

**AGENDA**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 1, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

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

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION DECLARING SEPTEMBER 2015 AS HUNGER ACTION MONTH IN LOVELAND (Lauren Dewey, Food Bank for Larimer County)**

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

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

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

**CONSENT AGENDA**

1. **CITY CLERK** (presenter: Terry Andrews)  
**APPROVAL OF MEETING MINUTES**  
**A Motion to Approve the City Council Meeting Minutes for the; August 3, 2015 Special Meeting, August 4, 2015 and August 18, 2015 Regular Meetings and the August 25, 2015 Study Session.**
  1. This is an administrative action to approve the City Council meeting minutes for the August 3, 2015 Special Meeting.
  2. This is an administrative action to approve the City Council meeting minutes for the August 4, 2015 Regular Meetings.

3. This is an administrative action to approve the City Council meeting minutes for the August 18, 2015 Regular Meeting.
4. This is an administrative action to approve the City Council meeting minutes for the August 25, 2015 Study Session.

2. **FINANCE** (presenter: Brent Worthington)  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR PHASE I OF THE CEMETERY MAINTENANCE SHOP**  
**A Motion to Approve and Order Published On Second Reading Ordinance #5956 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase I Of The Cemetery Maintenance Shop.**  
 This is an administrative action. The ordinance would appropriate a total of \$118,000 to the 2015 City of Loveland Budget for the design of a replacement Cemetery Maintenance Shop/Office to address safety, ADA and customer service needs at the Loveland Burial Park and Lakeside Cemetery. On August 18, 2015, City Council unanimously approved this ordinance on first reading.
  
3. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)  
**LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES**  
**A Motion To Approve And Order Published On Second Reading Ordinance #5957 Excluding Three Residential Properties From The Boundaries Of The Loveland Downtown Development Authority (The "DDA").**  
 This is a legislative action. Ordinance #5927, approved by City Council on second reading April 7, 2015, established the Loveland Downtown Development Authority (DDA) and established the legal description of the DDA boundaries. The Larimer County Assessor's Office identified three residential parcels that were split by the DDA Boundary. As only one tax area can be assigned to a single parcel, the DDA boundary needs to be expanded to include the entire parcels or take the parcels out of the DDA legal description. The property owners of the affected parcels declined the option to include their property into the DDA boundaries. Approval of this action would exclude the three residential properties from the legal description of the DDA boundaries. On August 18, 2015, City Council unanimously approved this ordinance on first reading.
  
4. **PUBLIC WORKS** (presenter: Chris Carlson)  
**PUBLIC HEARING**  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FLOOD RECOVERY**  
**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 Temporary Flood Administrative Technician Position And For Final Flood Reconstruction Work At The Fire Training Grounds.**  
 This is an administrative action. The ordinance on first reading appropriates funding to continue a temporary flood recovery Administrative Technician position. This position and funding was initially approved upon second reading of an ordinance on March 4, 2014. It provided \$46,780 for a temporary position providing administrative support to the engineering teams working on flood recovery projects. This supplemental appropriation request of \$54,449 includes \$33,941 to allow the Administrative Technician position to continue through the 2015 budget cycle while still remaining within the original \$46,780 appropriation. Since flood recovery work is still ongoing, it is our intention to continue the position until April 6, 2016, which is approximately when the originally appropriated funds will have been spent. The total requested funding of \$54,449 also provides \$20,508 for the Facilities Management Division to cover final Flood reconstruction costs at the Fire

Training Grounds. These funds were also included in the original Flood funding approved on March 4, 2014.

5. **PUBLIC WORKS** (presenter: Dave DeBaere)  
**ENCROACHMENT EASEMENT**  
**A Motion to Adopt Resolution #R-54-2015 Granting a Nonexclusive Existing Building Encroachment Easement**  
 This is an administrative action. The grant of easement will allow existing building improvements at 201 East 4<sup>th</sup> Street to remain within City rights-of-way.
6. **WATER & POWER** (presenter: Jim Lees)  
**PUBLIC HEARING**  
**WATER AND WASTEWATER ENTERPRISE FUNDING**  
 1. **A Motion to Approve on First Reading Resolution #R-55-2015 Concerning Funding for the Water Enterprise to Complete Improvements at the Water Treatment Plant and Construct More Water Storage**  
 2. **A Motion to Approve on First Reading Resolution #R-56-2015 Concerning Funding for the Wastewater Enterprise to Complete Improvements at the Wastewater Treatment Plant**  
 This is an administrative action to adopt a resolution that provides funding mechanisms for the Water Enterprise through a series of rate increases and an external loan. This funding will be used to complete improvements at the Water Treatment Plant and for construction of more water storage. A second resolution provides funding mechanisms for the Wastewater Enterprise through a series of rate increases and an external loan. This funding will be used for improvements at the Wastewater Treatment Plant. These resolutions carry out the Council's direction from the July 28, 2015 Study Session which was also the recommendation by both the LUC and Staff. Both resolutions maintain the rate tracks that Council gave their approval to that were developed from the previous cost-of-service rate study that was conducted in 2012. These rate tracks still provide sufficient funding to meet the projected needs of both the Water and Wastewater Utilities over the next ten years. On July 15, 2015, the Loveland Utilities Commission recommended approval.
7. **LOVELAND PUBLIC LIBRARY** (presenter: Marcia Lewis)  
**LIBRARY'S STATEMENT OF POLICY**  
**A Motion to Adopt Resolution #R-57-2015 Approving the Statement of Policy of the Loveland Public Library.**  
 This is an administrative action to adopt a resolution approving the recommended policies approved by the Loveland Public Library Board of Directors. A Loveland Public Library policy update historically occurs approximately once every three years. The last Loveland Public Library policy update was approved by resolution and occurred on June 5, 2012.
8. **PARKS AND RECREATION** (presenter: Brian Hayes)  
**COUNTY ROAD 30 OPEN LANDS IGA**  
**A Motion to Adopt Resolution #R-58-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland and the City Of Fort Collins To Purchase Property And Water Interests At 4200 E. County Road 30 And Ongoing Cooperation**  
 This is an administrative item to approve an Intergovernmental Agreement for the acquisition of land and water by the City of Fort Collins and the City of Loveland. The property is located at 4200 E. County Road 30 immediately north and east of the Fort

Collins Loveland Airport. On August 12, 2015 the Open Lands Advisory Commission recommended approval.

**9. FINANCE (presenter: Brent Worthington)**  
**JULY 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 July 31, 2015. Citywide Revenue (excluding internal transfers) of \$158,989,393 is 91.7% of year to date (YTD) budget or \$14,459,974 below the budget.

**10. CITY MANAGER (presenter: Alan Krmarik)**  
**INVESTMENT REPORT FOR JULY 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 steady at 1.11%. For July, earnings of \$149,613 were posted to City funds and the year to date total is \$1,062,039. U.S. short-term Treasury interest rates fell in July; the portfolio had an unrealized gain of \$13,751 compared to an unrealized loss of \$110,896 in June. The end of July portfolio market value is estimated to be \$217.3 million. The total amount of the portfolio is growing, but is still not back to the peak amount reached before the 2013 flood, when the portfolio carried an estimated market value of \$226.3 million.

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

**PUBLIC COMMENT**

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

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.*

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

**11. URBAN LAND INSTITUTE (presenter: Chris Dunn and Christopher Smith, ULI)**  
**ULI FINAL REPORT ON HEALTHY PLACE WORKSHOP – HIGHWAY 287**

This is an information only item. In 2012, the Colorado Health Foundation and the Urban Land Institute launched the Building Healthy Places Initiative. The initiative links negative health factors, particularly obesity and related diseases, to the physical design of communities that discourage active lifestyles and limited access to healthy food. On April

2, 2015, members from the Urban Land Institute conducted a one day workshop to assess a section of the Highway 287 Corridor with respect to the goals of the Building Healthy Places Initiative.

**12. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)  
SOUTH CATALYST PROJECT**

**1. A Motion to issue Developer Request for Proposals for the South Catalyst Project consistent with the direction provided by City Council**

**2. A Motion to direct staff to negotiate an Intergovernmental Agreement with Larimer County for locating the County building in the South Catalyst Project and bring such Intergovernmental Agreement to City Council for final consideration**

This is an administrative item. This is a motion to authorize the City Manager to issue a Request for Proposals (RFP) for a development partner for the South Catalyst project in Downtown Loveland and secondly a motion to direct staff to proceed with the final development of the Intergovernmental Agreement with Larimer County for their building in Downtown. Staff will pose a series of questions to Council regarding the desired outcomes for the South Catalyst project and the County building that will provide direction for the RFP.

**13. CITY ATTORNEY (presenter: Tami Yellico)  
LITIGATION DISCUSSION AND POSSIBLE EXECUTIVE SESSION**

**Discussion of and possible staff direction regarding the Stacy Lynne v. Joan Shaffer lawsuit, which includes alleged claims of defamation and First Amendment violations. This agenda item includes a possible Executive Session.**

This is an administrative action. City Council may be asked to consider formal action, including calling an Executive Session, to consider the claims made in this lawsuit and defense provided by Colorado Intergovernmental Risk Sharing Agency (CIRSA), the City's insurance carrier.

**BUSINESS FROM CITY COUNCIL**

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

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**ADJOURN**



**PROCLAMATION**

- WHEREAS** hunger and poverty are issues of grave concern in the United States and the State of Colorado and Loveland; and
- WHEREAS** Loveland is committed to taking steps to raise awareness about the need to combat hunger in every part of our City and to provide additional resources that citizens of Loveland need; and
- WHEREAS** Loveland is committed to working with Food Bank for Larimer County in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and
- WHEREAS** 1 in 7 individuals in Loveland rely on food provided by the Food Bank for Larimer County annually; and
- WHEREAS** Food Bank for Larimer County distributed more than 8.9 million pounds of food in 2014 through its network of food pantries, partner agencies, Kids Cafe sites, and other community organizations; and
- WHEREAS** food banks across the country, including Food Bank for Larimer County, will host events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

**NOW, THEREFORE,** we, the City Council of Loveland do hereby recognize September, as

**HUNGER ACTION MONTH IN LOVELAND**

and call this observance to the attention of our citizens.

Signed this 1st day of September, 2015

Cecil A. Gutierrez  
Mayor

**MINUTES**  
**LOVELAND CITY COUNCIL SPECIAL MEETING**  
**TUESDAY, AUGUST 3, 2015**  
**PARKS AND RECREATION CONFERENCE ROOM**  
**500 EAST THIRD STREET, THIRD FLOOR**  
**LOVELAND, COLORADO**

**CALL TO ORDER:** Mayor Gutierrez called the meeting to order at 5:37 p.m.

**ROLL CALL:** Gutierrez, Clark, Farley, Trenary, and Fogle. Councilors Shaffer arrived at 6:05 p.m. Councilors McKean, Taylor, and Krenning were absent.

**1. EXECUTIVE SESSION**

**Councilor Farley moved that City Council go into executive session to discuss personnel matters related to the City Attorney's six month performance evaluation as authorized by the following sections of the Colorado Revised Statutes and the City of Loveland Charter:**

- **Personnel matters to include a discussion of the City Attorney's six month performance evaluation as authorized by CRS § 24-6-402(4)(f) and Charter Section 4-4(c)(5); at 5:39 p.m. Councilor Trenary, seconded the motion, which carried with all councilors present voting in favor thereof. City Attorney Tami Yellico exited the meeting at 5:39 and returned at 5:58 p.m. Councilor Shaffer entered the Executive Session at 6:05.**

**Council reconvened at 6:23 p.m.**

**ADJOURN**

Having no further action to come before Council, Mayor Gutierrez adjourned the meeting at 6:24 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, AUGUST 4, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**CALL TO ORDER:** Mayor Gutierrez called the meeting to order at 6:32 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Krenning, Fogle, and Taylor. Councilor Shaffer arrived at 6:40 p.m.

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*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. Councilor McKean asked for item #11 to be removed and Loveland Resident, Jackie Marsh asked for item #6 to be removed from the Consent Agenda. Councilor Clark moved to approve the consent agenda with the exception of items #11 and #6. The motion seconded by Councilor Trenary, carried with eight councilors present voting in favor thereof.**

**CONSENT AGENDA**

1. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENTS TO THE AFFORDABLE HOUSING COMMISSION, COMMUNITY MARKETING COMMISSION, DISABILITIES ADVISORY COMMISSION AND HUMAN SERVICES COMMISSION.**
  1. A motion to reappoint **Marcy Kasner** to the **Affordable Housing Commission** for a term effective until June 30, 2018 was approved.
  2. A motion to appoint **Janeen Sepulveda** to the **Affordable Housing Commission** for a term effective until June 30, 2018 was approved.
  3. A motion to reappoint **Kurt Albers** to the **Community Marketing Commission** for a term effective until June 30, 2018 was approved.
  4. A motion to reappoint **Tom Dwyer** to the **Community Marketing Commission** for a term effective until June 30, 2018 was approved.
  5. A motion to appoint **Laura Coale** as an alternate member on the **Community Marketing Commission** for a term effective until June 30, 2016 was approved.
  6. A motion to reappoint **Chris Kanowitz** to the **Disabilities Advisory Commission** for



a term effective until June 30, 2018 was approved.

7. A motion to reappoint **B. M. Michels** to the **Disabilities Advisory Commission** for a term effective until June 30, 2018 was approved.
8. A motion to reappoint **John Sues** to the **Disabilities Advisory Commission** for a term effective until June 30, 2018 was approved.
9. A motion to reappoint **Melody Glinsman** to the **Human Services Commission** for a term effective until June 30, 2018 was approved.

These are administrative actions recommending the appointment of members to the Affordable Housing Commission, the Community Marketing Commission, the Human Services Commission and the Disabilities Advisory Commission.

2. **POLICE** (presenter: Rick Arnold)

**ANIMAL TRAPPING AND RETURN TO OWNERS**

**A Motion To Approve And Order Published On Second Reading Ordinance #5947 Amending Chapter 6.16 Of The City Of Loveland Municipal Code Regarding The Humane Trapping And Return Of Animals To Their Owners Or Keepers was approved.**

This a legislative action. Larimer Humane Society requests a revision to Loveland City Code Section 6.16.040 to allow humanely trapped domestic animals to be returned to their owners or keepers. There is no budgetary impact. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

3. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)

**SUPPLEMENTAL APPROPRIATION FOR CHILSON EMERGENCY GENERATOR**

**A Motion To Approve And Order Published On Second Reading Ordinance #5948 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For An Emergency Generator At The Chilson Recreation Center was approved.**

This is an administrative action to consider acceptance of an ordinance to appropriate the total cost of the project, including the grant proceeds. FEMA (Federal Emergency Management Agency) through the Colorado Division of Homeland Security and Emergency Management awarded the City of Loveland \$365,150 of a \$486,867 project to install a generator at the Chilson Center, a designated emergency evacuation center. This grant is awarded through the Hazard Mitigation Grant Program (HMGP). The State will contribute 12.5% or \$60,828.50 and the City of Loveland match would be 12.5% or \$60,828.50. This action would authorize the City Manager to sign a contract accepting the grant. A public hearing and first reading of the supplemental ordinance is the first step for appropriating the funds for the project. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

4. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)

**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR CAPITAL EXPANSION FEE PLAN BASED STUDY**

**A Motion To Approve And Order Published On Second Reading Ordinance #5949 Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Capital Expansion Fee Plan Based Study was approved.**

This is an administrative action. The proposed ordinance appropriates a total of \$35,800, \$27,932 from Capital Expansion Fee fund balances and \$7,868 from General Fund balance, the proceeds of which would be used to pay for additional professional and consulting services necessary to complete the Capital Expansion Fee Plan Based Study. The costs of plans may be charged to Capital Expansion Fee fund balances. The appropriations also provide for allocations of cost to the specific Capital Expansion Fees

to make them more equitable. The work completed so far on the study has required more research than originally anticipated and a higher level of interaction and participation with the Boards and Commissions that have a stakeholder interest in the level of the Capital Expansion Fees. The requested supplemental appropriation is necessary to complete the study in time for the September 22, 2015, Council study session. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

5. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)  
**NOVEMBER 3, 2015 ELECTION COORDINATION WITH LARIMER COUNTY**  
**A Motion to Approve And Order Published On Second Reading Ordinance #5950 Providing That The City Of Loveland's Regular Election To Be Held November 3, 2015 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder And, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern was approved.**  
 The proposed Ordinance is a legislative action needed to allow the City's regular election on November 3, 2015, to be so conducted on November 3, 2015 as a coordinated election with the Larimer County Clerk and Recorder. On July 21, 2015, City Council unanimously approved this ordinance on first reading.
  
6. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)  
**DDA ELECTION AND BALLOT QUESTION**  
 This item was moved from the Consent Agenda to the Regular Agenda.
  
7. **WATER & POWER AND INFORMATION TECHNOLOGY** (presenters: Steve Adams and Bill Westbrook)  
**BALLOT QUESTION REGARDING SB152 – BROADBAND**  
**A Motion To Approve And Order Published On Second Reading Ordinance #5952 Submitting To The Registered Electors Of The City Of Loveland At The City's Regular Election To Be Held On November 3, 2015, The Ballot Issue Of Whether, Without Increasing Taxes, And To Restore Local Authority, Shall The City Of Loveland Be Authorized To Provide Advanced Service (High Speed Internet), Cable Television Service, Or Telecommunications Service, Directly Or Indirectly With Public And/OR Private Sector Partners, To Residents, Businesses, Schools, Health Care Facilities, Libraries, Nonprofit Entities, And Other Users Of Such Services Located Within The Boundaries Of The City Of Loveland And The Service Territory Of The City Of Loveland's Power Enterprise As Expressly Permitted By Title 29, Article 27 Of The Colorado Revised Statutes was approved.**  
 This is a legislative action. At a May 12, 2015 City Council Study Session the project team of Loveland Water and Power, Information Technology (IT) and the City Attorney's Office received general guidance to draft a ballot question for the November 3, 2015 election. The ballot question proposes to voters that without increasing taxes, and to restore local authority that the City be authorized to provide high speed internet, cable television and telecommunication services either directly or indirectly with public or private sectors to residents, businesses and other users of such services within the boundaries of the City of Loveland and the service territory of the City of Loveland's power enterprise as expressly permitted by Title 29, Article 27 of the Colorado Revised Statutes. On July 21, 2015, City Council unanimously approved this ordinance on first reading.
  
