher, Chief Building Official**? **Mr. Paulsen** noted that **Mr. Schmacher** is aware of the recommendation.
- Does the city have staff equipped to handle the work load?
- The matter should come before the C.A.B. before it is presented to City Council.

Commissioner Meyers noted that the original resolution recommends City Council research if they want to move forward with providing these services to Thompson School District. This resolution gives backing to C.A.B to research if this is a feasible option.

Commissioner McFall noted that the resolution was not intended to supersede the C.A.B but to get the process moving forward due to complications experienced by the Planning Commission during the previous interactions with the Thompson School District.

Commissioner Molloy noted that it was important for the Planning Commission to keep the C.A.B informed and asked for a Planning Commissioner to be present at the monthly C.A.B. meeting. **Commissioner Forrest** volunteered to attend the monthly C.A.B. meetings. **Commissioner Crescibene** concluded that the resolution should move forward to City Council and indicated that coordination with the C.A.B would be appropriate.

4. In response to **Commissioner Meyers'** question, **Mr. Paulsen** said it is unclear what the Reporter Herald article was referring to in regards to opening additional rental spaces or units within the Artkspace project. He explained that the Artkspace project is nearing completion but approval has not been given to add additional units..

COMMITTEE REPORTS

1. **Title 18: Commissioner Meyers** reminded the Planning Commission that Title 18 will be meeting on Thursday, June 11, 2015.

COMMISSIONER COMMENTS

1. **Commissioner Crescibene** commented that the 287 Strategic Plan presentation at the library was done exceptionally well.
2. **Commissioner Middleton** requested that applicants making presentations to the Planning Commission provide an estimated length of their presentation time. This time estimate would apply only to the presentation time and would not include question and discussion time. The time estimate could then be added to the agenda. **Mr. Paulsen** noted that most applicants are advised to limit their presentations to 30 minutes or less, and that staff would work to identify a specific presentation time on the Commission agendas.
3. **Commissioner McFall** asked how agenda items are prioritized. **Mr. Paulsen** commented that Consent Agenda items and items requiring public input are typically scheduled first on the agenda unless there is a specific request or reason to schedule other items earlier. **Mr. Paulsen** noted that a specific request had been made to allow the Downtown Development Authority to present as Agenda Item #1 due to time constraints of their team.

APPROVAL OF THE MINUTES

Commissioner Middleton made a motion to approve the May 11, 2015 minutes; upon a second from **Commissioner Meyers** the minutes were unanimously approved.

REGULAR AGENDA

1. Plan of Development (DDA)

Project Description: The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed by the Planning Commission and a recommendation provided to the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing on July 7, 2015 and thereafter consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan. Review of this Plan does not require a public hearing.

Ms. Betsey Hale, Economic Development Director, recognized the members of the Loveland Downtown Partnership (LDP) and the members of the Downtown Development Authority (DDA) who were present. **Ms. Betsey Hale** noted that prior to bringing the Plan of Development to the voters, it is a requirement for the Plan of Development to be reviewed by the Planning Commission. The Loveland City Council referred this draft to the Planning Commission for review in order to seek a recommendation from the Planning Commission.. The strategic plan for revitalizing Downtown Loveland was adopted in July of 2014, establishing the LDP. In February of 2015, voters residing in the Downtown Development Authority District approved the formation of the DDA. The next step is for the residents residing in the DDA District to vote on the following in November 2015 election: Allow DDA to issue debt; allow the DDA to impose a mill levy; how to remove a Tabor restriction that is associated with the collection of the increment. **Ms. Hale** noted that the City Council approved a resolution for a ten year commitment to invest \$5 Million dollars of revenue into the redevelopment of downtown. A City Council study session is scheduled for June 23rd and a Public Hearing is planned for July 7th.