8. **WATER AND POWER** (presenter: Jim Lees)  
**PUBLIC HEARING**

**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR WATER ENTERPRISE  
A Motion to Approve and Order Published On First Reading An Ordinance Enacting  
A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget  
For The Water And Wastewater Funds was approved.**

This is an administrative item. This item describes the reasons and amounts of a Supplemental Appropriation for the Water and Wastewater Utilities due to insufficient funds in the capital budget or the operations and maintenance budget for certain needs outlined below for the current budget year. This Supplemental Appropriation request was presented to the Loveland Utilities Commission (LUC) on June 17, 2015 and the LUC made the recommendation for City Council to approve this Supplemental Budget and Appropriation item in the amount of \$1,314,400.

**9. LOVELAND FIRE RESCUE AUTHORITY (presenter: Pat Mialy)  
PUBLIC HEARING**

**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE MITIGATION  
STRATEGY AND MASTER PLAN**

**A Motion to Approve and Order Published On First Reading An Ordinance Enacting  
a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for  
The Mitigation Strategy and Master Plan was approved.**

This is an administrative action to conduct a public hearing and first reading of an ordinance to appropriate the grant proceeds for a Mitigation Strategy and Master Plan. The project is anticipated to cost up to \$167,500, \$165,000 of this total will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) federal planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$2,500 maximum. The City will contract with a consulting firm for the project, which is expected to be completed in approximately 12 months.

**10. DEVELOPMENT SERVICES (presenter: Alan Krcmarik)  
PUBLIC HEARING**

**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE FAÇADE GRANT  
PROGRAM**

**A Motion to Approve and Order Published An Ordinance On First Reading Enacting  
A Supplemental Budget And Appropriation To The 2015 Loveland Urban Renewal  
Authority Budget For The Façade Grant Program In The Downtown Project Area  
was approved.**

This is a public hearing to consider an administrative action to adopt an ordinance on first reading to appropriate \$76,130 received through the Downtown URA property tax increment to continue the Façade Grant Program. This appropriation commits TIF money to the façade program for 2015 to assist in improving the condition and appearance of downtown buildings by incentivizing façade improvements.

**11. DEVELOPMENT SERVICES (presenter: Alison Hade)  
HUD CONSOLIDATED PLAN**

This item was moved from the Consent Agenda to the Regular Agenda.

**12. DEVELOPMENT SERVICES (presenter: Alison Hade)  
DEVELOPMENT FEE WAIVER FOR CONSTRUCTION OF SAFEHOUSE**

**A Motion to Adopt Resolution #R-44-2015 Waiving Certain Development Fees  
Related To The Rehabilitation Of Two Homes In The City Of Loveland To Be Used  
As A Domestic Violence Safe House And Counseling Center was approved.**

This is an administrative action. Alternatives to Violence purchased two homes in

Loveland in 2014. One of the homes will be used to provide a safe shelter for eight families for up to six weeks. The other will be used as a counseling center for shelter clients and Loveland residents not yet ready to leave an abusive partner. The cost to purchase and rehabilitate the two homes is just under \$745,000. The cost of the permit and other fees is \$10,423. Alternatives to Violence does not intend to ask City Council for additional funding for the safe house or the counseling center.

13. **WATER & POWER** (presenter: Briana Reed-Harmel)  
**ELECTRIC SUBSTATION EASEMENT**  
**A Motion to Adopt Resolution #R-45-2015 Granting an Easement for the Electric Substation to Tri-State Generation and Transmission Association, Inc. was approved.**  
 This is an administrative action to grant an easement to Tri-State Generation and Transmission Association, Inc. to permit the use of a city owned property for access to its facilities within the Airport Substation property.
14. **FINANCE** (presenter: Brent Worthington)  
**JUNE 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 June 30, 2015.
15. **MUNICIPAL COURT** (presenter: Geri Joneson)  
**MUNICIPAL COURT 2015 2<sup>ND</sup> QUARTER REPORT**  
 This is an information only item. 2015 Second Quarter Reports for Municipal Court activity.
16. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)  
**WINDSOR MEADOWS PHASE II PROJECT TEFRA APPROVAL**  
**A Motion to Adopt Resolution #R-46-2015 Approving The Issuance Of Multifamily Housing Revenue Bonds By The Housing Authority Of The City Of Loveland On Behalf Of The Housing Authority Of The Town Of Windsor For The Sole Purpose Of Qualifying The Interest Payable On The Bonds For Exclusion From The Gross Income Of The Owner Or Owners Of The Bonds For Federal Income Tax Purposes Under The Applicable Provisions Of The Internal Revenue Code Of 1986; And Related Matters was approved.**  
 This is an administrative action approving a tax-exempt financing of not more than \$7,000,000 of Multi-family Revenue Bonds by the Housing Authority of the City of Loveland on behalf of the Housing Authority of the Town of Windsor pursuant to an approved delegation agreement. The proceeds of the bond issue will be used to finance a portion of the cost of constructing and equipping a 36-unit affordable housing project to be known as Windsor Meadows Phase II Project. In no event shall the City of Loveland or any other political subdivision of the State of Colorado (other than the Housing Authority) be liable for the Bonds nor shall the Bonds constitute a debt of the State of Colorado, the City of Loveland or any other such political subdivision (other than the Authority).
17. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)  
**EDGE PROJECT TEFRA APPROVAL**  
**A Motion to Adopt Resolution #R-47-2015 Approving The Issuance Of Multifamily Housing Revenue Bonds By The Housing Authority Of The City Of Loveland For The Sole Purpose Of Qualifying The Interest Payable On The Bonds For Exclusion**

**From The Gross Income Of The Owner Or Owners Of The Bonds For Federal Income Tax Purposes Under The Applicable Provisions Of The Internal Revenue Code Of 1986; And Related Matters was approved.**

This is an administrative action approving a tax-exempt financing of not more than \$12,500,000 of Multi-family Revenue Bonds by the Housing Authority of the City of Loveland. The proceeds of the bond issue will be used to finance a portion of the cost of constructing and equipping a 70-unit affordable housing project to be known as the EDGE Project. In no event shall the City of Loveland or any other political subdivision of the State of Colorado (other than the Housing Authority) be liable for the Bonds nor shall the Bonds constitute a debt of the State of Colorado, the City of Loveland or any other such political subdivision (other than the Authority).

**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.*

Roger Ison, Loveland resident, spoke in support of the Broadband ballot question.

Loveland residents; Pam Koch, Kathryn, Julie Petrosky, Chris Belmar, Laura Stroud, and Rachel Murph spoke regarding concern over traffic and safety at the Highway 34 and Boyd Lake Road intersection and the need for an underpass under Highway 34 and Boyd Lake Road.

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.*

**REGULAR AGENDA**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**6. ECONOMIC DEVELOPMENT**

**(presenter: Betsey Hale)**

**DDA ELECTION AND BALLOT QUESTION**

Economic Development Director, Betsey Hale, introduced this item to Council. This administrative action item recommends the approval of the ordinance to direct the City Clerk and other staff to conduct an election on November 3, 2015 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance. On July 21, 2015, City Council unanimously approved this ordinance on first reading. Mayor Gutierrez opened the public hearing at 7:15 p.m.

Jackie Marsh, Loveland resident, spoke in opposition of this item. Hearing no other comments, Mayor Gutierrez closed public comment at 7:18 p.m. Discussion ensued

regarding the State Statutes and requirements of who is allowed to vote in the DDA boundaries.

**Councilor Shaffer moved To Approve And Order Published On Second Reading Ordinance #5951 Approving A Downtown Development Authority Election To Be Held November 3, 2015, To Authorize Debt, Taxes And Revenue Retention. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

**11. DEVELOPMENT SERVICES  
HUD CONSOLIDATED PLAN**

Community Partnership Office Administrator, Alison Hade, introduced this administrative item to Council. The City of Loveland Community Partnership Office is responsible to submit a Consolidated Plan to HUD every 5 years in order to receive Community Development Block Grant funds for bricks and mortar and human service projects. Discussion ensued over the Final Rule from the Federal Register.

**Councilor Shaffer moved to Adopt Resolution #R-43-2015 Authorizing Submittal Of The City Of Loveland's 2015-2020 Consolidated Plan To The U.S. Department Of Housing And Urban Development. The motion, seconded by Councilor Farley, carried with six councilors in favor and Councilors Clark, McKean and Krenning voting against.**

**18. CITY MANAGER  
INVESTMENT REPORT FOR JUNE 2015**

Executive Fiscal Advisor, Alan Krcmarik introduced this information only item to Council. 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 1.09%. For June, earnings of \$259,940 were posted to City funds and the year to date total is \$912,426. Interest rates rose again slightly in June; the unrealized loss rose to an estimated \$110,896 compared to \$73,816 in May. The end of June portfolio market value is estimated to be \$212.7 million. The total amount of the portfolio is growing, but is still not back to the peak amount reached before the 2013 flood, when the portfolio carried an estimated market value of \$226.3 million. Council thanked staff for the report.

**19. PUBLIC WORKS  
CONSTRUCTION CONTRACT FOR FAB AND MOC REMODEL**

Ken Cooper, introduced this item to Council. This is an administrative matter approving a contract with BVB General Contractors to remodel the FAB, located at 410 E. 5<sup>th</sup> Street, and to remodel the MOC, located at 105 W. 5<sup>th</sup> Street. Construction at both buildings will begin in 2015 and will be completed in the first quarter of 2016. The MOC construction estimate was \$448,480, and the MOC construction bid (without construction contingency) was \$388,280. The FAB construction estimate was \$849,950, and the FAB construction bid (without construction contingency) was \$305,408. These are construction bid costs only and do not represent total project costs.

**Councilor Shaffer moved to award a construction contract award to BVB General Contractors, LLC, to remodel the Fire & Administration Building (FAB) and to remodel the Maintenance Operations Center (MOC). The motion was, seconded by Councilor Farley.**

Discussion ensued regarding the cost of \$225,000 of four additional items that are enhancements.

**Councilor McKean moved to amend the original motion capping the amount to \$175,000. The motion amending the contract award, seconded by Councilor Fogle,**

failed with two councilors voting in favor and Councilors Clark, Gutierrez, Taylor, Farley, Krenning, Shaffer and Trenary voting against.

Councilor Krenning moved to amend the original motion with a cap in the amount at \$250,000. The motion amending the contract award, seconded by Councilor McKean carried with eight councilors voting in favor and Councilor Clark voting against.

Mayor Gutierrez opened the public comment at 10:20 p.m. There were no public comments.

**Roll was called on the original motion as amended. The motion carried with eight councilors in favor and Councilor Clark voting against.**

## 20. **PUBLIC WORKS**

### **NORTH BOISE AVENUE INTERIM EXTENSION (EN1501)**

Dave Klockeman, introduced this administrative item to Council. The North Boise Avenue Extension Project is an interim roadway extension of North Boise from Mount Columbia Avenue to a proposed T-intersection at East 37th Street. This project will extend North Boise Avenue approximately 1,000 linear feet to the north. East 37th Street will also be modified at the T-intersection location to safely accommodate the new access point which includes a left turn lane on the east approach. Bike lane and a pedestrian walkway will be constructed along E 37<sup>th</sup> Street within the limits of the project from Pikes Peak Drive on the west to the existing recreation trail on the east. The low bid for the construction was \$ 782,764.50, compared to the Engineer's Estimate of \$1,100,000. Project construction is planned to begin in late August 2015 and to be substantially complete by the end of October 2015. This schedule is weather dependent and may require adjustment should weather delays occur. Mayor Gutierrez opened the public comment at 10:30 p.m. There were no public comments.

**Councilor Shaffer moved to award the North Boise Avenue Extension Project Contract (Project No. EN1501) to Coulson Excavating Company of Loveland, Colorado in the amount of \$782,764.50 and authorize the City Manager to execute the contract. The motion, seconded by Councilor Clark, carried with all councilors present voting in favor thereof.**

## **BUSINESS FROM CITY COUNCIL**

- |            |  |
|------------|--|
| Farley:    | Informed that both ArtSpace and the Elks Club Received Grant Funds for Historic Preservation.  |
| McKean:    | Thanked Russ Morgan for the 40's on 4 <sup>th</sup> Street event.  |
| Fogle:     | Shared that Art in the Park is this weekend.   |
| Shaffer:   | Retracted comments to Ms. Lynne on July 21 <sup>st</sup> . North I-25 meeting on Wednesday, MPO meeting on Thursday.   |
| Taylor:    | Commended Library for having a great staff.  |
| Trenary:   | Appreciated the 40's on 4 <sup>th</sup> Street event; Mahaffey Park grand opening successful.  |
| Gutierrez: | Shared analysis on the Clean Power Plant and addressed most of the PRPA concerns; August 19 <sup>th</sup> annual PRPA retreat, September 16 <sup>th</sup> presentation to LUC, October 27 <sup>th</sup> Study Session.<br>Annual reappointment of Councilor Shaffer to represent CML's |

Policy Committee; Colorado Cares Day, groups will be serving all over Loveland.

**CITY MANAGER REPORT**

Cahill

Shared that Loveland is 12<sup>th</sup> best place to start a business according to NerdWallet and among the 30 best places to retire according to Money Magazine.

**CITY ATTORNEY REPORT**

None

**ADJOURNMENT**

Having no further business to come before Council, the August 4, 2015, Regular Meeting was adjourned at 10:46 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, AUGUST 18, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**CALL TO ORDER:** Mayor Gutierrez called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Fogle, and Taylor. Councilors Shaffer and Krenning were absent.

*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. Resident Dan Smith asked for item 6 to be removed. Mayor Pro Tem Clark moved to approve the Consent Agenda with the exception of item #6. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

**CONSENT AGENDA**

1. **CITY CLERK** (presenter: Terry Andrews)  
**APPROVAL OF MEETING MINUTES**  
**A Motion to Approve the City Council Meeting Minutes for the, July 21, 2015 Regular Meeting and the July 28, 2015 Study Session was approved.**
  1. This is an administrative action to approve the City Council meeting minutes for the July 21, 2015 Regular Meeting.
  2. This is an administrative action to approve the City Council meeting minutes for the July 28, 2015 Study Session.
  
2. **WATER AND POWER** (presenter: Jim Lees)  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR WATER ENTERPRISE**  
**A Motion to Approve and Order Published On Second Reading Ordinance #5953 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Insufficient Funds in the Capital & Operating Budgets was approved.**  
This is an administrative action. This item describes the reasons and amounts of a

Supplemental Appropriation for the Water and Wastewater Utilities due to insufficient funds in the capital budget or the operations and maintenance budget for certain needs outlined below for the current budget year. This Supplemental Appropriation request was presented to the Loveland Utilities Commission (LUC) on June 17, 2015, and the LUC made the recommendation for City Council to approve this Supplemental Budget and Appropriation item. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.

3. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE MITIGATION STRATEGY AND MASTER PLAN**  
**A Motion to Approve and Order Published On Second Reading Ordinance #5954 Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for The Mitigation Strategy and Master Plan was approved.**  
 This is an administrative action to approve on second reading, an ordinance to appropriate the grant proceeds for a Mitigation Strategy and Master Plan. The project is anticipated to cost up to \$167,500, \$165,000 of this total will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) federal planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$2,500 maximum. The City will contract with a consulting firm for the project, which is expected to be completed in approximately 12 months. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.
  
4. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE FAÇADE GRANT PROGRAM**  
**A Motion to Approve and Order Published On Second Reading Ordinance #5955 Enacting A Supplemental Budget And Appropriation To The 2015 Loveland Urban Renewal Authority Budget For The Façade Grant Program In The Downtown Project Area was approved.**  
 This is an administrative action to adopt an ordinance on second reading to appropriate \$76,130 received through the Downtown URA property tax increment to continue the Façade Grant Program. This appropriation commits TIF money to the façade program for 2015 to assist in improving the condition and appearance of downtown buildings by incentivizing façade improvements. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.
  
5. **FINANCE** (presenter: Brent Worthington)  
**PUBLIC HEARING**  
**SUPPLEMENTAL BUDGET AND APPROPRIATION FOR PHASE I OF THE CEMETERY MAINTENANCE SHOP**  
**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 Phase I Of The Cemetery Maintenance Shop was approved.**  
 This is an administrative action. The ordinance would appropriate a total of \$118,000 to the 2015 City of Loveland Budget for the design of a replacement Cemetery Maintenance Shop/Office to address safety, ADA and customer service needs at the Loveland Burial Park and Lakeside Cemetery.
  
6. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)

**PUBLIC HEARING  
LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES**

This item was moved to the regular agenda.

7. **HUMAN RESOURCES** (presenter: Julia Holland)  
**CITY ATTORNEY COMPENSATION**  
**A Motion to Adopt Resolution #R-48-2015 Of The Loveland City Council Regarding The Compensation Of The City Attorney was approved.**  
 This is an administrative action regarding compensation for the City Attorney as a result of the six month evaluation.
8. **CITY CLERK** (presenter: Terry Andrews)  
**MAIL BALLOT ELECTION IGA**  
**A Motion to Adopt Resolution #R-49-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland And The Larimer County Clerk And Recorder Concerning The Coordinated Mail Ballot Election To Be Held On November 3, 2015 was approved.**  
 This is an administrative action to adopt a resolution authorizing the execution of an agreement between the City of Loveland and the Larimer County Clerk and Recorder concerning the coordinated election to be held on November 3, 2015.
9. **FORT COLLINS-LOVELAND MUNICIPAL AIRPORT** (presenter: Jason Licon)  
**FEDERAL AND STATE GRANT FOR CONSTRUCTION**  
**A Motion To Adopt Resolution #R-50-2015 Authorizing The City Manager To Execute A Grant Agreement With The State Of Colorado Division Of Aeronautics (CDAG #15-FNL-01) For Construction Of A Storage Building For Snow Removal Equipment was approved.**  
 This is an administrative action to approve the construction of a multi-year federally and state grant-funded, Airport Capital Improvement Project.
1. A Resolution authorizing the City Manager to execute a grant agreement with the State of Colorado Division of Aeronautics (CDAG #15-FNL-01) for construction of a storage building for snow removal equipment was approved.
  2. A Motion to award a contract in the amount of \$1,105,711 to Walsh Construction for the construction of a storage building for snow removal equipment and to authorize the City Manager to execute such contract was approved.
  3. A Motion to authorize the City Manager to execute amendment number six to the contract dated May 14, 2012 with CH2M Hill for construction management services of FAA Project AIP 34 at the Fort Collins - Loveland Municipal Airport at a total cost not to exceed of \$99,983.50 was approved.
10. **FINANCE** (presenter: Brent Worthington)  
**CDBG DISASTER RECOVERY GRANT**  
**A Motion to Adopt Resolution #R-52-2015 Authorizing the Mayor to Execute the Community Development Block Grant Disaster Recovery Infrastructure Grant Agreement (Project No. R1-40-Alt 122) Between the City of Loveland and the Colorado Department of Local Affairs was approved.**  
 This is an administrative action. The CDBG Disaster Recovery Grant is intended to reimburse the Loveland General Fund for the City's matching portion associated with Emergency Protective Measures required by the aftermath of the September 2013 flood of the Big Thompson River. Total cost of this project was \$1,934,954.86. FEMA awarded \$1,450,714.86; the State of Colorado awarded \$242,120.00.

11. **FINANCE** (presenter: Brent Worthington)  
**CDBG DISASTER RECOVERY GRANT**

**A Motion to Adopt Resolution #R-53-2015 Authorizing the Mayor to Execute the Community Development Block Grant Disaster Recovery (CDBG-DR) Infrastructure Grant Agreement (Project No. R1-40-Alt 123) With the Colorado Department of Local Affairs was approved.**

This is an administrative action. The CDBG Disaster Recovery Grant is intended to reimburse the Loveland General Fund for the City's matching portion associated with Emergency Protective Measures required by the aftermath of the September 2013 flood of the Big Thompson River. Total cost of this project was \$419,406.28. FEMA awarded \$314,554.72; the State of Colorado awarded \$52,425.78.

**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.*

**Sgt. Jamison Gartner presented to City Council the route for the US Pro Challenge through Loveland on August 22, 2015. Sgt. Gartner also identified intersections that are directly impacted by the race.**

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.*

**REGULAR AGENDA**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

6. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)  
**PUBLIC HEARING**

**LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES**

Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. Ordinance #5927, approved by City Council on second reading April 7, 2015, established the Loveland Downtown Development Authority (DDA) and established the legal description of the DDA boundaries. The Larimer County Assessor's Office identified three residential parcels that were split by the DDA Boundary. As only one tax area can be assigned to a single parcel, the DDA boundary needs to be expanded to include the entire parcels or take the parcels out of the DDA legal description. The property owners of the affected parcels declined the option to include their property into the DDA boundaries. Approval of this action would exclude the three residential properties from the legal description of the DDA boundaries. Mr. Smith expressed concern with future plans for the intersection at Hwy. 287 at 29<sup>th</sup> St. Council directed Mr. Smith to contact Interim Executive Director of the Downtown Development Authority, Jacque Wedding-Scott. Staff will also follow up with Mr. Smith to see if his concerns for the current configuration can be mitigated. Mayor Gutierrez asked if anyone else would like to speak regarding this issue. **Mayor Pro Tem Clark moved to Approve and Order Published On First Reading An Ordinance Excluding Three Residential Properties from the Boundaries of the Loveland Downtown**

**Development Authority (The “DDA”) was approved. The motion seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

## **12. ECONOMIC DEVELOPMENT**

### **PUBLIC HEARING**

#### **TERMINATION OF URA DOWNTOWN PLAN**

Executive Fiscal Advisor, Alan Krcmarik introduced this administrative item to Council. Termination of the Downtown URA Plan will substantially change the City of Loveland URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan. July 7, 2015, City Council adopted Resolution #R-38-2015 directing the referral of the proposal to terminate the URA Plan to the 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 adopted Resolution #15-03 recommending to City Council the termination of the Downtown URA Plan of Development at the July 13, 2015 meeting. Resolution #R-38-2015, also directed City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that City Council may conduct a hearing and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions in the November election. City Council formally adopted the DDA Plan of Development on July 7, 2015, with the recommendation of the Planning Commission. Mayor Gutierrez opened the public hearing at 7:15 p.m. Hearing no public comment Mayor Gutierrez closed the public hearing at 7:15 p.m. **Mayor Pro Tem Clark moved to Adopt Resolution #R-51-2015 Of The Loveland City Council Approving The Termination Of The Downtown Urban Renewal Plan For The City Of Loveland. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

### **BUSINESS FROM CITY COUNCIL**

- Farley: Will be serving as Parade Marshall in the Corn Roast Parade on Saturday, August 22, 2015; attended Night on the Town at Artspace.
- McKean: Would request that Council send a letter to the widow of Scott Ellis, engineer for the reconstruction of Hwy 34 after the flood. Mr. Ellis passed away Monday, August 17, 2015 at the Leadville 100. Also there is some talk of renaming that stretch after Mr. Ellis; Discussion regarding the South Catalyst Project RFP. Staff will be bringing multiple options to Council for discussion at the September 1, 2015 regular meeting of Council.
- Fogle: August 22, 2015, there will be the Duck Race, funds collected go toward several benevolent opportunities: dictionaries for 3<sup>rd</sup> graders and grants for High School Seniors and starting this year, grants will go for trade school students as well.
- Clark: Transportation items: NI-25 bumper stickers; Asked CC to send a letter of appreciation to Senator Gardner for keeping the three Colorado projects road out in front of the decision makers; expressed interest in serving on the MPO as an alternate in November; HWY 34 drafted a resolution – Council will have a future discussion of whether to support the Resolution.
- Taylor: Corn Roast Festival and US pro challenge this weekend.
- Trenary: Attended a Habitat for Humanity dedication.

Gutierrez: First meeting of the new Airport Regional Board today; last weekend was the Arts weekend in the City. Three separate events were held all relating to Art. Expressed appreciation to Staff and Volunteers.

**CITY MANAGER REPORT**

**No report**

**CITY ATTORNEY REPORT**

**No report**

**ADJOURNMENT**

Having no further business to come before Council, the August 18, 2015, regular meeting was adjourned at 8:18 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor

**MINUTES**  
**LOVELAND CITY COUNCIL STUDY SESSION**  
**TUESDAY, AUGUST 25, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**STUDY SESSION 6:30 P.M.**

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

**1. FINANCE**  
**2016 BUDGET DEVELOPMENT WORKSHOP**

Bill Cahill, City Manager; Brent Worthington, Finance Director; and Matthew Elliott, Budget Analyst, presented this item to Council. As directed by City Council, Staff brought an Interim Budget Review. The Review covered:

- Summary of 2014 Financial Results
- 2016 Capital Program Review (presented to Council June 9, 2015)
- 2016 Operating Budget
- Overall City Manager Perspective
- Departmental Operating Budget Changes
- Departmental Structural Changes

Staff will be responding to Councils direction and questions at the September 8, 2015 Study Session.

**ADJOURNMENT**

**Mayor Pro Tem Clark adjourned the Study Session at 9:12 p.m.**

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Dave Clark, Mayor Pro Tem



**CITY OF LOVELAND**  
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2318 • FAX (970) 962-2918 • TDD (970) 962-2620

**AGENDA ITEM:** 2  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Brent Worthington, Finance Department  
**PRESENTER:** Brent Worthington, Finance Director

**TITLE:**

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City Of Loveland Budget for Phase I of the Cemetery Maintenance Shop

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**OPTIONS:**

1. Adopt the action as recommended.
2. Deny the action which will prolong correcting safety/ADA concerns at both the cemetery and planned park locations.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration.

**SUMMARY:**

This is an administrative action. The ordinance would appropriate a total of \$118,000 to the 2015 City of Loveland Budget for the design of a replacement Cemetery Maintenance Shop/Office to address safety, ADA and customer service needs at the Loveland Burial Park and Lakeside Cemetery.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

This appropriation will increase the total appropriation for the City's General Fund and reduce the General Fund balance. The Unassigned Fund Balance, after this appropriation, will total \$5,079,711.

**BACKGROUND:**

This supplemental appropriation is to request funding for Phase I of the Cemetery Maintenance Building and Office to address safety, ADA and customer service concerns. A project to repair and renovate the Cemetery Maintenance Shop/Office was included in the 2015 Capital Program, to commence in 2016. However, the 2016 amount included \$118,000 for project design that was intended to be performed in 2015. Total project funding has remained consistent with the Capital Plan.



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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

Ordinance

**FIRST READING**            August 18, 2015

**SECOND READING**        September 1, 2015

**ORDINANCE NO. 5956**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR PHASE I OF THE CEMETERY MAINTENANCE SHOP**

**WHEREAS**, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for phase I of the Cemetery Maintenance Shop; 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 phase I of the Cemetery Maintenance Shop, 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.** Reserves in the amount of \$118,000 from fund balance in the General Fund are available for appropriation. Such revenues in the total amount of \$118,000 are hereby appropriated to the 2015 City budget for funding of phase I of the Cemetery Maintenance Shop. 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	118,000
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<b>Total Revenue</b>	<b>118,000</b>
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**Appropriations**

100-91-999-0000-47120	Trf to Capital Projects	118,000
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<b>Total Appropriations</b>	<b>118,000</b>
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**Supplemental Budget  
Capital Projects Fund 120**

**Revenues**

120-00-000-0000-37100	Transfers From General Fund	118,000
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<b>Total Revenue</b>	<b>118,000</b>
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**Appropriations**

120-51-568-0000-49355	PKCemeterySp Design/Architect	118,000
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<b>Total Appropriations</b>	<b>118,000</b>
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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 1st day of September, 2015.

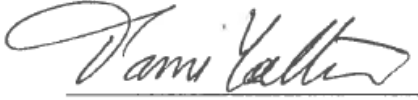
\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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

---

City Attorney



## 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:** 3  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Betsy Hale, Economic Development  
**PRESENTER:** Betsy Hale, Economic Development Director

**TITLE:**

An Ordinance Excluding Three Residential Properties from the Boundaries of the Loveland Downtown Development Authority (The “DDA”)

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**OPTIONS:**

1. Adopt the action as recommended.
2. Deny the action. If the action is denied the legal description for the DDA boundaries will be incorrect.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. The accuracy of the legal description impacts the November DDA election.

**SUMMARY:**

This is an administrative action. Ordinance #5927, approved by City Council on second reading April 7, 2015, established the Loveland Downtown Development Authority (DDA) and established the legal description of the DDA boundaries. The Larimer County Assessor’s Office identified three residential parcels that were split by the DDA Boundary. As only one tax area can be assigned to a single parcel, the DDA boundary needs to be expanded to include the entire parcels or exclude the parcels out of the DDA legal description. The property owners of the affected parcels declined the option to include their property into the DDA boundaries. Approval of this action would exclude the three residential properties from the legal description of the DDA boundaries. City Council unanimously approved the ordinance on first reading at the August 18, 2015 meeting.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

On February 10, 2015 an election was held to determine if downtown residents, property owners, business operators and other eligible persons supported the formation of a Downtown Development Authority. The voters approved the establishment of such an entity. City Council

approved Ordinance #5927 on second reading April 7, 2015 formally establishing the Loveland Downtown Development Authority and setting the legal description of the DDA boundaries.

Following a review of the boundaries of the DDA, the Larimer County Assessor Office notified staff that the boundary line splits three different residential parcels. In each case, half of the parcel is inside the boundary and half outside. Not more than one tax area can be assigned to a single parcel. CRS 31-25-822 provides the requirements to petition for inclusion of additional property into the DDA. City staff contacted each owner of the affected parcels providing the option of filing a petition to include the entire parcel in the DDA boundary. The owners declined this option, therefore the three residential parcels must be excluded from the legal description.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

Ordinance

**FIRST READING: August 18, 2015**

**SECOND READING: September 1, 2015**

**ORDINANCE NO. 5957**

**AN ORDINANCE EXCLUDING THREE RESIDENTIAL PROPERTIES  
FROM THE BOUNDARIES OF THE LOVELAND  
DOWNTOWN DEVELOPMENT AUTHORITY (THE “DDA”)**

**WHEREAS**, by Ordinance No. 5906 and Resolution No. #R-82-2014 of the City of Loveland, Colorado (“City”) and pursuant to Section 31-25-804, C.R.S, the City Council of the City (“City Council”) called a special election of the qualified electors of the proposed DDA for the consideration of the ballot question concerning the establishment of the DDA; and

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

**WHEREAS**, a portion of each of three different residential properties, was included in the DDA boundaries, with the remainder of each of such properties inadvertently being left outside the DDA boundaries; and

**WHEREAS**, the Larimer County Assessor has advised the City that it cannot assign more than one tax district to a single property; and

**WHEREAS**, the City Council desires to exclude from the DDA boundaries those portions of such properties presently included therein.

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

**Section 1.** That pursuant to the authority granted in the DDA Act, City Council hereby excludes the following three parcels of real property in Loveland, Colorado, from the DDA boundaries:

Parcel Number: 95132-09-009

Legal: N 1/2 OF LOT 8, ALL OF LOTS 9 & 10 & S 75 FT OF LOTS 20 & 21,  
BLK 5, LOVELAND HTS, LOV

Parcel Number: 95132-12-007

Legal: COM AT A PT 185 FT N OF SW COR OF BLK 1, MCKEE, LOV; TH E  
140 FT TO ALLEY; TH N ALG ALLEY TO N BANK OF BIG LATERAL  
DITCH; TH NWRLY ALG N BANK OF DITCH TO W LN OF BLK S 65.2 FT  
M/L TO BEG, ALSO E 20 FT OF LOT 6, BLK 1, MCKEE ADDN, LOV, EXC S  
5 FT THEREOF

Parcel Number: 95132-21-013  
 Legal: LOTS 13 THRU 17 & 5 FT OF VAC ALLEY ADJ SD LOTS 14 & 15 ON  
 S, BLK 2, MCKEE, LOV

**Section 2.** That the amended boundaries of the DDA, after the exclusion authorized in Section 1 above, are set forth on Exhibit A attached hereto and incorporated herein by this reference.

**Section 3.** That the Plan of Development is hereby amended by the City Council to delete the legal description of the boundaries of the DDA set forth therein, and to substitute therefor the legal description referred to in Section 2 above of this Ordinance.

**Section 4.** That the exclusion of the above-referenced properties from the DDA boundaries is determined to be a minor modification to the DDA Plan of Development for the following reasons:

- (i) The City has not received any petitions for inclusion of the omitted portions of the three residential properties into the DDA;
- (ii) The City has not incurred any debt on behalf of the DDA; and
- (iii) The exclusion of portions of three residential properties from the DDA boundaries will have a de minimus effect on the financial condition and operation of the DDA.

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

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

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

ADOPTED this 1st day of September, 2015.

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Cecil A. Gutierrez, Mayor

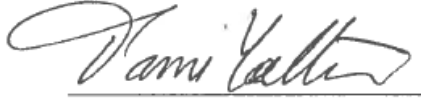


ATTEST:

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City Clerk

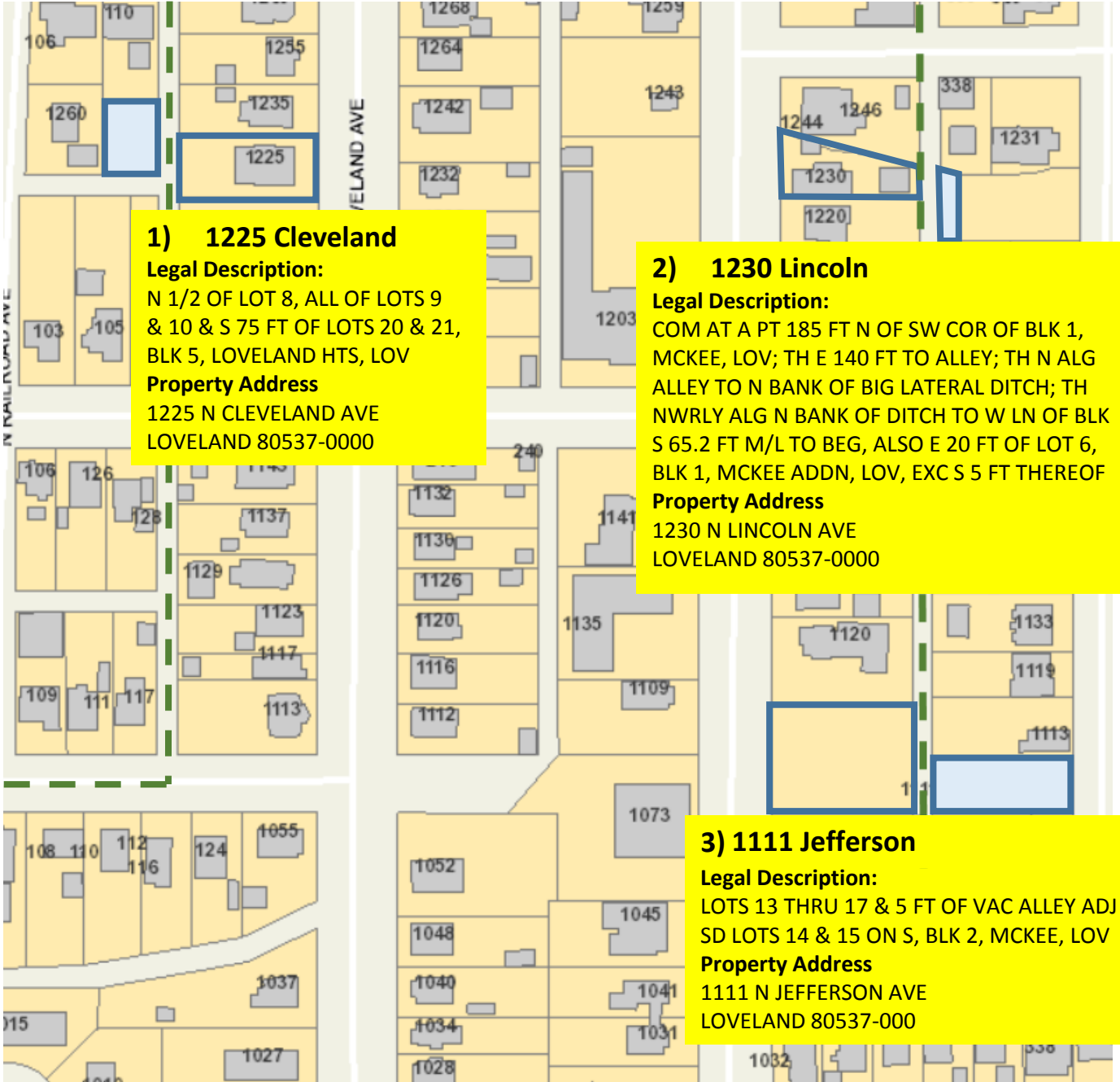
APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Tami Yalton". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

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City Attorney

# Exhibit A. Map of Three Parcels “Split” by the legal description of the Loveland Downtown Development Authority Boundary





**CITY OF LOVELAND**  
PUBLIC WORKS DEPARTMENT

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

**AGENDA ITEM:** 4  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Leah Browder, Public Works Department  
**PRESENTER:** Chris Carlson, Civil Engineer II

**TITLE:**

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for a Temporary Flood Administrative Technician Position and for final Flood reconstruction work at the Fire Training Grounds

**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 position will end)
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 to continue a temporary flood recovery Administrative Technician position. This position and funding was initially approved upon second reading of an ordinance on March 4, 2014. It provided \$46,780 for a temporary position providing administrative support to the engineering teams working on flood recovery projects. This supplemental appropriation request of \$54,449 includes \$33,941 to allow the Administrative Technician position to continue through the 2015 budget cycle while still remaining within the original \$46,780 appropriation. Since flood recovery work is still ongoing, it is our intention to continue the position until April 6, 2016, which is approximately when the originally appropriated funds will have been spent. The total requested funding of \$54,449 also provides \$20,508 for the Facilities Management Division to cover final Flood reconstruction costs at the Fire Training Grounds. These funds were also included in the original Flood funding approved on March 4, 2014.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The appropriation uses existing balances within the General Fund. Because the original supplemental appropriation funding did not roll over into 2015, this supplemental appropriation request is for a continuation of those funds originally allocated, decreasing the General Fund unassigned balance by \$54,449. The General Fund unassigned balance is currently \$5,197,711.