Commissioner Questions and Comments:

- **Lucia Liley, Attorney representing LDP**, clarified for **Commissioner Middleton** that sales tax increments and property tax increments are placed by statute if the City Council approves the increments in the resolution approving the Plan of Development. These taxes are not voted on by the voters and apply only to properties located within the DDA District. Voters will vote in November on whether to allow the tax increments in the Plan of Development to finance DDA project. The increased taxes created from downtown projects could then be used to finance DDA projects. The 5 mils is separate from the tax increments and will be voted on by the voters residing in the DDA district. This money would be used to pay for the DDA operation expenses. If the voters do not approve the 5 mils nor approve financing DDA projects with the money generated from the tax increments, the City Council has recommend there be an automatic repeal of the property tax increment and sales tax increments from the Plan of Development.

- **Ms. Hale** noted that creating the Loveland Downtown Partnership (LDP) allows a “one stop approach” for people to get information about developing projects in downtown. Membership to DDA is restricted to those who reside within the DDA District; however, the LDP allows for outside members. This is beneficial as many people outside of this area want to be involved in downtown redevelopment. The DDA and LDP will share staff to reduce costs.
- In response to **Commissioner Meyer’s** question regarding the promotion of events in downtown Loveland that are covered in the DDA’s budget, **Ms. Hale** noted that the money generated from the Lodging Tax can be used to promote and market downtown projects.
- **Commissioner Meyers** asked what the strategy is to market to businesses to locate within the downtown area. **Ms. Hale** commented that standard economic development tools will be utilized along with partnering with The Warehouse, a business accelerator that would work to place second stage companies in prominent spaces in downtown.
- **Commissioner Meyers** asked about the nature of the bonds issued by the DDA and any recourse for the city. **Allen Krcmarik, Executive Economic Advisor** explained that the City of Loveland may or may not decide to put a pledge behind the revenue bonds and this decision has not been made yet.
- **Commissioner Meyers** asked why the Quiet Zone described near Lake Drive would be included in the project funding as it is outside of the DDA boundary. **Ms. Hale** noted that she will check with **Mike Scholl** for more information.
- **Commissioner Molloy** asked how the potential loss of food sales tax in addition to using a portion of the sales tax revenue would affect the general fund. **Ms. Hale** noted that this was considered when determining to commit the \$500,000.
- **Ms. Hale** and **Mr. Krcmarik** commented that Larimer County has been supportive of the formation of the DDA partly due to the \$500,000 commitment the City of Loveland has made.

Commissioner Middleton made a motion to recommend the City Council adoption of the Plan of Development for the Downtown Development Authority. Upon a second by Commissioner Dowding, the motion was unanimously approved.

Chair Crescibene called for a recess at 7:45 p.m.

Chair Crescibene called the meeting to order at 7:58 p.m.

2. Mariana Butte 25th Subdivision Preliminary Plat Extension Request

Project Description: This request requires quasi-judicial review by the Planning Commission to consider extension of the Preliminary Plat for Mariana Butte 25th Subdivision (Mountain Gate) for an additional two-year period. In February of 2012, the Preliminary Plat and Preliminary Development Plan (PDP) were approved by the City for 51 lots (46 paired single-family units and 5 detached single-family units). The Preliminary Plat

and PDP were extended previously for a two year period. The 34-acre property is located at the northwest corner of West. 1st Street and Namaqua Avenue. The Planning Commission has final authority on this matter.

Mr. Troy Bliss, Senior Planner, presented the request for extension of the Preliminary Plat associated with the Mariana Butte 25th Subdivision. In 2012 the development plan was approved with a preliminary design having 51 proposed units. Approximately one acre was deeded to the Historical Society due to the historical significance of this being the burial site of Mariano Medina. A subdivision plat is valid for one year from the date of its approval. A two-year extension request was approved by the Planning Commission in February 2013.

Mr. Bliss noted that there was also a Preliminary Development Plan that is tied to the Preliminary Plat. Upon the Planning Commission approval of the Preliminary Plat extension, it is customary for the Current Planning Manager to also approve the renewal of the Preliminary Development Plan. The applicant is requesting that the Planning Commission approve another two-year extension for the Preliminary Plat. The applicant, **Tomas Hartley**, submitted the extension request in February 2015 but due to extenuating circumstances was unable to come before the Planning Commission until now. Therefore, the extension is being requested due to financial constraints and that **Mr. Hartley** indicates that he is not intending to develop the property but wishes to sell it.