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**BACKGROUND:**

Staff brought to Council an ordinance requesting funding for a round of flood recovery projects on February 18, 2014. The ordinance also appropriated funding for a temporary (1-year) Administrative Technician position to assist engineering staff with the flood recovery projects. It was initially anticipated that the position would be full time for one year. After that time, staff would assess whether the need still existed to extend the temporary position. \$46,780 was allocated from the General Fund upon second reading of the ordinance on March 4, 2014.

Once the position was filled in May 2014, it was determined that it would be most cost effective and beneficial for the position to be part-time at approximately 20 hours per week. Therefore, the original budget of \$46,780 could last for up to two years. As of December 31, 2014, only \$12,838.57 had been spent and \$33,941.43 remained from the original allocation. Because this amount could not be rolled over into the 2015 budget, it must be reallocated through a supplemental appropriation. Therefore, staff requests a supplemental appropriation of \$33,941 to continue the position through 2015.

We estimate that the original funding of \$46,780 will be spent on salary expenses by approximately April 6, 2016. Since flood recovery work is still ongoing, it is staff's desire to continue this temporary, part-time position until that time. We anticipate that another supplemental appropriation request will be made in 2016 for the remaining unspent funds. At such time, we will evaluate the need to continue the position relative to the amount of flood recovery work remaining.

The Big Thompson River restoration project just north of the Fire Training Grounds wasn't completed until early in 2015. Therefore, the final reconstruction work at Fire Training Grounds was also delayed until March, 2015. This work consisted primarily of fencing and light poles at a total cost of \$20,508. It was identified and included in the original Flood funding package, approved by Council on March 4, 2014. However, with the delay for river restoration, it was not included in the 2015 Budget Rollover process. Including the reconstruction funding of \$20,508 in this appropriation will ensure the work is funded with dollars originally approved and intended for Flood-related work in 2014.

Therefore, this supplemental appropriation request of \$54,449 includes \$33,941 from the General Fund to cover the Administrative Technician Position in 2015 and \$20,508 to fund the final Flood reconstruction at the Fire Training Grounds, completed in March of 2015.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:**

Ordinance

**FIRST READING**      September 1, 2015

**SECOND READING**      \_\_\_\_\_

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR TEMPORARY FLOOD ADMINISTRATIVE TECHNICIAN POSITION & FINAL FLOOD RECONSTRUCTION WORK AT THE FIRE TRAINING GROUNDS**

**WHEREAS**, a temporary flood recovery Administrative Technician position was approved and funded to provide administrative support to engineering teams working on flood recovery projects; and

**WHEREAS**, flood recovery projects are ongoing and continuation of the temporary Administrative Technician position is desirable; and

**WHEREAS**, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for a temporary Flood Administrative Technician position and final Flood reconstruction work at the Fire Training Grounds; 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 a temporary Flood Administrative Technician position, 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.** Reserves in the amount of \$54,449 from fund balance in the General Fund are available for appropriation. Such revenues in the total amount of \$54,449 are hereby appropriated to the 2015 City budget for funding of a temporary Flood Administrative Technician position and final Flood reconstruction work at the Fire Training Grounds. 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 54,449

**Total Revenue 54,449**

**Appropriations**

100-23-231-0000-41012                      Salaries-Non Benefitted Emp 31,345

100-23-231-0000-41544                      F.I.C.A. Taxes 2,596

100-23-250-1801-43569 20,508

**Total Appropriations 54,449**

**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 September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF LOVELAND**  
PUBLIC WORKS DEPARTMENT

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

**AGENDA ITEM:** 5  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Leah Browder, Public Works  
**PRESENTER:** Dave DeBaere, Engineering

**TITLE:**

A Resolution Granting a Nonexclusive Existing Building Encroachment Easement

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the Resolution.

**OPTIONS:**

1. Adopt the action as recommended.
2. Deny the action. The property will continue to unlawfully encroach on the City's right of way.

**SUMMARY:**

This is an administrative action. The grant of easement will allow existing building improvements at 201 East 4<sup>th</sup> Street to remain within City rights-of-way.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

Public Works Engineering was approached by the owner of 201 East 4<sup>th</sup> Street with the request to provide the rights for them to maintain their building improvements in the rights-of-way of 4<sup>th</sup> Street, Cleveland Avenue and the alley to the north of their building. Though these improvements have existed on the property and within the City right of way locations for many decades, the encroachment was recently identified when the building was surveyed for the transfer of ownership.

The most reasonable method to maintain the rights of the City, the public and the owner is to provide an easement to the property owner for their existing building improvements. The easement will not change the City's or the public's use of the pedestrian areas around the building and will not provide the property with any future rights to reconstruct new improvements on the City's rights-of-way.

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**REVIEWED BY CITY MANAGER:**

*William D. Cavill*

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**LIST OF ATTACHMENTS:**

1. Resolution
2. Easement
3. Ex. A to Easement
4. Ex. B to Easement



**RESOLUTION #R-54-2015**

**A RESOLUTION GRANTING A NONEXCLUSIVE EXISTING  
BUILDING ENCROACHMENT EASEMENT**

**WHEREAS**, portions of an existing building owned by Ligon Properties Ltd and located at 201 E. 4<sup>th</sup> St., Loveland, CO (“the Building”) encroaches on a portions of dedicated right of way; and

**WHEREAS**, the owners of the Building have requested that the City of Loveland grant an existing building encroachment easement on, over, under, through, and across real property owned by the City of Loveland; and

**WHEREAS**, the Public Works Department reviewed Ligon Properties Ltd’s request and found that the proposed encroachment has existed for many decades and does not constitute a nuisance, impair the use of the right-of-way by the public, constitute a traffic hazard, or in any other way adversely affect the public health, safety, or welfare at the present time; and

**WHEREAS**, the City Council desires to grant the requested easement on the terms and conditions set forth in the “Existing Building Encroachment Easement” attached hereto.

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

**Section 1.** That the “Existing Building Encroachment Easement,” attached hereto as Exhibit A and incorporated herein by reference (“Easement”), is hereby approved.

**Section 2.** That the City Manager and the City Clerk are hereby authorized and directed to execute the Easement on behalf of the City of Loveland.

**Section 3.** That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form or substance of the Easement as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

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

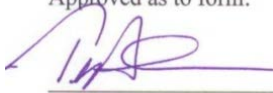
ADOPTED this 1st day of September, 2015.

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

ATTEST:

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

Approved as to form:

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

Teresa Ablao  
Assistant City Attorney

**EXISTING BUILDING ENCROACHMENT EASEMENT**

THIS EASEMENT is made and entered into this \_\_\_\_\_ day of August, 2015 by and between the CITY OF LOVELAND, COLORADO, a Colorado home rule municipality (“Grantor”) and Ligon Properties LTD (“Grantee”).

FOR GOOD AND VALUABLE CONSIDERATION, the adequacy and receipt of which is hereby acknowledged, Grantor has this day bargained and sold, and by these presents does bargain, sell, convey, transfer, and deliver unto the Grantee, its successors, and assigns, until such time as the existing building on the Property depicted on **Exhibit A** hereto (“the Property”) is demolished or otherwise removed from the Property, a non-exclusive easement on, over, under and across the real property hereinafter described on **Exhibit B** for the purpose of continuing an existing structural encroachment of the improvements on the Property depicted on **Exhibit A**, which Property is commonly referred to as 201 E. Fourth St., Loveland, CO 80537. For purposes hereof “demolished or otherwise removed” shall not be construed to include remodeling or maintenance work on the Property at 201 E. Fourth St. Also, if only a portion of the encroaching improvements is demolished or removed, only the portion of the encroachment easement directly affected by the demolition or removal will terminate and Grantee, its successors and assigns shall continue to have an encroachment easement for the remaining encroachment area.

THE EASEMENT HEREBY GRANTED, is on, over, under and across the real property legally described on **Exhibit B** hereto which is incorporated herein by reference.

TO HAVE AND TO HOLD said easement unto the Grantee, its successors, and assigns until such time as the existing building on the Property is demolished or otherwise removed from the property. Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the real property above described, that it has lawful right to convey the easement herein granted, and that said easement is free and clear of all encumbrances.

The Grantee covenants and agrees to cover the cost of and maintain all existing building grates and accesses with material approved by the City to safely accommodate pedestrian and bicycle traffic at Grantee’s sole expense.

IN WITNESS WHEREOF, Grantor has executed this easement the day and year first above written.

GRANTOR:

CITY OF LOVELAND

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

ATTEST:

\_\_\_\_\_

City Clerk

Approved as to form:



Teresa Ablao  
Assistant City Attorney

GRANTEE ACCEPTANCE:

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

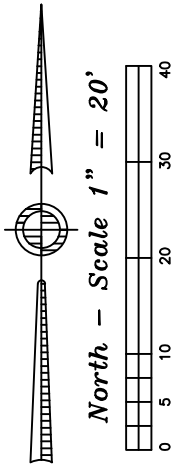
STATE OF COLORADO        )  
  )ss  
County of Larimer         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_.

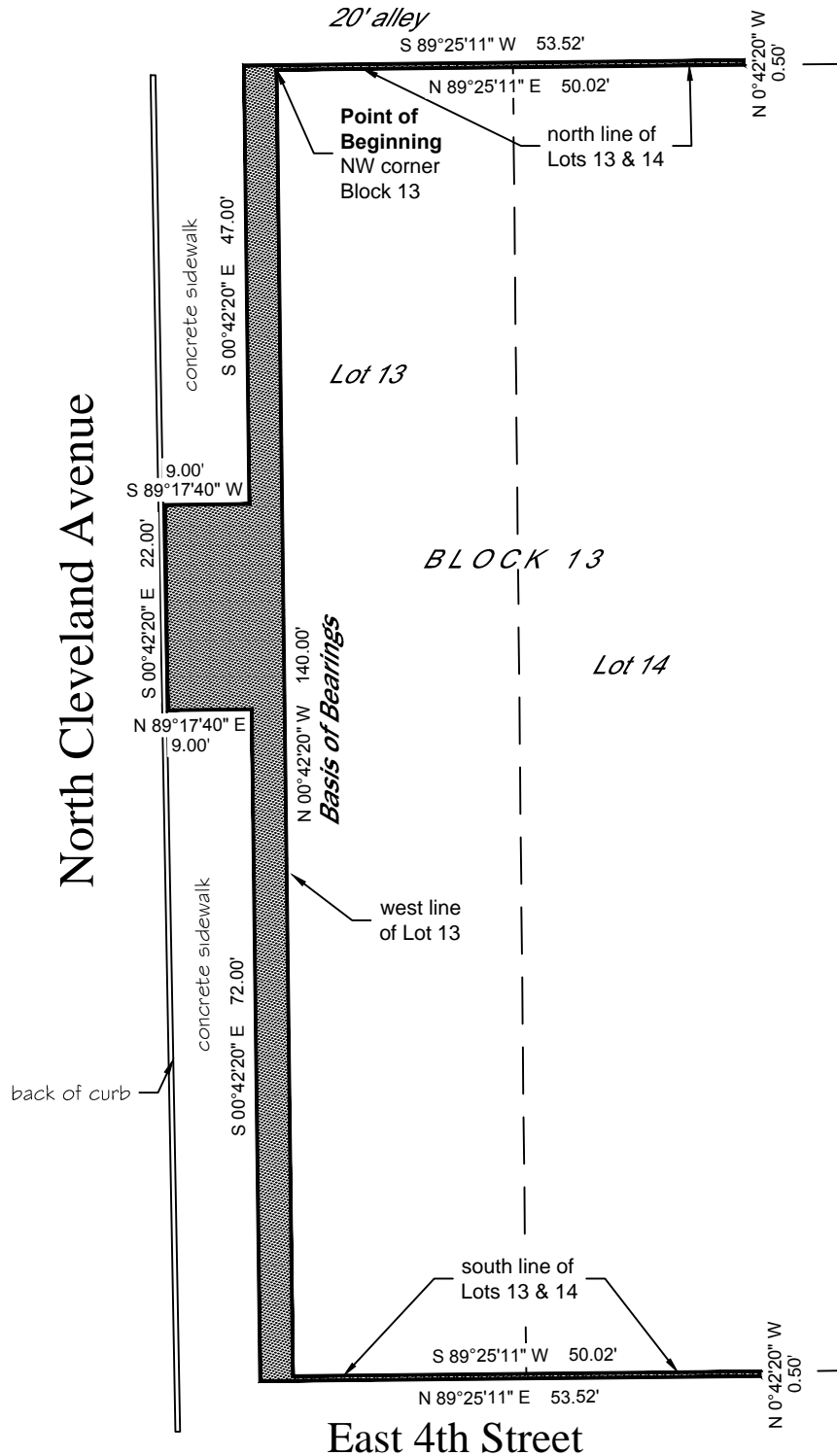
Witness my hand and seal. My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

# Description Exhibit A



**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



Z:\PLS Group\Project\2015\15024\dwg\15024.dwg August 17, 2015 - 5:57pm

#	Date	Revisions	Field Date n/a	Prepared for:	Project#: 15024.003
			Party Chief n/a	<b>Ligon Properties</b>  <b>PLS Group</b> 6843 North Franklin Avenue Loveland, Colorado 80538 Office 970.669.2100 - Fax 970.669.3652	
			Survey Tech n/a		
			Proj. Manager <b>MBS</b>		
			Scale <b>1" = 20'</b>		

# Description Exhibit B

Description:

A portion of North Cleveland Avenue, East 4th Street and the 20-foot alley within Block 13, CITY OF LOVELAND, public records of Larimer County, Colorado and being more particularly described as follows:

Considering the West line of Lot 13, Block 13 as bearing N 00°42'20" W with all bearings herein relative thereto.

Beginning at the Northwest corner of Block 13, CITY OF LOVELAND, public records of Larimer County, Colorado; thence N 89°25'11" E along the north line of Lots 13 and 14, said Block 13 for a distance of 50.02 feet; thence leaving said north line, N 00°42'20" W for a distance of 0.50 feet; thence S 89°25'11" W for a distance of 53.52 feet; thence S 00°42'20" E for a distance of 47.00 feet; thence S 89°17'40" W for a distance of 9.00 feet; thence S 00°42'20" E for a distance of 22.00 feet; thence N 89°17'40" E for a distance of 9.00 feet; thence S 00°42'20" E for a distance of 72.00 feet; thence N 89°25'11" E for a distance of 53.52 feet; thence N 00°42'20" W for a distance of 0.50 feet to the south line of aforesaid Lots 13 and 14, Block 13; thence S 89°25'11" W along said south line for a distance of 50.02 feet to the west line of said Lot 13; thence N 00°42'20" W along said west line for a distance of 140.00 feet to the Point of Beginning.

Containing 742 square feet, more or less.



**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

#	Date	Revisions	Field Date n/a	Prepared for: Project#: 15024.003
			Party Chief n/a	<div style="font-size: 24px; font-weight: bold; margin-bottom: 10px;">Ligon Properties</div> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>⊕</span> <div style="text-align: center;"> <p>PLS Group</p> <p>6843 North Franklin Avenue</p> <p>Loveland, Colorado 80538</p> <p>Office 970.669.2100 - Fax 970.669.3652</p> </div> <span>⊕</span> </div>
			Survey Tech n/a	
			Proj. Manager <b>MBS</b>	
			Scale <b>1" = ' 1</b>	



**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:** 6  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Steve Adams, Water and Power Director  
**PRESENTER:** Jim Lees, Utility Accounting Manager

**TITLES:**

1. A Resolution Concerning Funding for the Water Enterprise to Complete Improvements at the Water Treatment Plant and Construct More Water Storage
2. A Resolution Concerning Funding for the Wastewater Enterprise to Complete Improvements at the Wastewater Treatment Plant

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a Public Hearing and approve the resolutions on first reading.

**OPTIONS:**

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

**SUMMARY:**

This is an administrative action to adopt a resolution that provides funding mechanisms for the Water Enterprise through a series of rate increases and an external loan. This funding will be used to complete improvements at the Water Treatment Plant and for construction of more water storage. A second resolution provides funding mechanisms for the Wastewater Enterprise through a series of rate increases and an external loan. This funding will be used for improvements at the Wastewater Treatment Plant. These resolutions carry out the Council's direction from the July 28, 2015 Study Session which was also the recommendation by both the LUC and Staff. Both resolutions maintain the rate tracks that Council gave their approval to that were developed from the previous cost-of-service rate study that was conducted in 2012. These rate tracks still provide sufficient funding to meet the projected needs of both the Water and Wastewater Utilities over the next ten years. On July 15, 2015, the Loveland Utilities Commission recommended approval.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

Both utilities will have their revenues increased as a result of implementing the proposed rate increases. Both utilities will see an increase in expenses as a result of funding the operating and maintenance expenses as well as the capital expenditures that are included for each utility in their 10-Year Financial Plans.

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**BACKGROUND:**

At the July 28, 2015 City Council Study Session, the results from this year's Water and Wastewater cost-of-service rate study were presented. Staff was looking for direction from the Council on some rate track and borrowing scenarios for both the Water and Wastewater Utilities. For Water, there were four scenarios presented, and the support from City Council was for Scenario 1, which was called the Baseline scenario. This scenario maintains the rate track that Council gave their approval to on March 5, 2013 via Resolution #R-16-2013. Scenario 1 was recommended both by the Loveland Utilities Commission (LUC) and Staff. This scenario includes the following components:

- 1) Implement the following series of rate increases to provide adequate cash flow to fund the needs of the Water Utility:
  - 2016: 8.0%
  - 2017-2019: 9.0% per year
  - 2020-2022: 8.0% per year
  - 2023-2025: 3.5% per year
- 2) Pursue a 20-year external loan for a projected \$9.2 million in 2018 to help finance the City's portion of the construction of the Chimney Hollow Reservoir

For Wastewater, there were five scenarios presented, and an additional scenario (referred to at the meeting as 4a) was also considered by Council. Scenario 4a was a hybrid of Scenario 4, which moved the construction of Digester #3 forward from 2020 to 2016, and Scenario 1, which maintained the rate track that was supported by Council from the 2012 cost-of-service rate study. As a follow-up to the July 28, 2015 Study Session, the specifics of Scenario 4a were emailed to the City Council from Bill Cahill on August 4, 2015. The support from City Council at the July 28, 2015 Study Session was for Scenario 4a, and this is also the scenario that was recommended both by the LUC and Staff. This scenario includes the following components:

- 1) Implement the following series of rate increases to provide adequate cash flow to fund the needs of the Wastewater Utility:
  - 2016: 8.8%
  - 2017-2019: 11.0% per year
  - 2020-2022: 7.0% per year
  - 2023-2025: 3.5% per year
- 2) Pursue a 20-year external loan for a projected \$24.9 million in 2016 to help finance critical capital projects at the Wastewater Treatment Plant. (NOTE: Since the July 28 Study Session, Alan Krcmarik, the City's Executive Fiscal Advisor has informed us that for a loan of this size, a 25-year loan would yield more favorable terms for the City, so the resolution for Wastewater will incorporate a 25-year term for the loan).

These resolutions are intended to be the guiding documents for funding the needs of the Water and Wastewater Enterprises through 2025.

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**REVIEWED BY CITY MANAGER:**



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**LIST OF ATTACHMENTS:**

Resolutions



**FIRST READING**

September 1, 2015

**SECOND READING**

\_\_\_\_\_

**RESOLUTION #R-55-2015**

**A RESOLUTION CONCERNING FUNDING FOR THE WATER ENTERPRISE TO COMPLETE IMPROVEMENTS AT THE WATER TREATMENT PLANT AND CONSTRUCT MORE WATER STORAGE**

**WHEREAS**, for well over one hundred years, the City of Loveland Water Utility has provided the Loveland community with a safe and reliable source of potable water at some of the lowest rates in the State of Colorado; and

**WHEREAS**, the Water Utility is facing significant financial challenges due to escalating regulatory requirements, increasing operation and maintenance costs, aging infrastructure, water treatment plant capacity limitations and the need for additional water storage; and

**WHEREAS**, to meet these challenges and provide for the City’s future economic growth and development, the Water Utility must improve the water treatment plant and construct more water storage; and

**WHEREAS**, the City Council desires to secure adequate funding for the Water Utility to meet these project needs through a combination of sources, specifically external borrowing and water rate increases, designed to equitably distribute the financial impacts between current and future Water Utility customers and the citizens of Loveland who will benefit from the City’s future economic growth and development; and

**WHEREAS**, the Loveland Municipal Charter at section 13-2 authorizes the City Council to set rates, and the City Code at section 3.04.025 provides that all utility rates, charges, and fees shall be set by resolution, and all rates, charges and fees in chapter 13 of the Code require such fees to be by resolution adopted after two readings.

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

**Section 1.** That the City Council hereby directs the City Manager to secure for the City Council’s future consideration and approval as the Board of the City’s Water Utility Enterprise a twenty-year amortized loan from an external source (or sources) to the Water Enterprise, in the year 2018, on the most advantageous terms available as determined by the City Manager, in consultation with the City Attorney and the City’s Executive Fiscal Advisor, in the principal amount necessary to pay all financing costs and establish any required reserves to achieve net loan proceeds of Nine Million Two Hundred Thousand Dollars (\$9,200,000).

**Section 2.** That the City Council hereby adopts the following rate increases across all

Water Utility customer classes for each of the next ten years as listed below, said rate increases to take effect beginning with billings mailed on or after January 1 of the then-current year:

2016	8% increase
2017	9% increase
2018	9% increase
2019	9% increase
2020	8% increase
2021	8% increase
2022	8% increase
2023	3.5% increase
2024	3.5% increase
2025	3.5% increase

The rate increases adopted herein shall be in addition to, and not in lieu of, any other rate increases for water service that may hereafter be adopted by the City Council to more accurately reflect the cost of providing water service to the Water Utility’s customers.

**Section 3.** That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

**FIRST READING**

September 1, 2015

**SECOND READING**

\_\_\_\_\_

**RESOLUTION #R-56-2015**

**A RESOLUTION CONCERNING FUNDING FOR THE WASTEWATER ENTERPRISE TO COMPLETE IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT**

**WHEREAS**, for eighty-five years, the City of Loveland Wastewater Utility has provided the Loveland community with a safe and reliable wastewater system at very competitive rates; and

**WHEREAS**, the Wastewater Utility is facing significant financial challenges due to escalating regulatory requirements, increasing operation and maintenance costs, aging infrastructure and wastewater treatment plant capacity limitations; and

**WHEREAS**, to meet these challenges and provide for the City's future economic growth and development, the Wastewater Utility must improve the wastewater treatment plant; and

**WHEREAS**, the City Council desires to secure adequate funding for the Wastewater Utility to meet these project needs through a combination of sources, specifically external borrowing and wastewater rate increases, designed to equitably distribute the financial impacts between current and future Wastewater Utility customers and the citizens of Loveland who will benefit from the City's future economic growth and development; and

**WHEREAS**, the Loveland Municipal Charter at section 13-2 authorizes the City Council to set rates, and the City Code at section 3.04.025 provides that all utility rates, charges, and fees shall be set by resolution, and all rates, charges and fees in chapter 13 of the Code require such fees to be by resolution adopted after two readings.

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

**Section 1.** That the City Council hereby directs the City Manager to secure for the City Council's future consideration and approval as the Board of the City's Wastewater Utility Enterprise a twenty-five-year amortized loan from an external source (or sources) to the Wastewater Enterprise, in the year 2016, on the most advantageous terms available as determined by the City Manager, in consultation with the City Attorney and the City's Executive Fiscal Advisor, in the principal amount necessary to pay all financing costs and establish any required reserves to achieve net loan proceeds of Twenty-Four Million Nine Hundred Thousand Dollars (\$24,900,000).

**Section 2.** That the City Council hereby adopts the following rate increases across all

Wastewater Utility customer classes for each of the next ten years as listed below, said rate increases to take effect beginning with billings mailed on or after January 1 of the then-current year:

2016	8.8% increase
2017	11% increase
2018	11% increase
2019	11% increase
2020	7% increase
2021	7% increase
2022	7% increase
2023	3.5% increase
2024	3.5% increase
2025	3.5% increase

The rate increases adopted herein shall be in addition to, and not in lieu of, any other rate increases for wastewater service that may hereafter be adopted by the City Council to more accurately reflect the cost of providing wastewater service to the Wastewater Utility’s customers.

**Section 3.** That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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



## CITY OF LOVELAND

Loveland Public Library

300 North Adams • Loveland, Colorado 80537

(970) 962-2665 • Reference@cityofloveland.org

**AGENDA ITEM:** 7  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Marcia Lewis, Loveland Public Library  
**PRESENTER:** Marcia Lewis

**TITLE:**

A Resolution Approving the Statement of Policy of the Loveland Public Library

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the Resolution.

**OPTIONS:**

1. Adopt the action as recommended
2. Deny the action (prior 2012 policies remain in effect)
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration (the Loveland Library Board would be required to meet and consider changes)

**SUMMARY:**

This is an administrative action to adopt a resolution approving the recommended policies approved by the Loveland Public Library Board of Directors. A Loveland Public Library policy update historically occurs approximately once every three years. The last Loveland Public Library policy update was approved by resolution and occurred on June 5, 2012.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

The Loveland Public Library has revised a statement of policies of the Loveland Public Library in order to effectuate the new mission statement of the Loveland Public Library. The Loveland Public Library seeks to inform, to enrich and to inspire, thereby engaging and strengthening the community. The Loveland Public Library seeks to serve the community as a center for reliable information and to support educational, civic and cultural activities of individuals, groups and organizations. The Loveland Public Library seeks to welcome and encourage use of the Library and ensure that all customers of the Library can use the amenities the Library has to offer. The Loveland Public Library seeks to enhance all levels of learning in order to promote the communication of ideas through the availability of print and non-print educational and recreational materials. The Loveland Public Library seeks to uniformly apply the policies of the Library to users.

The last revision was developed just before the library renovation was completed and some of the minor changes reflect how the library is actually being used now. Food and beverages are no longer limited to the café area but are not allowed near computers and equipment. Membership in Prospector Consortium required minor changes in circulation policies. E-cigarettes are added to the list of banned tobacco and smoking products. The warning and appeal process for suspensions and revocation of library privileges is clarified. The new policies clearly prohibit viewing sexually explicit materials harmful to children from all areas of the library (CRS §18-7.502). A new provisional library card can be used once while waiting for a parent's signature or address verification.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:**

1. Resolution
2. Exhibit A – Statement of Policy

**RESOLUTION #R-57-2015**

**A RESOLUTION APPROVING THE STATEMENT OF POLICY OF THE LOVELAND PUBLIC LIBRARY**

**WHEREAS**, the Library Board of the City of Loveland (“Board”) periodically reviews, revises, and recommends certain policies and procedures to govern the Loveland Public Library; and

**WHEREAS**, the Board has reviewed and revised the Statement of Policy of the Loveland Public Library that was last updated on June 5, 2012 and approved by City Council pursuant to Resolution #R-40-2012; and

**WHEREAS**, the Board recommends that City Council adopt the revised Statement of Policy of the Loveland Public Library (“Statement of Policy”) attached hereto as Exhibit A and incorporated by reference; and

**WHEREAS**, City Council has reviewed and approves the Statement of Policy.

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

**Section 1.** That the Statement of Policy is hereby approved and adopted as the policies and procedures for the Loveland Public Library, and all previous statements of policy of the Loveland Public Library approved by City Council are hereby repealed and superseded in all respects by the Statement of Policy attached hereto as Exhibit A.

**Section 2.** That this Resolution shall be effective as of the date and time of its adoption.


ADOPTED this 1st day of September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

  
Assistant City Attorney

## EXHIBIT A

### STATEMENT OF POLICY OF THE LOVELAND PUBLIC LIBRARY

#### Mission Statement of the Loveland Public Library

The mission of the Loveland Public Library is to inform, to enrich and to inspire, thereby engaging and strengthening the community.

#### I. General Objectives of the Library

- A. To assemble, preserve and administer, in organized collections, print and non-print educational and recreational materials for all levels of learning in order to promote the communication of ideas.
- B. To serve the community as a center of reliable information and to support educational, civic and cultural activities of individuals, groups and organizations.
- C. To welcome and encourage use of the Library and ensure that all customers of the Library can use its facilities to the maximum extent possible during its regularly scheduled hours. The Library staff's purpose is to help the public access in a timely manner the information and material needed to complete their projects. Our staff is dedicated to providing the best possible services in a comfortable, professional, sanitary and attractive atmosphere.

#### II. General Library Policies

- A. CLC. The Library recognizes and participates in the Colorado Library Card ("CLC") program, and all Library policies apply to CLC participants.
- B. Privacy. The Library supports and complies with state laws providing for privacy of customer records (C.R.S. Section 24-90-119).
- C. Rights. The Library adopts and supports the American Library Association Library Bill of Rights (see Appendix A).
- D. Fees and charges. All Library rates, fees and charges are as established annually by City Council.

#### III. Library Card Policies

- A. Applications. All applications shall be made on forms approved by the Library Board in English and Spanish, contain all required information, and require picture identification, proof of signature and address verification for Colorado residence for adult applicants and/or for an adult signing for a child to verify signature and identity of



applicant. Any person unable to sign an application with his or her name may sign a mark properly witnessed by a staff member.

- B. Fees. Library cards shall be issued free of charge. Each individual will be issued and may only use one Library card. Replacements may be issued upon payment of a replacement fee.
- C. Eligibility. The following categories of individuals are eligible to apply for a Library card:
  - 1. Adults. Any resident of the State of Colorado or other person who is entitled thereto by agreement with the Library who is eighteen (18) years or older.
  - 2. Minors. Any person under eighteen (18) years of age. Such application and Library card must be co-signed by a parent or legal guardian who is eligible to apply for a card and who will be liable for any fees, costs or charges incurred by the minor. No co-signer is required for a person under eighteen (18) years of age who is legally emancipated and has documents to prove such status.
  - 3. Identification required. Any adult signing a Library card application for himself/herself or co-signing for someone under the age of eighteen (18) must provide a valid picture identification, signature and proof of Colorado residency. Any non-Colorado resident may receive a Library card upon producing a picture identification and his/her paid Larimer County property tax statement for the current or previous year.
- D. Life cards. Retired Library employees, City Council liaison to the Library Board, and Library Board members, upon completion of their appointed term of service with the Library, are eligible for life cards. Holders of life cards are exempt from paying fines on overdue Library materials. They are responsible for paying replacement costs for lost or damaged materials. They may use the staff photocopier and printers and pay staff rate for personal copies. Life cards are not transferable.
- E. Provisional and deposit cards. Residents who do not have proof of current address or minors without a co-signor may be issued a provisional card to check out up to three (3) items and/or use the computer only on the day of application. The provisional card will have an expiration date of that day and may be converted to a regular card when the required proof of address is presented to a Customer Service staff member.

Any other temporary resident, persons providing a "General Delivery Address," or those with no proof of residency may receive a deposit card. Materials may be checked out with a deposit card upon payment of a deposit in an amount sufficient

to ensure the return of the materials as determined by the Library Director. The deposit shall be refunded when all items are returned on time and in good condition.

- F. Teacher cards. Teachers are eligible to apply for a teacher card. This card is good only for the current school year and allows teachers the ability to borrow Library books for classroom use only.
- G. Suspension of card privileges and appeal. The use of the Library card may be suspended for failure to follow any Library policy or rule. Suspension of Library privileges may be appealed to the Library Board. A customer may appeal such suspension by making a written request for a hearing before the Library Board by submitting that request in writing to the Library Director within twenty (20) days after receiving notice of the suspension. The written request shall specify the grounds for appeal. The appeal hearing shall be held at the Library Board's next regularly-scheduled meeting after the written request is received by the Library Director and may be continued from time to time by the Library Board in its discretion. If the suspension is based upon the failure to pay a fine, cost or charge, the suspension shall be deferred until the hearing date upon the posting of a deposit in the amount of the alleged fines, costs or charges. If the suspension is not based upon the failure to pay a fine, cost or charge, the suspension shall be stayed until the hearing date upon the filing of the written request for the hearing.

#### IV. Library Services

- A. As per the Selection and Management Policy, Section VI, the Library staff may select from the available materials and organize for easy access, those books and materials which to meet the needs of the community.
- B. The Library staff may initiate programs, exhibits, displays, book lists, etc. to stimulate greater use of Library materials by people of all ages in the community.
- C. The Library, insofar as reasonable, may borrow materials it does not own for customers who request them. Procurement expenses, if any, are to be borne by the customer making the request.
- D. The Library may lend materials requested by other libraries, if available. The Library may join, when feasible, with other libraries to develop and expand Library services.
- E. The Library endeavors to maintain equal opportunity or reasonable accommodation when providing services to all customers regardless of sex, age, religion, disability, nationality, sexual orientation, or race.
- F. Classes from all schools and homeschoolers are welcome to visit the Library during open hours. Accompanying adults are responsible for child supervision and appropriate use of the Library. If Library staff services will be needed,

arrangements should be made with the Library Director or division staff providing service at least forty-eight (48) hours in advance.

- G. Hours. The Library Board will establish hours of service with the goal of providing maximum service to the community within the constraints set by the budget.
- H. Proctoring. The Library will proctor exams for the public using the following procedures:
  - 1. The Library Adult Services staff will proctor examinations for the public following the guidelines of the institution involved.
  - 2. As a rule, it is the student's responsibility to contact the Library to see if the exam has arrived and to set up an appointment for taking the exam.
  - 3. The student will sit at a carrel or designated computer in sight of the proctoring librarian during open Library hours.
  - 4. The school or student is responsible for providing the return envelope and paying return postage.
  - 5. A proctoring fee may be charged for each test scheduled.
- I. Telephone Policies.
  - 1. The Library telephone is not a public telephone. Customers may, upon approval of staff, use the telephone to complete Library business, in case of emergency, or if transportation is needed.
  - 2. In the event of an emergency, Library staff may page a customer and provide the caller's name and telephone number to the customer being paged once he/she is located. It is the responsibility of the customer being paged to return the telephone call.
  - 3. Library material holds, renewals, and requests for materials from other libraries may be made at any public service desk, on-line or by telephone. Requests received by telephone or electronically for information regarding materials or services will be handled when an employee is free to do the necessary research. An employee will respond by telephone or electronically when practicable.
- J. Library Equipment Use Policies.
  - 1. Customers will be charged for use of certain Library equipment according to the Library fee schedule.

2. When requested to do so, the Library will provide a receipt for the number of copies made and for the fees charged for use of equipment and/or supplies.
  3. The customer's Library card, driver's license, or other form of identification may be held by Library staff while equipment is being used.
  4. Equipment shall be used in compliance with copyright laws. Customers using copy machines or Internet workstations are legally responsible for adhering to the applicable laws.
  5. The Library assumes no responsibility for any loss of or damage to a customer's personal information, materials or equipment resulting from the use of the Library's equipment or materials (*e.g.*, media items, photocopiers, microcomputers and peripheral storage devices, microform machines, wireless microcomputer use, etc.).
- K. Art Displays. Artwork may be exhibited in specified display cases for a temporary period in the Library at the discretion of the Library Director and/or the Art Selection Committee, subject to the following:
1. The Art Selection Committee will consist of two (2) Library staff members appointed by the Library Director, two (2) Library Board members appointed by a majority vote of the Library Board, and two (2) Friends of the Library ("FOL") members as determined by the FOL.
  2. The artwork displayed may be advertised for sale, subject to the approval of the Art Selection Committee. Sales will be managed by the FOL with the FOL retaining a percentage of the sale.
  3. A separate application must be completed for each work of art. Said application must include a photograph of the work of art sought to be displayed.
  4. Artwork in the galleria may be displayed for up to three months. The applicant must agree to leave their artwork on display for the entire agreed-upon length of time.
  5. An artist providing artwork for display must be a State of Colorado resident.
  6. Insurance on each work of art shall be the responsibility of the artist and shall be a condition precedent to the display of artwork by the Library.
  7. Maintenance of the artwork shall be the responsibility of the artist.