Mr. Hartley noted that he purchased the property in 2008 but due to the economic downturn he was unable to move forward with the project. Now, due to the raw water fees increasing, he has be unable to move forward. He would like to phase the platting to allow him to phase the purchase of the water. **Mr. Hartley** corrected information regarding the size of the project. He noted it is between 13-14 acres and not 34 acres as presented by **Mr. Bliss**.

Commissioner Questions and Comments:

- **Commissioner Dowding** asked why the Planning Commission should grant an extension on the Preliminary Plat if **Mr. Hartley** was planning on changing the project from duplexes to single family homes. **Mr. Hartley** noted that this is just a proposal and that he has presented a plan to make developing this land more affordable. By granting an extension it would allow him to reuse some of the studies that were already completed, such as the Traffic Impact Study and soil tests. Additionally, coming up with a phasing plan to spread the cost out would make development more feasible.
- **Commissioner Molloy, Commissioner Ray, Chair Crescibene and Commissioner McFall** support granting the extension. Several commissioners thanked **Mr. Hartley** for deeding the piece of land to the Historic Society in 2012 and noted the value this adds to the city.
- **Commissioner Middleton** questioned why **Mr. Hartley** waited so long past the February 2015 deadline to request the extension. **Mr. Hartley** noted that he had submitted the extension application in February prior to the deadline but due to health issues was unable to come before the Planning Commission earlier.
- **Commissioner Middleton** asked **Mr. Hartley** how he plans to hold projects costs at the current level with the ever increasing water costs. **Mr. Hartley** noted that he owns water in another area and may be able to trade water to lower his overall cost. Additionally,

phasing the project would eliminate having such a large expense upfront purchasing water. **Commissioner Middleton** supported granting the extension.

- **Commissioner Middleton** and **Commissioner Dowding** expressed concerns and questioned if there would be public input or additional opportunities for the Planning Commission to review proposed changes to the Preliminary Development Plan. **Mr. Paulsen** commented that if the Planning Commission approves this extension, **Mr. Hartley** can move forward to a Final Development Plan and Final Platting. Small changes can be approved administratively; however, substantial changes would go through a neighborhood meeting and presented again to the Planning Commission.
- **Commissioner Meyers** supported the extension but asked that **Mr. Hartley** discuss street outlets with surrounding communities and coordinate access to the schools with the school district.

Commissioner Meyers moved to make a finding that the applicant has shown good cause due to recent economic conditions, including the real estate market versus the cost of infrastructure improvements and raw water, and based on that finding, approve the request for a two-year extension of the Preliminary Plat, PZ 10-00120 as recorded in the Current Planning office, of the Mariana Butte 25th Subdivision to February 17, 2017. Upon a second by Commissioner Dowding, the motion was unanimously approved.

3. Giuliano 4th Subdivision - Preliminary Development Plan, Preliminary Subdivision Plat, and Vacation of Rights-of-Way

Project Description: The application requires a public hearing and quasi-judicial approval by the Planning Commission for the project to be developed. The Preliminary Development Plan (PDP) and Preliminary Subdivision Plat (PP) require quasi-judicial review. Vacation of Rights-of-Way is considered a legislative matter. The applications for a PDP and PP propose to develop 36 single-family lots on 29.7 acres. In conjunction, a request to vacate Fife Court and a portion of Cascade Avenue are being proposed because the currently platted rights-of-way do not align with the proposed development. New rights-of-way would be established with the subdivision plat as presented. The Planning Commission has final authority over the PDP and PP; the Commission must make a recommendation to the City Council on the right-of-way vacation request.

Mr. Troy Bliss, Senior Planner, provided a copy of *IX. Recommended Conditions (Revised)* for the Planning Commission's consideration. Please see attached. **Mr. Bliss** identified the Giuliano 4th Subdivision, which consists of the western most 29 acres of the Giuliano Addition. The Giuliano Addition is bordered on the east by Wilson Avenue and on the west by Cascade Avenue. Cascade Avenue is a proposed major collector street and would need to be developed with the proposed project at the developer's expense. The Giuliano 4th Subdivision is generally flat except for a limestone ridge along the eastern third of the site. This limestone ridge is environmentally sensitive and must be preserved.