8. Artwork must be able to be physically displayed in the spaces provided.
  9. Only artwork created by children and teens may be displayed in the Children's and Teenseen areas and will be displayed at the discretion of the Librarians. Such artwork will not be subject to the criteria of this section K.1-8.
  10. "Work of art," "Art" or "Artwork" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Artwork typically does not include landscaping, paving, architectural ornamentation or signs. (Loveland Municipal Code Section 12.60.020)
- L. Posting and Information Displays. The Library provides display cases, bulletin boards and pamphlet racks for publicizing non-profit community services or agencies as well as cultural, educational and civic events. These display cases, bulletin boards and pamphlet racks are available subject to the following regulations:
1. All posters, displays, pamphlets and/or flyers shall be submitted to the Library staff for approval prior to display and shall be placed by a staff member. Private or commercial announcements shall not be posted. Posters, displays, pamphlets and/or flyers not in compliance with this policy will be removed and discarded.
  2. No posters or exhibits shall be displayed outside the designated display areas unless they pertain to the Library, City government or local schools.
  3. Bulletin board notices shall be dated when posted and event posters shall be displayed for no longer than two (2) weeks.
  4. Posters shall not be larger than 11" x 17" except at the discretion of the Library Director or her/his designee.
  5. Exhibits shall be placed in the Library display cases at the discretion of the Library Director or her/his designee. Installation of an exhibit in the public display cases is the responsibility of the exhibit's owner(s).
  6. The Library will provide distribution racks for catalogs, fliers, newspapers and brochures. Such items shall not be displayed except in distribution racks provided by the Library. Library staff will periodically remove outdated material.

M. iLearn Policies.

1. General Policies.

An application to reserve the iLearn classroom is required and can be found online at [www.lovelandpubliclibrary.org](http://www.lovelandpubliclibrary.org). The iLearn classroom can be scheduled up to two months in advance. All applications require approval from either the IT Supervisor or the Library Director. The classroom is available during standard Loveland Public Library hours. The iLearn classroom contains 15 student computers and 1 teacher station, laptop connectors, a white board and a projector. Library staff is available for technical support during set-up and class session.

2. Library Sponsored and Co-sponsored Classes.

- a. In general, acceptable classes will be of public service in nature, on topics relevant to Loveland community members, and with a distinct need for computers/internet. Instructor's background or qualifications will be vetted by Library staff.
- b. Library provides: 4 pages duplexed for class materials, student registration, results of the student class evaluation survey, and publicity on City website.
- c. Instructors provide: a syllabus and content description in advance of the course, a student no-show list, distribution of instructions to fill out an evaluation survey.
- d. During the course, instructors may mention their own services for hire, but at least 80% of the class must be instruction versus commercial information.

3. Outside Agencies/Privately Sponsored Classes/Instructors.

- a. The iLearn classroom is available for rental by outside agencies and private entities on a first come, first served basis. The Library will not be responsible for registration, student costs, classroom materials, marketing materials or content creation.
- b. Library provides: technical support during set-up and course session and the rental agreement between the Library and the outside agency or instructor. The rental agreement does not indicate or imply endorsement of any course, its content or its outcome by the Library or the City of Loveland.

- c. Instructors provide: prepaid room fee, syllabus, course content, student materials, marketing and registration of students.
- d. Fees for City of Loveland departments, boards, commissions and city-affiliated groups may be waived at the Library Director's discretion.

#### N. Video conferencing.

1. Video conferencing equipment is available for use. An application and scheduled reservation through the Library or IT Department is required to use the Library's video conferencing equipment. Video conference sessions are typically held in the Library Board Room. If more than 10 people will be present, the video conference session will be moved and held in another meeting room designated by the Library. Additional charges apply to reserve an alternate room. Sessions can be reserved up to two (2) months in advance. Technical specifications and contact information must be provided no later than one week prior to the session for testing purposes.

2. Staff Support. The Library will provide set-up, take down, and technical troubleshooting for the duration of the session.

3. Charges for Service.

A one hour deposit is required to reserve the video conferencing equipment. If the Library is unable to establish or successfully test a connection, the deposit will be returned. Separate fees exist for use of the video conferencing equipment during Library hours and when Library is closed. Session timing and applicable fees (other than the non-refundable deposit) begin when access to the room is granted. Fees and charges only apply to the video conference equipment and the meeting room. Access to other public areas will be regulated by the guidelines in the Loveland Public Library's policies.

- O. Reference information. Library staff will exercise diligence in providing reference information. The City of Loveland, its elected and appointed officials and employees are not responsible for the accuracy or inaccuracy of any information provided to any customer or for the failure to provide information to any customer.
- P. Outreach Services. The Library will provide outreach services (yellow shelves, group housing deposit collection, homebound, summer storyteller in the park, etc.) subject to funds available for such services. Currently registered clients of homebound service are exempt from fines for overdue materials but shall be responsible for charges for damaged and lost materials while enrolled in the program.

- Q. Cooperation. As resources allow, the Library may work in cooperation with other departments within the City of Loveland and outside entities, such as Thompson School District and local organizations for mutually beneficial enrichment and in furtherance of the Library's mission.
- R. Lost and Found. Library and City staff and elected and non-elected officials are not responsible for items lost or stolen within the Library building. Items found will be held for thirty (30) days and then discarded or donated to an appropriate non-profit agency as determined by the Library Director.

## V. Circulation Policies

- A. Loan Procedures. The loan period for various classes of materials and the specific procedures to be followed for lost, damaged or overdue materials is regulated according to the Library Procedure Manual adopted by the Library Director. A copy is available at the customer service desk. The loan period for interlibrary loan materials is determined by the lending library.
- B. Loan Limit. A total of no more than fifty (50) items may be checked out per Library card, except that a limit may be placed on the number of certain non-print materials and magazines which can be borrowed at one time.
- C. Holds. Customers may place a hold on an item and will be notified by the Library when it is available.
- D. Renewals. Customers may renew an item only if there are no holds on the item. Most items may be renewed a maximum of three (3) times (excluding Quick Reads, Quick Watches, Prospector Consortium loans) and then must be returned to the public shelves and cannot be renewed by the same customer for twenty-four (24) hours. Items borrowed from Prospector Consortium may usually be renewed one time according to Consortium loan rules.
- E. Fines. Fines shall be charged for all Library materials not returned on time to the Library designated check-in locations. A maximum fine of \$10.00 per item or the replacement cost of the item (if under \$10) will be charged. Fines must be paid in U.S. currency, or with an approved credit or debit card, or by personal check.
  - 1. A collection agency may be employed to recover overdue materials and unpaid fines. If the agency aids in the recovery of overdue material, additional fees will be charged to and collected from the customer.
  - 2. Any customer owing \$5.00 or more in calculated or accumulating fines shall not check out or renew Library materials. A customer must pay the entire fine in order to have loan privileges reactivated.



3. Customers returning materials the first day after a declaration of a state of emergency or an event that closes highways, schools or City offices will not be charged fines for the time period that the emergency condition existed.
  4. Under extraordinary circumstances (*e.g.*, accident, calamity, illness, death in family, hospitalization, etc.) Library staff may waive or adjust fines for late, damaged, lost or stolen materials with sufficient proof to support such claim. Waivers or adjustments will not be made (1) year after the delinquent item(s) became due.
- F. Reference Loans. A limited number of items in the reference, non-circulating collection may be loaned out overnight with special permission from the librarian in charge.
- G. Teacher loans. Teachers with a current teacher's Library card may check out books for classroom use. All loan and overdue policies apply. Depending on availability of materials, staff will pull materials for teachers if given at least forty-eight (48) hours prior notice, or as staff workload allows, and will notify the teacher when the materials are available. Materials not checked out within forty-eight (48) hours of notice of availability will be returned to the shelves. Rules for use of a teacher's card are included in the Library Procedure Manual. Items not returned within forty-five (45) days after the due date will be considered lost, and the borrower will be liable for the replacement cost and a \$10.00 per item, non-refundable processing fee.
- H. Lost materials. A customer shall pay for lost materials at the replacement price as listed in the Library database, or at the default price including a processing fee. Customers may replace lost or damaged materials with identical replacement items with prior approval of a department supervisor, but remain responsible for payment of the processing fee. The processing fee is waived for non-cataloged paperbacks, magazines, children's board books, and pamphlets. No overdue fines shall be collected for lost materials.
1. A receipt will be prepared and a copy provided to the customer upon payment of all charges.
  2. If the lost material is returned within six (6) months of payment and is accompanied by the receipt, and if the material is in acceptable condition in the Library Director's judgment, the customer will receive a refund of the replacement price paid minus any applicable fines. No refund of the processing fee shall be made. A refund check will be issued by the City and mailed to the customer.
- I. Damaged materials. A customer shall pay for damaged materials in an amount determined by the Customer Service librarian and according to the schedule set

forth in the Library Procedure Manual. If materials must be replaced due to extreme damage, the charges for replacing lost materials shall be applied.

1. Parts of damaged books, if appropriate, may be used for other purposes in the Library or discarded at the discretion of the Customer Service librarian in charge.
  2. At the customer's request, damaged materials may be collected by the customer after payment of replacement charges and processing fees. Any materials withdrawn from circulation by reason of damage may be discarded by the Library if not collected by the customer within four (4) weeks after receiving the Library's notification.
- J. Loan Returns. Customers shall return borrowed materials to the Library-designated check-in locations within the building or Library's book drops. Customers returning materials in non-designated locations shall be liable for loss or damage of material.
- K. Employee and Volunteer Privileges.
1. The Library Director, in his or her discretion, may waive late return fines or fees of staff members and volunteers. Staff members are responsible for paying replacement costs for lost or destroyed materials. Staff and currently-active volunteers may charge photocopies and computer printing using the staff photocopier and computer equipment at reduced cost to be paid quarterly.
  2. The City of Loveland on-line Employee Handbook and all Administrative Regulations shall be followed in their entirety.
  3. Upon completion of three (3) months of regular volunteer service, volunteers and Teen Advisory Board members will receive fine exempt status on their Library cards. This status is to be continued while they remain an active volunteer.
  4. The City of Loveland Volunteer Handbook must be followed in its entirety.

## VI. Selection and Management Policies

- A. General Policies.
1. The Library selection and management policies are intended to further the objectives of the Library (see Sections I.A. and B. above), to guide librarians in the selection and review of materials, and to inform the public of the principles that govern the Library's choice of materials.

2. Within the restrictions imposed by its budget, the Library will provide, or attempt to secure, materials requested by customers that are consistent with the Library's selection development policy.
3. The Library will not provide materials in the quantity needed for school class work, however, the Library will attempt to provide materials to supplement resources available in school libraries.
4. The Library may furnish materials and services requested by higher education programs on a contract-by-contract arrangement.
5. The Library will loan the major portion of its collection, including memorials. Exceptions may be made for reference materials and rare or fragile items.
6. The Library welcomes citizen input regarding materials and will give citizen input serious consideration.

B. Selection Policies.

1. Responsibility for selecting materials lies with the professional staff of the Library, operating within their areas of service, and considering public and interdepartmental suggestions. The Library Director has ultimate responsibility for selecting materials for the Library, operating within the framework of policies set forth herein and as directed by the City Manager.
2. General selection and retention criteria for all materials include:
  - a. relevance of the material to community interests and needs;
  - b. readability and literary quality;
  - c. relation of the work to existing collection;
  - d. current significance or permanent value;
  - e. accuracy of material content;
  - f. format and suitability for Library use; and
  - g. price.
3. Because it is impossible for the Library staff to review the large number of books published, they shall also rely on outside sources to aid in selection and retention. These most often include:

- a. favorable attention by critics, professional reviewers, and the public; and
    - b. reputation and significance of the author or publisher.
  - 4. In addition to meeting the general selection criteria, materials for the Teen's and Children's collections shall meet the following criteria:
    - a. content and vocabulary consistent with the ability and knowledge level of the intended customers; and
    - b. physical durability and attractive format.
- C. Intellectual Freedom, Objections and Appeals.
1. The Library subscribes to the Library Bill of Rights of the American Library Association, which affirms that "no Library materials should be excluded because of the sex, age, race, nationality, or the social, political, or religious views of those contributing to their creation" (a copy is included in Appendix A of this Policy). Accordingly, books and other Library materials will be chosen for their interest, information, and enlightenment value to the people of the community, not by the standards of one group in the community.
    - a. The Library will endeavor to procure and loan materials presenting various points of view. Materials will not be proscribed or removed from the Library based upon partisan interests or disapproval by any person or group of persons.
    - b. The Library will not regulate individual choice of materials; the collection is available to all customers.
  2. The Library labels certain items as Children's or Teen's materials for customer guidance, but it does not act *in loco parentis* to review or regulate the materials minors use or check out. Some Internet sites and other Library materials may be considered inappropriate for children. Parents or guardians should guide their children and inform them as to what is and is not appropriate for them to access.
  3. The Library will work with others to resist unlawful abridgement of the free access to ideas and freedom of expression that are the tradition and heritage of American citizens.
  4. The Library subscribes to the Freedom to Read Statement and Freedom to View Statement prepared by the American Library Association and the American Book Publishers Council (copies are included in Appendix B of

this policy). However, customers shall comply with the Library policies regarding Internet access and laws regarding obscene materials (LMC§ 9.20.) and sexually explicit materials (CRS §18-7-502).

5. Library procedures for handling customer objections to materials included or not included in the collection are as follows:
  - a. The Library Director will respond to a written objection by providing the customer with a written explanation of Library policies, the Library Director's decision regarding the objection, the support for the decision, and an explanation of the procedures for the customer to appeal the decision of the Library Director. The Library Director's response will be sent (by US mail or electronically) no later than thirty (30) working days after the objection is received by staff.
  - b. To appeal the Library Director's decision regarding the challenged material, the customer shall file a written request for an appeal stating the grounds for appeal, and such written request shall be filed with the Library Director no later than thirty (30) days after the Library Director's response is sent to the customer making the written objection. The Board will receive the customer's written objection, the Library Director's written response to the customer's written request for an appeal, and copies of the material to which the customer objects, all for review prior to the next monthly Library Board meeting or the monthly Library Board meeting following that meeting if the Library Board determines it has not had sufficient time to review all the submitted materials. During the Library Board meeting at which the appeal will be considered, both the customer initiating the objection and Library staff will be afforded an opportunity to present his/her respective positions concerning the appeal to the Library Board. The Library Board shall render its decision at the next Library Board meeting following the hearing.
  - c. Challenged materials shall remain on the shelves and in circulation until a final decision has been made.
  - d. The Library Board shall not consider an objection to materials previously challenged and adjudged unless a reasonable period of time has transpired in the judgment of the Library Board.

#### D. Weeding Policies.

1. Materials that are no longer useful in light of the stated objectives of the Library shall be withdrawn from the collection according to accepted professional practices.

- a. Weeding shall be an ongoing activity.
  - b. The criteria used to decide if an item should be withdrawn from circulation include:
    - (1) circulation history;
    - (2) datedness or accuracy of information;
    - (3) physical condition;
    - (4) availability of sufficient other materials in subject area; and
    - (5) availability of storage space in the Library.
2. Items withdrawn from the collection shall be evaluated and sorted by Library staff. At the discretion of the librarians, items which are in usable condition may be donated to other libraries or to the FOL. Items that are damaged and no longer usable shall be discarded according to standard procedures.
  3. Items which are donated or sold shall be clearly marked as no longer belonging to the Library (see Library Procedure Manual for details).
  4. The criteria and procedures used for weeding shall be available to the public upon request.

## VII. Meeting Room Policies

A. The Library has adopted the City's Facilities Rental Guidelines.

B. In addition, the following rules are hereby adopted for the Gertrude Scott Meeting Room ("GSMR") and Erion Foundation Community Room ("EFCR") but may be revised by the Library Board if experience shows the rules require review and revision:

1. The Library may co-sponsor programs that are consistent with the Library's mission statement (see page 1). The Library's co-sponsored programs must be free and open to the public, except that programs co-sponsored with non-profit organizations may, at the discretion of the Director, assess a reasonable and minimal charge to cover the cost of the program.
2. Only Library-sponsored or co-sponsored programs may involve sale of items, solicitation or fundraising activities.
3. No tables, chairs, etc. will be allowed in the hall area outside the GSMR and the EFCR.
4. Groups using the rooms must observe Library rules and protect Library property.
  - 4.1 Room capacity sizes must be followed;
  - 4.2 Table and chair sizes must be in proportion to the room size;
  - 4.3 Kitchen areas will be locked unless previously reserved;

- 4.4 Only erasable markers may be used on whiteboards.
5. Library policy of not taking or relaying messages or paging customers applies to the meeting rooms unless an emergency arises.
6. The Library will not store any articles, boxes, or other materials belonging to any group (except for election equipment and FOL equipment and supplies).
7. Library staff shall have access to items stored in the meeting area during meetings and programs.
8. All Library entry doors are FIRE doors and MUST remain closed but accessible.
9. The GSMR and EFCR are not available for individual or group study except as scheduled through the City of Loveland Facilities Coordinator at 970-962-2115. Individuals requesting to preview the meeting rooms must schedule the preview through the City of Loveland Facilities Coordinator.
10. Library staff will not provide any additional AV equipment or kitchen supplies beyond what is scheduled by the City of Loveland Facilities Coordinator.

C. Conference/Study Rooms.

1. Study rooms are only available during the Library's public hours.
2. Reservations for study rooms shall be made no more than one (1) month in advance.
3. Policies may be posted in each room.
4. Reservations/walk-in sign-up can be made for a maximum of two (2) hours if no previous reservation exists for the room requested. If no one is waiting for the room in use, an extension may be granted by Library staff. If a customer is late by fifteen (15) minutes or more in claiming a reservation, the room will be made available for others to use.
5. Only one study room is available per customer or group with a maximum occupancy as stated in each conference/study room.
6. The Library provides one conference/study room in the Teenseen area and one conference/study room for the Children's area. These conference/study rooms are designated for use by the areas' respective clientele and adults working with them. Other conference/study rooms (Longs Peak, Chapin Mountain, Hague's Peak, and Dunraven) may be used by Library customers of any age. Use of the conference/study rooms will be determined by the librarian in charge of the area, and use may be limited by the librarian based upon number of customers using the room at one time. Loud conversations or any other behaviors which disturb customers using the conference/study rooms or the Library are not allowed.
7. Only erasable marker will be allowed for use with whiteboards.