The PDP is a plan that proposes 36 single-family lots. The plat would divide the property into 36 lots plus outlots and tracts for open space. The vacation request would vacate several public right-of-ways. **Mr. Bliss** explained that the role of the Planning Commission is to

make sure the plan is in compliance with city standards and in compliance with the General Development Plan.

The current PDP and Preliminary Plat consists of 18 lots. Hartford Homes is proposing a change to the PDP and Preliminary Plat, creating 36 lots. The vacation request is for Fife Court and is required due to a change in alignment of Fife Court. Additionally, a small sliver of Cascade Avenue would need to be vacated due to the new configuration. The limestone ridge would remain preserved.

On March 19, 2015, a neighborhood meeting was held with approximately 15 neighbors in attendance. A majority in attendance felt that the new plan was acceptable and felt that building predominantly single story homes would be beneficial as a majority of the homes would be blocked from view by the limestone ridge. Additionally, components such as the trails and open space would be a benefit to the community.

The General Development Plan for the Giuliano Addition is the official zoning document for the development. The site is zoned SF1 which allows for 19-36 units to be built on this site. Therefore, the proposed plan would conform to this requirement. Additionally, the proposal is within the density allowance of the city's comprehensive plan. **Mr. Bliss** noted that developer would need to pay for and build some public infrastructure improvements, such as building Cascade Avenue and utility expansion.

In reference to the conditions presented to the applicant, **Mr. Bliss** noted that the applicant may not be in agreement with the recommendation to have detached sidewalks extend through open space areas adjacent to local streets. **Mr. Bliss** also noted the conditions highlighted on the revised conditions presented to the Planning Commission and **Mr. Hoover**. These conditions are in reference to affordable housing requirements associated with this development. Over time, the number of affordable houses required has changed and is currently in negotiation between the City and Mr. Guiliano, the overall developer of the Guiliano Addition. This negotiation must be completed prior to approval of the development plan. **Mr. Bliss** emphasized that the affordable housing requirement pertains to the entire Giuliano Addition development and not just the Giuliano 4th Subdivision.

Commissioner Questions and Comments:

- **Commissioner Molloy** commented that estate residential typically does not fall into the affordable housing category.
- **Commissioner Meyers** was concerned that allowing this higher density of homes would affect the feathering aspect that is seen when moving west towards the foothills. **Mr. Bliss** noted that even with the higher number of lots originally proposed, the plan is still within estate residential land use densities and is still a lower density than the development to the east.

Mr. Bliss introduced **Mr. Landon Hoover**, representative for Hartford Homes. **Mr. Hoover** indicated that he struggled to see the benefit of the request to have detached sidewalks versus attached sidewalk next to open space. He felt that the detached sidewalk would reduce open space area and would not maximize these areas. Additionally, with the extensive trail system in the area, he felt the detached sidewalk would distract from the use of these trails. **Mr. Hoover** noted that the new plan actually creates 2.25 acres more of open space than the

original plan. Additionally, the patio home landscaping maintenance and irrigation would be maintained by the HOA. **Mr. Hoover** agreed that the detached sidewalk along Fife Court was a benefit to the community and therefore was willing to compromise on the request for detached sidewalk in this area. However, he maintained that the detached sidewalk was not beneficial in the areas next to the open space.

Commissioner Questions and Comments:

- **Commissioner Molloy** noted that a monolithic pour for the sidewalk can be very expensive to replace and feels the detached sidewalk is a better option. **Chair Crescibene** agreed that the aesthetics of detached sidewalks outweighs the cost associated with building them. **Mr. Hoover** noted that the price point of the homes is between \$350,000 and \$550,000 and **Commissioner Forrest** felt that at this price point the cost associated with building detached sidewalks is worth it.
- **Commissioner Meyers** asked when Cascade Ave. would be built and **Mr. Hoover** noted that it would be completed before the first permit is pulled.
- **Commissioner Meyers** asked about the June 10, 2014 Traffic Study and how many lots this study was based on. **Mr. Hoover** noted that the study was based on 36 units.