## VIII. Gift and Donation Policies

- A. Subject to any applicable provisions of state law, the Loveland City Charter or Loveland Municipal Code (“LMC”), the Library follows these policies concerning gifts and donations to the Library:
1. Unconditional donations or gifts of books, art objects, and other materials may be accepted and will be retained or disposed of as the Library Director or Board deems appropriate and in the best interest of the Library. Library staff will not appraise the value of donations or gifts. Staff can acknowledge receipt of donated materials if requested. Donors shall be informed of this policy both verbally and in writing. If a donor requests return of unaccepted materials, the donor will have one (1) week to claim the materials after notification by Library staff. If the materials are unclaimed after one (1) week, the Library will dispose of the materials in a manner which is in the best interest of the Library.
  2. Conditional donations and gifts of money, real property, or stocks may be accepted if the conditions attached do not violate local, state, or federal law and are acceptable to the City of Loveland.
  3. Upon the donor’s request at the time of offer of donation, name plates or plaques may be placed in or on materials added to the collection.
  4. Gift and memorial donations are subject to the same collection development policies as are purchased materials (see Section VI. Selection and Management Policies above).

## IX. Publicity Policies

- A. Speaking and Presentations. Members of the FOL, Library Board and staff are encouraged to speak on behalf of the Library. Speaking engagements, including subject matter and materials, will be reported to and pre-approved by the Library Director or designee. Materials prepared on behalf of the Library for use by press or media shall also be reviewed and approved by the Library Director or designee in advance.
- B. Photographs and Videos. Photographs and videos may be taken during Library events for archival, historical or publicity purposes. Attendance at such events is considered implied consent to be photographed or video-recorded. It is the responsibility of an individual at such an event to indicate to the photographer his or her intent not to be photographed or to “opt out.”



X. Customer Behavior Policies

- A. Customers shall behave in a manner that will not disturb other customers in the Library or inhibit other customers' use of the Library collections, space and services.
- B. Specific Rules of Conduct.
1. Customers shall wear shoes, shirts, and some form of clothing to cover intimate parts.
  2. Customers shall not place their feet on tables or chairs.
  3. No scooters, roller skates, roller blades, skateboards, skate shoes or similar devices shall be used in the Library, and no bicycles shall be brought inside the building.
  4. No animals are allowed in the building except Americans with Disability Act specified therapy and service animals and animals that are part of a Library-sponsored activity.
  5. Smoking, vapor pens, e-cigarettes, marijuana and all other uses of tobacco products are prohibited in the Library.
  6. Beverages carried in containers with secure lids are permitted in the Library. Food and beverages, including those with secure lids, are prohibited from being carried or placed near the Library's computers and other electronic equipment.
  7. Consumption of alcohol without a special event permit or written permission of the city is prohibited in the Library. Drunkenness is prohibited.
  8. Sleeping in the Library is prohibited.
  9. When a customer passes through the security detector and triggers the alarm, the customer may allow staff to inspect knapsacks, bags, or other containers to determine the source of the trigger.
  10. Customers shall not block or constrict the traffic flow of Library aisles, walkways, exits or entrances to the building.
  11. Abusive or foul language and aggressive, disruptive, or violent behavior are prohibited.

12. Disorderly conduct, harassment or verbal abuse or bullying of, against or toward Library staff, volunteers, and/or customers of the Library will not be tolerated. After a verbal request to cease is given to a customer displaying such behavior, continued behavior will result in removal from the Library and/or suspension of Library privileges and staff may request police or security officer assistance.
  14. Commercial solicitation, petitioning, peddling and other interactions in pursuit of selling goods or services or entreating Library customers or staff are prohibited in the Library. Free speech activities are permitted outside of the Library at least ten (10) feet from the entrance to the buildings provided the activity does not create a dangerous condition, interfere with access and use of the Library, damage property or create an unnecessary maintenance expense for the Library.
  15. Non-disruptive use of cell phones is permitted inside the Library.
  16. A customer whose bodily hygiene is offensive as to constitute a nuisance to other customers or Library Staff in the Library by interfering with other customers' use and enjoyment of the Library or with Library staff's ability to perform their job duties may be required to leave the building. A customer requested to leave under this Section 16.B may return to the Library upon resolution of the nuisance or may schedule specific time periods as determined by Library staff for access to the Library.
  17. Damaging or destroying property in or on Library grounds is prohibited.
  18. Persistent failure to comply with rules or procedures of the Library may result in suspension, revocation of Library privileges or removal from the Library.
  19. Unlawful display of sexually explicit materials harmful to children as defined in CRS § 18-7-502 and promotion of obscene materials as defined in LMC § 9.2.020 are prohibited.
- C. Suspension. Failure to comply with rules or procedures established in this policy and engaging in prohibited behavior in the Library after receiving a verbal request to comply may result in the suspension of borrowing privileges and/or suspension of the customer's admittance to the building and grounds for a period of time. Such suspension and/or denial may be in addition to any applicable criminal or civil charges and penalties. If a customer refuses to leave or continues prohibited behavior, Library staff may call a security officer and/or the police for assistance. The nature and seriousness of the rule or policy violation will determine the length of suspension and any conditions for reinstatement. Aggravating circumstances, even for a first offense, may result in a longer period of suspension. When a

customer's borrowing and/or facilities use privilege is suspended, he/she shall provide identification and be photographed.

- D. **Liability for Damage or Theft.** Any customer who steals, attempts to steal, or damages or destroys Library material, furnishings, property or equipment shall be liable for repair, replacement, processing and any other associated costs. In addition, criminal charges, suspension of borrowing privileges and/or denial of admittance to the building for a period of time may also be imposed. The suspension of borrowing privileges and/or admittance to the building may be extended until the Library is reimbursed for the lost or damaged property.
- E. **Trespass orders and other restrictions.** The Library will abide by and cooperatively implement Trespass orders, suspensions or other restrictions on an individual imposed by court order, the Loveland Police Department and/or by other authorized Civic Center staff.
- F. **Administrative Appeals.** Any customer aggrieved by an action to suspend the use of the facility or borrowing privileges may appeal the action by filing with the Library Director a statement in writing setting forth the reason(s) such customer believes the suspension or action is improper. The appeal shall follow the procedures set forth in Section VI.C.5.b. of this policy, except that the suspension shall not be stayed during the pendency of the appeal.
- G. **Concerns, Complaints and Suggestions.** Customers have the right to bring concerns, complaints and suggestions to Library staff, administration, or the Library Board. A written concern, complaint or suggestion shall be deposited in the Customer Suggestion Box. If a response is requested, Library staff will respond as soon as practicable. Notices and suggestions may also be posted through the Library's catalog and on the Library's web site. If a customer is not satisfied with Library staff's response, the appeal process outlined in Section VI.C.5.b. shall be used.
- H. **Supervision of Minors.**
  - 1. Parents/caregivers shall follow the Library's Safe Child Policy (see Appendix C).
  - 2. Library staff will cooperate with law enforcement officials in assisting with reported runaway child cases. Library staff will cooperate with parent(s) and/or guardian(s) with a runaway child once the law enforcement agency has recorded the incident and assigned a case number.
- I. **Agency Referrals.**

Upon request, Library staff will provide a list of community agencies to which customers with personal problems can be referred for assistance.

## XI. Policy and Procedure on Public Access and Training on the Internet

### A. Access.

1. Public access to the Internet is available to all customers of the Library holding a valid Library card (not under current suspension for use of facilities or debt collection). Visitors will be issued a one-time visitor's pass to use Library computers.
2. The Library reserves the right to restrict Internet protocols and functions at the librarian's discretion.

### B. Information accessed.

1. The Internet offers access to many valuable local, national and international sources of information. It is a fluid environment with the content and format of information constantly changing. Some information on the Internet may be inaccurate, incomplete, dated or offensive to some individuals. Each consumer must personally evaluate the validity and appropriateness of information found.
2. The Internet is a series of communication linkages leading to a highly diverse array of information content. Library customers use it at their own risk. The Library will not be held responsible for preventing customers from accessing materials some individuals may find offensive.
3. Parents or legal guardians must assume responsibility for deciding what Library resources are appropriate for their children. Some Internet sites may be considered inappropriate for children. Parents or legal guardians should guide their children in the use of the Internet and inform them as to what is and is not appropriate for them to access. In accordance with state law, all Internet PCs accessible to minors in the Library have been equipped with filtering software. Warning: No filter is one hundred percent effective in blocking information that an individual may find offensive or inappropriate.

### C. Public Customers' Security.

Customers should be aware that the Internet is not a secure medium and that third parties may be able to obtain information regarding customers' activities. Library staff, Library Board members, other City personnel and members of City Council are not responsible for any loss incurred by a customer of the Library's computer or telecommunications equipment. The City of Loveland will not release

information on customers' use of specific Internet resources except as required by law or when necessary for the operation of the Library.

D. Access Procedure.

The following rules will govern use of Internet workstations available in the Library:

1. Maximum access time to public PCs is set in the Library's Procedure Manual.
2. Headphones must be used if audio programming is accessed. Customer must provide her/his own headphones or purchase earbuds for a nominal cost at the service desk.
3. All Library policies regarding customer behavior will be enforced in conjunction with use of the Internet workstations.
4. The Library and its staff are not responsible for any loss of data caused by viruses, power fluctuations or misuse of the equipment. Library customers shall not install any software or hardware on Library equipment.
5. Customers will be charged a fee for printing.
6. Library staff may provide limited help with basic computer use and startup procedures, but staff will not provide individual instruction or information on software. Due to Library scheduling, Internet-trained staff may not always be available. If customers have never used a computer or have specific questions about the Internet, reference books, user guides and regular trainings are available.
7. Misuse or illegal use of the Library's computer equipment may result in loss of computer use, suspension of Library use privileges and/or legal action.
8. Library staff may check any customer's Library record for fines and/or Internet access options.
9. Promoting and viewing obscene material (as defined in LMC § 9.20.020) or sexually explicit materials (as defined in CRS §18-7-502) is prohibited within the Library. By simply showing another Library customer or Library staff member obscene material, a customer may be cited and charged with a violation of LMC § 9.20.020.
10. Internet stations located by the Adult Services desk are designated "reference priority." If a customer is waiting to use a station for research or academic purposes, he/she will be given priority over all other customers.

The use of reference priority computers to chat and/or play games is not permitted.

11. Customers shall not tamper with, access or alter system files and/or software configuration.
12. Internet stations located in the Children's area are only for use by minors under the age of 11 or by adults accompanying a minor under the age of 11. Internet and gaming computers in the Teenseen area are for use by minors ages 11 to 17.

E. Internet Safety for Minors.

1. In accordance with state law (C.R.S. § 24-90-601 *et seq.*), filtering software has been installed on all Internet PCs accessible to minors. This software may be temporarily disabled on all PCs except for those located in Children's area under the following circumstances:
  - a. For use by an adult upon the adult's request.
  - b. For use by a minor for bona fide research or other lawful purposes, so long as the use is supervised by an administrator, supervisor, parent, guardian or other person authorized by the Library to supervise such use.
  - c. For use by a minor when a parent or guardian has provided explicit written approval.

F. Wireless

1. As a service to its customers the Loveland Public Library provides free wireless Internet access. The Library does not provide technical support for wireless users.
2. The Library does not guarantee bandwidth, connectivity, or strength of signal.
3. This is a wide open network. The wireless network is not secure or filtered. Like many public wireless hot spots, information is not encrypted and is subject to electronic eavesdropping by others. Wireless users are responsible for providing for the security of their own equipment and electronic communications.
4. By using the wireless network, customers agree to comply with this wireless use policy, as well as the Library's policies concerning use of the facility and standards of acceptable behavior. The Library exercises no control over

and will not be held responsible for user-supplied equipment or Internet content that customers choose to access or create using their own equipment.

## APPENDIX A

# Library Bill of Rights

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The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](#).



## Appendix B

# Freedom to View Statement

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The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the [First Amendment to the Constitution of the United States](#). In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

**Endorsed January 10, 1990, by the ALA Council**

# Freedom to Read Statement

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The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process.

Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

## Appendix C

### SAFE CHILD POLICY

#### **Children are welcome in the Library**

The Loveland Public Library welcomes children of all ages. Serving children is a vital part of the Library's mission. We strongly encourage families and children to make full and frequent use of the Library. We're happy they're here.

#### **Children's safety**

The Library is a public place. Anyone may enter and use the facilities. Children left alone in the building can be vulnerable and at risk. It is for the safety of each child that the Loveland Public Library has adopted this Safe Child Policy.

#### **Purpose of this policy**

The purpose of this policy is to inform parents and guardians that the Library does not assume responsibility for children, and to provide guidelines to be used by staff if a child is left unattended in the Library.

#### **The role of Library staff**

Staff cannot and will not assume parental or child care responsibilities for children who enter the Library. Library staff have many duties to perform in order to serve Library customers of all ages. It is impossible for them to monitor the behavior or welfare of children.

#### **Parents' responsibility**

Children age **seven** and younger must be accompanied by a parent, guardian, or responsible caregiver twelve or older at all times and in all areas of the library and on library grounds. Parents and caregivers are responsible for monitoring their child's safety and supervising their child's behavior in accordance with the Library's Rules of Conduct.

#### **Child's responsibility**

Children, like all Library customers, are required to respect Library property and to act in a manner appropriate to the use and function of the Library. Children are subject to the same Rules of Conduct and consequences as other customers, including being asked to leave the Library.

#### **Levels of supervision required**

1. Children age seven and younger must be supervised by a parent or responsible caregiver age twelve or older at all times while in the Library or on Library grounds.
2. Children age four and younger must always be in close proximity and within sight of the individual responsible for their safety.
3. Children of any age with mental, physical or emotional disabilities which affect behavior or decision-making skills, or make supervision necessary, must be accompanied by a parent or capable caregiver at all times.

#### **To protect unattended children**

Parents, guardians and designated adults are required to be familiar with the Library's hours and to make advance arrangements to pick up or otherwise transport their children before the Library closes. A minor left unattended at closing time may be deemed at risk. Every reasonable effort will be made by staff to assist the child in contacting an appropriate adult. If no responsible adult is reached, or the child is not picked up within 15 minutes of Library closing or the end of a Library-sponsored event, staff may notify the police to assume custody of the child. Two staff members will wait with the child until the parent, guardian, other designated adult or the police pick her/him up. Staff will not transport children under any circumstances.

Children age eight and older may visit the Library unsupervised. If a child is left unattended at the Library in circumstances that give Library staff cause for concern about the child's safety or welfare, staff may contact child protective or law enforcement authorities.



**CITY OF LOVELAND**  
**PARKS & RECREATION DEPARTMENT**  
 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2303 • FAX (970) 962-2903 • TDD (970) 962-2620

**AGENDA ITEM:** 8  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Brian Hayes, Parks & Recreation  
**PRESENTER:** Brian Hayes, Open Lands Coordinator, Parks & Recreation

**TITLE:**

A Resolution Approving an Intergovernmental Agreement for the County Road 30 Open Lands Project.

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the resolution.

**OPTIONS:**

1. Adopt the action as recommended.
2. Deny the action. Result would be to not purchase 50 units of CBT water and open space land between Fort Collins and Loveland.
3. Refer back to staff for further development and consideration. Staff would require direction from Council.

**SUMMARY:**

This is an administrative item to approve an Intergovernmental Agreement for the acquisition of land and water by the City of Fort Collins and the City of Loveland. The property is located at 4200 E. County Road 30 immediately north and east of the Fort Collins Loveland Airport. On August 12, 2015 the Open Lands Advisory Commission recommended approval.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

The Open Lands Division of Parks and Recreation along with the Water and Power Department have cooperated with the City of Fort Collins Natural Areas Division to contract for additional land in the Fort Collins Loveland separator. To date, approximately 5,800 acres of land have been conserved in the separator area, in cooperation and partnership with Fort Collins and Larimer County.

The City of Loveland proposes to partner with the City of Fort Collins on the purchase of this 113-acre property and associated water rights. The Open Lands Division of Parks and Recreation will contribute \$400,000 to the land purchase, for a total of 22.5% of the total land purchase. Fort Collins will pay for the remainder of the land and the ditch company water rights associated with the land (comprising 4 shares of the Loudon Irrigating Canal & Reservoir Company and 4

corresponding shares of the Loudon Extension Canal and Reservoir Company (together, “4 Loudon Shares”). Loveland Water will contribute \$1.1 M to acquire 50 Colorado Big Thompson (CBT) Units historically associated with the land. At \$22,000 per CBT unit, Loveland is obtaining them at a discounted rate. Fort Collins will hold the deed to the land exclusively and own the 4 Loudon Shares; and Loveland Water will own the 50 CBT Units. Through the IGA, Loveland agrees to lease back the 50 CBT Units for irrigating this property as long as it remains irrigated farm land. If Loveland decides it has an urgent need for the water, the lease can be terminated. Otherwise, the lease will run for a ten year term, and Fort Collins will pay a competitive rate for the water as set by the Board of Northern Colorado Water Conservancy District.

There are at least three potential uses that would allow the property to serve as a community separator: 1) the land could be leased out for irrigated or dryland farming; 2) the land could be sold with a conservation easement removing development rights and requiring it to remain in farming; and 3) the land could be restored to native vegetation and potentially opened up to the public by constructing appropriate trails and parking. For the foreseeable future Fort Collins Natural Areas plans to keep the land in irrigated agriculture, assuming a tenant can be found.

Fort Collins Natural Areas will own, manage and maintain this property. If Fort Collins decides to sell the property with a conservation easement preserving it for agricultural purposes, Fort Collins will receive the proceeds from the sale in exchange for holding and monitoring the conservation easement. If for some reason Fort Collins decides to sell the land without a conservation easement; Loveland will receive 22.5% of the proceeds and Fort Collins will receive 77.5% of the proceeds. Loveland intends to enter into a separate intergovernmental agreement for a right of first refusal if the property is to be sold to a third party.

Fort Collins Natural Areas will hold the deed and be fully responsible for the costs of managing, maintaining and potentially developing trails and parking on the land.