Chair Crescibene opened the Public Hearing at 9:11p.m.

- **Wayne Glaser** (4487 Stump Ave.) indicated concern that requiring detached sidewalks would push the home setbacks further into the berm area, thus raising home elevations. This increases the likelihood of seeing the homes from the adjoining subdivision. **Commissioner Molloy** noted that the detached sidewalks were not part of the residential requirements.

Chair Crescibene closed the Public Hearing at 9:15p.m.

Commissioner Questions and Comments:

- **Commissioner Dowding** prefers detached sidewalks. She also noted her concern with the proposed lot width and felt it would be beneficial to have wider lots.
- **Commissioner Meyers** felt that a deal could be reached regarding the detached sidewalk and felt the presence of the limestone ridge eased concerns with the smaller lot sizes and reduced feathering.
- **Commissioner Jersvig** feels that the detached sidewalk requirement on Fife Court is sufficient and is not needed adjacent to the open space.
- **Commissioner Forrest** supports the separation between the patio homes and single family homes with the large open space. Agrees that the detached sidewalk is beneficial for this community.
- **Commissioner Molloy** wants to see the detached sidewalks in the development. Additionally, the use of Ash trees in the landscape should be revised.
- **Commissioner Ray** noted that the original plan had estate homes with large lots. The attached sidewalk worked in this area due to lower interaction with neighbors. However,

research indicates that detached sidewalks create more interaction with neighbors and is beneficial for neighborhoods with smaller lots. **Commissioner Ray** noted that he did not support the proposed plan.

- **Chair Crescibene** asked for clarification regarding the maintenance of the buffer yard. **Mr. Hoover** noted that the HOA will maintain the buffer yard and lawns of the patio homes. **Chair Crescibene** concluded that the maintenance of the buffer yard will not be a burden to the home owner and felt the size of the lots was sufficient.
- **Commissioner Middleton** asked **Mr. Hoover** if he was planning on following the recommended conditions provided. **Mr. Hoover** stated that due to inadequate time to review the conditions, he was unable to accept the conditions without consulting counsel.
- **Commissioner Meyers** asked if Hartford homes was part of negotiating the number of homes required for affordable housing. **Mr. Garcia, Assistant City Attorney**, clarified that Hartford Homes is a third party to the negotiations and that the direct negotiations are with Giuliano and Father. Due to the changes in the affordable housing requirements of the entire development, the condition must be applied to Hartford Homes as a part of the overall development. Several commissioners expressed concerns moving forward with the approval without the affordable housing negotiation being complete.
- **Mr. Paulsen** noted that the conditions were developed today in response to ongoing but unfinished negotiations with **Giuliano and Father**. At the request of individuals involved in the negotiations late this afternoon, the conditions were drafted and presented immediately prior to the meeting tonight. The intention was to protect the city's interest in the negotiation process relating to the requirements on the larger Giuliano Addition. **Mr. Garcia** noted that the application was brought forward to the Planning Commission because he thought **Mr. Giuliano** would be present at the meeting tonight and could agree to the conditions. **Mr. Paulsen** recommend that if the Planning Commission was uncomfortable moving forward, it would be best to continue the matter.

Commissioner Meyers motioned to continue this matter until 22 June. Upon a second from Commissioner Middleton, the motion was unanimously approved.

Chair Crescibene called for a recess at 9:40 p.m.

Chair Crescibene called the meeting to order at 9:50 p.m.

4. Update: Site Plan Review Process for Public Schools

Project Description: Current Planning staff has been working with representatives of Thompson Schools to develop an agreed upon process for City review of site plans for new schools and other School District projects. Planning staff and School District representatives are bringing forward a draft proposal for review and direction by the Commission.

Mr. Paulsen outlined the plan developed in conjunction with **Dr. Mass**, chief operations officer for Thompson Schools. The intention is to articulate the process the city and school district go through during the review of site plans for new schools and other School District

projects. **Mr. Paulsen** acknowledged that when working on projects in the past, there have been communication issues on both sides of the process. Creating this plan helps define how the city and the school district will work together in the future. **Dr. Maas** felt that there has always been many opportunities to interact with the city but there was never a process. The proposal would help define a process and **Dr. Maas** hopes the Planning Commission can provide comment as to their recommendations for the plan based on their experience.

Commissioner Questions and Comments:

- All of the commissioners expressed thanks to **Dr. Maas** for his effort and felt this was a great first step.
- **Commissioner Middleton** thanked **Dr. Maas** for his time and contribution and asked if **Dr. Maas** would be participating directly in the Commissions future review of school plans. **Dr. Maas** noted that if he was unable to participate, a representative from his department would be involved. He thanked **Mr. Paulsen** for his collaboration and spearheading the plan.
- **Commissioner Meyers** thanked both **Dr. Maas** and **Mr. Paulsen** for their collaborative work and supported the plan.
- **Commission Forrester** reiterated the need to have collaboration between the school and the city and supports this plan.

ADJOURNMENT

Commissioner Middleton, made a motion to adjourn. Upon a second by Commissioner Meyers, the motion was unanimously approved.

Chair Crescibene adjourned the meeting at 10:15 p.m.

Approved by: _____

John Crescibene, Planning Commission Chair

Jenell Cheever, Planning Commission Secretary

ATTACHMENTS

- IX. RECOMMENDED CONDITIONS (Revised)

Introduction:

This document outlines a working draft proposal for the City's review of site plans for new Thompson School District schools located within Loveland, including charter schools. The proposal reflects a shared interest of the Development Services Department and School District representatives in developing an agreed upon review process. While this effort is still in a preliminary stage, Planning staff and District representatives are seeking the input of the Planning Commission. At this juncture, nothing contained herein should be construed to represent a commitment by either the City or the District.

Because the School District is a state government agency, the relationship between the City and the District is unlike the relationship the City has with private developers; specifically, the City does not have the full review and approval authority for development and building projects. Given this situation, it is beneficial for the City and the District enter into an agreement that clarifies the review process with the respect to school facilities.

Purpose:

The intent of this proposal is to outline a clear, predictable and efficient process that is understood and agreed to by City staff, the Planning Commission, School District officials and their project teams. These shared expectations will enable projects to move smoothly through the City review process.

Once an agreement regarding the review process is reached, a memorandum of understanding (or similar document) can be completed to formalize the agreement. In addition the review of site plans for new schools, the formalized agreement will need to address the review process for other school-related projects including:

- site or building improvements to existing District sites that impact city street, utility, stormwater services
- non-school uses like telecommunications facilities to be located on school sites
- signage requests from the School District

Other projects like those listed above would not be subject to the full list of procedures specified herein as such projects tend to be more limited in scope and require much less processing and coordination.

Goals:

1. Create a clear and repeatable process that has been agreed to by both parties
2. Maintain open communication and collaboration as projects undergo review
3. Bring projects to the Planning Commission as quickly as possible
4. Move projects through the review process efficiently to conclusion
5. Assure efficient and coherent interaction between the City and the District for new construction planning and permit approvals.

6. Differentiate the District from private developers by identifying the appropriate codes that are applicable to school construction under State law.
7. Create a replicable model for use in all communities served by the District with the recognition that the District interacts with five (5) cities and three (3) counties. Procedures established here should be developed with an eye for compatibility with State laws and assure usability with other agencies in the area.
8. Maximize efficiency in school construction planning to focus tax-payer funds toward the completion of excellent public schools.

Strategies:

1. Utilize the City's existing review process with adjustments that facilitate expeditious review.
2. Collect the review processes of all five (5) cities and three (3) counties to identify common methodologies.
3. Designate primary points of contact for both project teams, ensuring that all communications flow through these individuals.
4. Alert the applicant (School District) to project-related issues as early as possible, including any possible Planning Commission concerns.
5. Conduct collaborative meetings as needed before and during the review process to achieve project clarity and progress.
6. Assure that City department comments are clearly delineated between what is required by applicable code and what is requested or preferred so as to avoid unnecessary tax-payer expense.
7. Assure that City department comments are coordinated assuring that adjustments made in response to one department will not invalidate comments from another department.
8. Revise District policies to require inclusion of City planning staff in District citizen oversight committees in an ex-officio capacity.
9. All City department feedback must include written statements for required changes and may be supplemented with redline drawings to help clarity.
10. Each District submittal after receipt of City comments must include written responses to each itemized statement from the City departments detailing the changes made.
11. Each round of feedback must be additive to the same document to track comments, requests, and revisions.

Submittal Components:

1. **Site plan** meeting agreed upon submittal content
2. **Public Improvement Construction Plans (PICPs)** specifying utility, street and stormwater design meeting agreed upon submittal content
3. **Subdivision plats**, easements and other associated applications/materials will be submitted as applicable

Review Process:

1. **School Construction Checklist** - develop a checklist of applicable codes so as to clearly differentiate school construction from private development. Identify the relevant codes as "required" when provided for by State law, "preferred" when codes are not required but still valuable to the City and, "not applicable" for any codes that the City does not wish to be included in the planning process. The District will comply with required codes and make reasonable effort to adopt guidance from preferred City codes so long as student safety is not compromised, educational programming needs are not sacrificed, or undue tax-payer expense is not required.
2. **Master Planning** - the City and the District shall assure that staff representatives from both agencies are always included as active participants in master planning activities and shall have standing membership on planning committees engaged with capital planning. This mutual representation agreement shall assure that neither the City's nor the District's planning processes will proceed without mutual awareness and participation of both agencies.
3. **Significant Development** - when the Planning Commission approves private development of significant property that will require the District to construct a school to meet the educational needs of the future child residents, the Planning Commission will hold a discussion with the senior Operations official from the District and the senior Public Works official from the City to outline school construction needs. The District or the City may request such a discussion in the event that rapid growth is detected, which may call for school construction.
4. **School Planning initiation** - when the Board of Education commissions an architect to begin designing a new school, the City Planning office shall be alerted and designate a representative to participate in the design charrette process. The planner shall assist the District's contracted architect in identifying the relevant codes applicable to school construction and provide guidance on how City departments interpret them.
5. **Concept Review**—use this pre-application process to clarify procedures and to identify design issues and challenges early in the process. The District will provide an electronic copy of the Design Document at this stage. A meeting will be held by the Current Planning Manager to assemble and normalize the comments from the departments in writing. Schedule a Planning Commission meeting for presentations on the District's concept and the City's advisement.
6. **Department interactions** - the assigned City planner shall be involved in any interactions between the District's contracted architect and any City departments to document feedback and help assure coherence.
7. **Pre-Submittal Meeting**—conduct a pre-submittal meeting with City development review staff and the school's consultant team to review submittal requirements and to clarify review process expectations. . The District will provide a copy of the 50% Construction Document at this stage.
8. **Submittal** - conduct a submittal meeting with the assigned City planner to review completeness of District materials and to orient City department representatives on the applicable codes involved with school construction. The City planner will assure that comments related to codes not applicable to school construction are clearly identified as advisory to the District. The District will provide the completed Construction Document along with required reports from the school site development checklist.

9. **Submittal presentation** —upon acceptance of a complete electronic submittal, schedule the Planning Commission meeting in order to facilitate progress.
10. **Review process**—conduct reviews in an efficient timeframe (2 weeks when possible) and conduct a review meeting following each round of comments to ensure clarity; target 2 rounds of review for completion. Through this process, staff reviewers will provide clear and internally-coordinated feedback to the applicant’s team. Reviewers will not “revisit” design comments or revise design directions unless necessary due to redesign by the applicant.
11. **Completion / Approval** —Once the PICPs are complete, all safety-related design provisions have been specified, applicable easements have been recorded, and the site plan is consistent with these plans, then the project is ready to be finalized. The final documents, as reflected on the signature blocks, will clearly indicate which departments have approval authority and which departments are “commenting departments only.”
12. **Follow-up with the Planning Commission**—At an appropriate point following the Planning Commission’s review of a project, it is useful to have the School District provide an update to the Commission project progress. This process helps to maintain a positive working relationship.

Planning Commission Review:

1. The Planning Commission meeting to review the site plan will be scheduled once a complete submittal has been made to the City. The Commission will not review PICPs.
2. Staff will work to identify Planning Commission interests/concerns prior to the meeting in order to avoid surprise issues and provide thorough information.
3. The two teams will work to provide the Commission with a clear understanding of the project and to gain the Commission’s support.
4. The senior Operations official from the District and the senior Public Works official from the City shall appear together to receive the comments from the Planning Commission.

No Change in Authority:

Nothing contained in this process shall be construed to limit or otherwise change the authority of the Board of Education nor to extend the authority of any agency, committee or body beyond what is provided for by State law concerning school construction.



CITY OF LOVELAND
MUNICIPAL COURT

810 East 10th Street • Loveland, Colorado 80537
(970) 962-2341 • FAX (970) 962-2938 • TDD (970) 962-2620

AGENDA ITEM: 20
MEETING DATE: 7/7/2015
TO: City Council
FROM: Geri R. Joneson, Municipal Court
PRESENTER: Geri R. Joneson, Presiding Judge

TITLE:

A Resolution Appointing Marco Joseph Scalise as a Deputy Municipal Judge.

RECOMMENDED CITY COUNCIL ACTION:

Move to appoint Marco J. Scalise as the Loveland Deputy Municipal Judge and authorize the Mayor to execute an employment agreement with Mr. Scalise based on terms and conditions consistent with Council's direction.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Take no action at this time
4. Refer back to staff for further development and consideration

SUMMARY:

This is an Administrative Action to appoint Mr. Scalise based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with Council's direction.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This is a non-exempt, non-benefitted position and the rate of pay is \$65.00 per hour with an anticipated 60 hours per year. The Deputy Judge will serve on an "as needed" basis during the absence of the Presiding Judge. This has been included in the 2015 budget and is also included in the 2016 proposed budget.

BACKGROUND:

The Presiding Judge initiated the recruitment of a Deputy Municipal Judge. A panel consisting of Leah Browder, Patty Barron, Julia Holland, and Geri Joneson conducted a competitive

interview process. After careful consideration and discussion, the panel unanimously chose Marco J. Scalise.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

RESOLUTION #R-39-2015

**A RESOLUTION APPOINTING MARCO JOSEPH SCALISE
AS A DEPUTY MUNICIPAL JUDGE**

WHEREAS, Loveland’s Home Rule Charter at Section 9-2 provides that the City Council may appoint a deputy municipal judge for a specified term of not less than two years; and

WHEREAS, City Council has reviewed the qualifications and experience of Marco Joseph Scalise (“Scalise”) and believes him to be fit and capable of serving as a deputy municipal judge.

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

Section 1. Pursuant to Section 9-2 of Loveland’s Home Rule Charter, Council hereby appoints Scalise as a Deputy Municipal Judge for a term of two years commencing July 7, 2015 and expiring on July 6, 2017.

Section 2. Scalise shall serve in the position of Deputy Municipal Judge subject to the following conditions: 1) as a part-time non-benefit eligible employee of the City of Loveland; 2) to be paid at a rate of \$65 per hour; 3) to serve as necessary and required, for all judicial municipal court functions, and liquor licensing authority functions; 4) to serve in an on-call and as needed basis; and 5) to serve subject to all the terms and limitations of Section 9-2 of the Loveland’s Home Rule Charter and subject to Scalise signing an Agreement substantially in the same form as the attached document.

Section 3. This resolution is effective upon its approval by the City Council.

APPROVED on July 7, 2015.

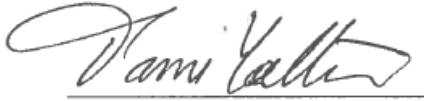
CITY OF LOVELAND, COLORADO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

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

City Attorney