This action is recommended for approval as it furthers the 1995 Plan for the Region between Fort Collins and Loveland, and the price for the CBT Units is at a discounted rate. Loveland can always benefit from the purchase of water, and Loveland has not reached its maximum ability to purchase CBT water.

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**REVIEWED BY CITY MANAGER:**

*William A. Cavill*

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**LIST OF ATTACHMENTS:**

1. Resolution
2. Exhibit A - IGA
3. Vicinity Map of Subject Property

**RESOLUTION #R-58-2015****A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE CITY OF FORT COLLINS TO PURCHASE PROPERTY AND WATER INTERESTS AT 4200 E. COUNTY ROAD 30 AND ONGOING COOPERATION**

**WHEREAS**, the City of Loveland, in cooperation with Larimer County and the City of Fort Collins, has a joint plan for the region between Fort Collins and Loveland; and

**WHEREAS**, the Fort Collins Natural Areas Department wishes to acquire approximately 113 acres of irrigated agricultural land as an open space “separator” between developed lands in Loveland and Fort Collins; and

**WHEREAS**, the Property includes four shares in the Loudon Irrigating Canal and Reservoir Company and the Loudon Extension Canal and Reservoir Company (“Loudon”) and fifty (50) units of Colorado-Big Thompson Project (CBT) water; and

**WHEREAS**, the Loveland Parks and Recreation-Open Lands Department wishes to participate in the acquisition of land to be conserved as a community separator without the obligation to maintain and manage the open space; and

**WHEREAS**, Loveland Water would like to acquire the CBT Units for its water portfolio and is willing to lease the water back to Fort Collins for continued irrigation on the Property; and

**WHEREAS**, as governmental entities in Colorado, the City of Fort Collins and the City of Loveland 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**, a copy of the Intergovernmental Agreement (IGA) is attached (Exhibit A); 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 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 1<sup>st</sup> day of September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

INTERGOVERNMENTAL AGREEMENT  
Purchase and Ownership of Property and Water Interests at 4200 E. County Road 30,  
and Ongoing Cooperation

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of September, 2015 (the “Effective Date”), by and **THE CITY OF FORT COLLINS, COLORADO, a municipal corporation** (“Fort Collins”) and **THE CITY OF LOVELAND, COLORADO, a municipal corporation** (“Loveland”).

RECITALS:

A. The Fort Collins Natural Areas Department wishes to acquire approximately 113 acres of irrigated agricultural land more particularly described on **Exhibit A**, attached and incorporated by reference (the “Property”) as an open space “separator” between developed lands in Loveland and Fort Collins.

B. The Property includes four shares in the Loudon Irrigating Canal and Reservoir Company and Loudon Extension Canal and Reservoir Company (“Loudon”), and 50 Units of Colorado-Big Thompson Project (CBT) water that Fort Collins cannot own because of the extent of Fort Collins’s existing CBT holdings. The water interests are more particularly described on Exhibit A.

C. Loveland would like to acquire the CBT Units for its water portfolio, and is willing to lease the water back to Fort Collins and subsequent owners or lease holders for continued irrigation of the Property.

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

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

F. The parties wish to cooperate on the purchase of the Property and associated water interests, and are entering into this Agreement to document their respective rights and obligations related to the acquisition, ownership, management and maintenance, and future disposition of the Property.

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

1. Purchase of the Property.

- a. The purchase price of the Property, including all water rights, shall be Three Million Dollars (\$3,000,000.00). Subject to any necessary approvals by the parties' City Councils, the parties agree to provide the following amounts towards the purchase price:
  - i. Loveland - \$1,500,000
  - ii. Fort Collins Natural Areas - \$1,500,000
- b. Both parties will sign a Purchase and Sale Agreement with the sellers of the Property, Roberta A. LeMaster, Sandra K. Wortley, and Shelley L. Skogen ("Sellers"), in a form reasonably acceptable to all parties.
- c. Loveland will work with the Sellers and Northern Colorado Water Conservancy District ("Northern") to obtain Northern's approval of the transfer of the CBT Units and complete the necessary paperwork for such transfer.
- d. At closing on the purchase of the Property, Fort Collins will take title to the Property, the Louden shares and all other associated rights and appurtenances, except the CBT Units, which will be assigned to Loveland.
- e. The parties agree that the purchase price of the CBT Units at closing shall be \$1,100,000 (\$22,000 per Unit). The purchase price for the Louden shares shall be \$120,000. The purchase price for the land and other remaining rights and appurtenances shall be \$1,780,000 (\$15,752 per acre), with \$400,000 of the land price (22.5%) provided by Loveland and \$1,380,000 (77.5%) provided by Fort Collins.
- f. Fort Collins is responsible for any due diligence regarding the condition of and title to the Property, including obtaining a title commitment, any environmental investigations, surveys or review of existing surveys, and inspection of the Property. Fort Collins will also arrange for payment of any earnest money deposit to Sellers.

2. Lease of CBT Units to Fort Collins.

- a. After finalizing the purchase of the CBT Units from Sellers and obtaining approval of the transfer from Northern, Loveland agrees to lease back the fifty (50) CBT Units to Fort Collins for use on the Property by Fort Collins, its tenants, or future owners of the Property who acquire the Property subject to a conservation easement. This lease is conditioned on the continued use of the CBT units for irrigation on the Property, and if this condition is not met, the lease shall terminate. In exchange for the use of the water, Fort Collins shall pay Loveland the full open rate municipal assessment cost per unit as set by Northern's Board, plus 5% for administrative costs, to be paid annually. Loveland will send an

invoice no later than April 30<sup>th</sup>, and Fort Collins will have thirty (30) days to submit payment to Loveland, by May 30<sup>th</sup> each year the lease is renewed.

- b. The lease will continue for ten (10) years and may be renewed by Fort Collins for additional ten (10) year terms upon advance written notice to Loveland. The water may be leased to Fort Collins for the Property until such time as Loveland needs the water for municipal use and can no longer lease the water.
  - c. In the event Loveland has an urgent need for water, as determined in the sole discretion of Loveland, for reasons including, but not limited to drought, Loveland may terminate the lease. Loveland will endeavor to give thirty (30) days' notice of such termination, but shall not be required to do so. In the event of such termination, Fort Collins shall be liable to pay Loveland for irrigation water received to the effective date of termination. Loveland shall be liable to reimburse Fort Collins any irrigation water previously paid for, but not delivered based upon the rate established in the lease.
3. Management and Disposition of the Property.
- a. As owner of the Property, Fort Collins shall be responsible for management and maintenance of the Property and Loveland will have no responsibility or liability of any kind whatsoever for the management and maintenance of the Property. Except as otherwise agreed by the parties, including but not limited to a right of notice and first offer or first refusal regarding sale of the Property that may be conveyed by separate agreement, Loveland's permission shall not be required for any future leasing or disposition of the Property.
  - b. If at any time Fort Collins sells any interest in the Property or any portion of the Property, including easements but not leasehold interests, the proceeds of such disposition shall be divided between Fort Collins and Loveland in accordance with the percentage of each party's contribution to the land purchase as described in paragraph 1.e above to be used for open space/natural areas purposes. However, if Fort Collins sells the Property to a third party but retains a conservation easement on the Property, Fort Collins and Loveland will co-hold the conservation easement and Fort Collins will be entitled to the full proceeds of such sale in exchange for Fort Collins monitoring and managing the conservation easement.
4. Additional Terms and Conditions.
- a. **Governmental Immunity.** Each party acknowledges and agrees that both parties are governmental entities of the State of Colorado whose liability in tort is at all times strictly limited and controlled by the Colorado Governmental Immunity Act, CRS 24-10-101, et seq., as now or hereafter amended, and that nothing herein is intended as a waiver of such immunity. Without waiving such immunity, each party shall be solely responsible, to the

fullest extent authorized by law, for its own negligence and the negligence of its employees, authorized volunteers and agents acting within the scope of their authority under this Agreement.

- b. **Binding Effect, Assignment and Delegation.** This Agreement shall be binding on and inure to the benefit of the parties, their successors and assigns. Neither party shall assign any of the rights nor delegate any of the duties created by this Agreement without the prior written consent of the other party.
- c. **Relationship of Parties.** Nothing in this Agreement shall imply any partnership, joint venture, or other association between Fort Collins and Loveland. Neither party shall use the other's name or logo to suggest co-sponsorship or endorsement of any activity without the other's prior written approval
- d. **Interpretation.** This document and the Purchase and Sale Agreement represent the entire agreement of the parties and are deemed prepared by both parties.
- e. **Laws.** Performance of this Agreement is subject to the constitution and laws of the State of Colorado and the parties' respective Municipal Charters.
- f. **Severability.** If any term of this Agreement is determined by any court to be unenforceable, the other terms of this Agreement shall nonetheless remain in full force and effect, provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Agreement as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.
- g. **Remedies.** In the event of any default in or breach of this Agreement or any of its terms or conditions by a party hereto or any successor in interest to such party that remains uncured after notice and a reasonable opportunity to cure, the non-defaulting party shall have all remedies, at law or in equity, to which it may be entitled. In the event a party defaults in any of the obligations of this Agreement, the defaulting party will pay all reasonable costs of enforcing this Agreement, including reasonable attorneys' fees.
- h. **Notices.** All notices which may be given to the parties shall be in writing and sent by registered or certified mail or by overnight commercial courier to the following addresses:

Fort Collins:

City of Fort Collins  
Attn: City Manager  
300 LaPorte Ave.

P.O. Box 580  
Fort Collins, CO 80522

Loveland:

City of Loveland  
Attn: Parks and Recreation Open Lands  
500 E. Third St.  
Loveland, CO 80538

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

**IN WITNESS WHEREOF**, the parties have executed this Agreement effective as of the date and year written above.

*[Signature pages follow.]*

**THE CITY OF FORT COLLINS, COLORADO  
a Municipal Corporation**

By: \_\_\_\_\_  
Wade O. Troxell, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

**THE CITY OF LOVELAND, COLORADO  
a Municipal Corporation**

By: \_\_\_\_\_  
Cecil Gutierrez, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



## **EXHIBIT A**

### **Legal Description**

The W1/2 of the SW1/4 and the SW1/4 of the NW1/4 of Section 22, Township 6 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado

EXCEPTING THEREFROM the right of way for County Road as established and/or used;

ALSO EXCEPTING THEREFROM those parcels described in Deeds recorded December 11, 1985, at Reception No. 85062821 and August 20, 1991, at Reception No. 91039306.

(Street Address: 4200 East County Road 30, Fort Collins, Colorado)

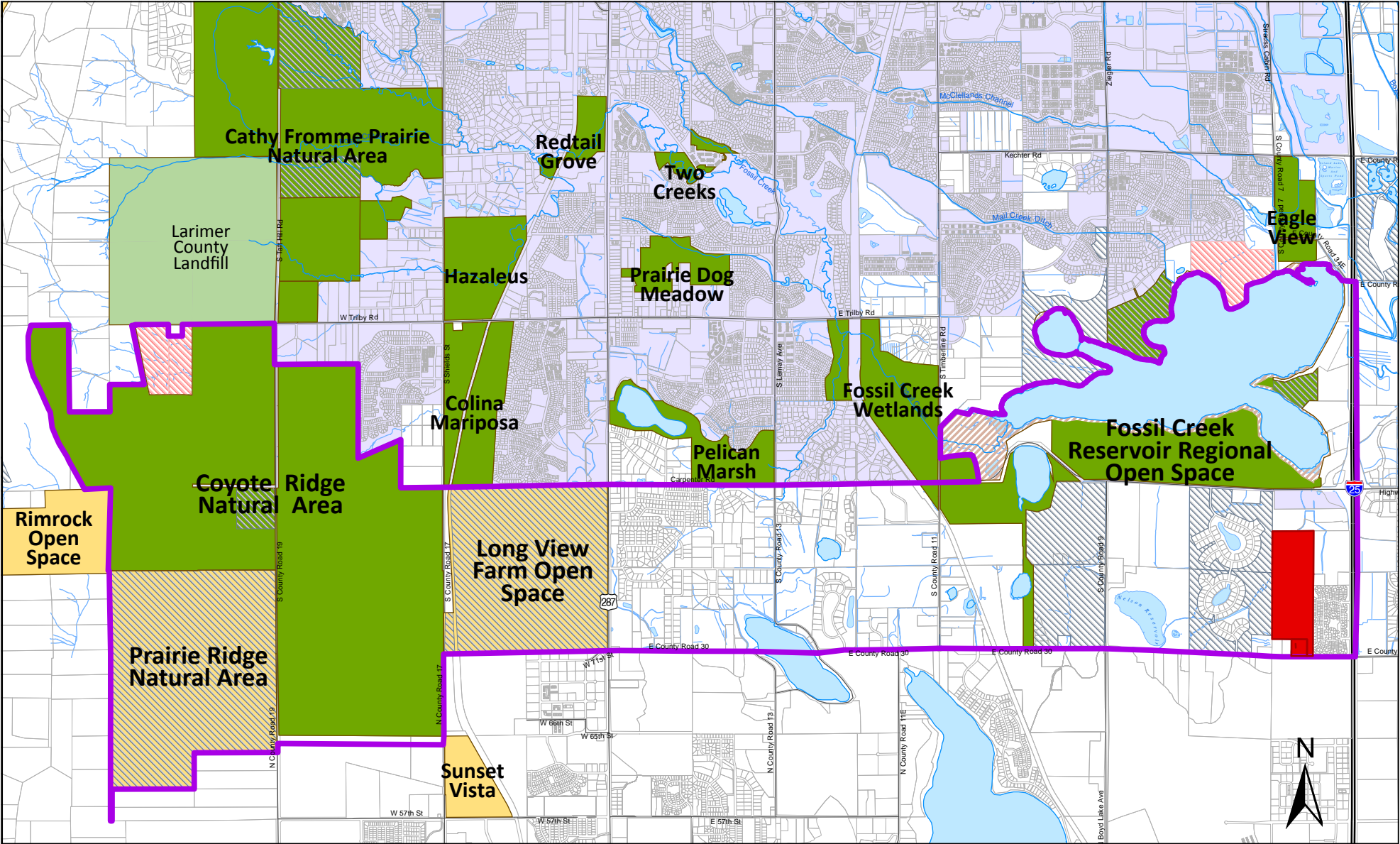
### **Water Interests**

Fifty (50) units of Colorado Big Thompson Project, represented by currently identified in:  
(1) Contract ID 1559, Class D for 35 Units, Board Approved and Effective Date May 8, 1987;  
(2) Contract ID 2530, Class D for 5 Units, Board Approved and Effective Date January 8, 1999;  
and (3) Contract ID 2738, Class D for 10 Units, Board Approved and Effective Date June 14, 2002.

All right, title, interest and obligation in and to the stock, water rights, and other property interests represented by Stock Certificate No. 3563 for four (4) shares of stock of the Loudon Irrigating Canal and Reservoir Company.

All right, title, interest and obligation in and to the stock, water rights, and other property interests represented by Stock Certificate No. 275 for four (4) shares of stock of the Loudon Extension Canal and Reservoir Company.

# Fort Collins – Loveland Community Separator



 4200 CR 30 property

 Fort Collins – Loveland Community Separator



**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:** 9  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Brent Worthington, Finance  
**PRESENTER:** Brent Worthington

**TITLE:**  
July 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 July 31, 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 July 31, 2015. Citywide Revenue (excluding internal transfers) of \$158,989,393 is 91.7% of year to date (YTD) budget or \$14,459,974 below the budget.

Sales Tax collections are 97.9% of the YTD 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 seven months; the variance improved slightly in July. Staff is carefully monitoring sales tax collections. It should be noted that 2015 sales tax collected is 3.3% higher than 2014 year to date.

Building Material Use Tax is 144.2% of YTD budget, or \$630,313 over budget. Sales and Use Tax collections combined were 102.2% of YTD budget or \$590,599 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 7.4% or \$1,909,158.

Citywide total expenditures of \$148,918,868 (excluding internal transfers) are 64.2% of the YTD budget or \$83,158,132 under the budget.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

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

# Snapshot

July 2015



## A Snapshot In Time

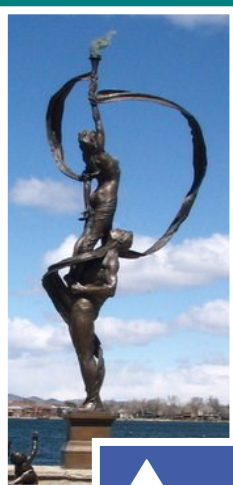
Citywide Revenues & Expenditures	2-3
General Fund Revenues & Expenditures	4-5
Capital Projects	5
Tax Totals & Comparison	6-7
Flood Update	8-9
Geo Codes & Sales Tax SIC	10-12
Health Care Claims	13
Activity Measures	14



- ◆ Citywide Revenue, excluding transfers between funds, \$159.0 million (8.3% below budget projections)
- ◆ Sales & Use Tax Collection, \$27.7 million (2.2% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$148.9 million (35.8% below budget projections)
- ◆ Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$10.1 million
- ◆ General Fund Revenue, excluding transfers between funds, \$53.8 million (3.6% above budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$41.2 million, (14.1% below budget projections)
- ◆ General Fund Revenues exceed Expenditures by \$6.3 million



## Sales / Use Tax Basics



July 2015	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2015	\$ 24,316,030	\$ 1,397,170	\$ 1,427,250	\$ 27,140,450
Actual 2015	23,800,681	1,872,805	2,057,563	27,731,049
% of Budget	97.9%	134.0%	144.2%	102.2%
Actual 2014	\$ 23,004,095	\$ 1,565,605	\$ 1,252,191	\$ 25,821,891
Change from prior yr	3.5%	19.6%	64.3%	7.4%

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

# Citywide Revenues & Expenditures

Combined Statement of Revenues and Expenditures July 2015				
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget
<b>General Governmental</b>				
1 General Fund	\$ 8,777,773	\$ 53,767,176	\$ 51,910,646	103.6%
2 Special Revenue	722,924	5,220,573	9,109,908	57.3% <sup>1</sup>
3 Other Entities	3,913,927	19,811,375	20,971,383	94.5%
4 Internal Service	1,469,067	10,475,573	10,386,060	100.9%
5 <i>Subtotal General Govt Operations</i>	<i>14,883,691</i>	<i>89,274,697</i>	<i>92,377,997</i>	<i>96.6%</i>
6 Capital Projects	1,633,394	7,562,162	4,848,854	156.0%
<b>Enterprise Fund</b>				
7 Water & Power	9,371,860	52,312,153	66,739,216	78.4% <sup>3</sup>
8 Stormwater	484,959	3,335,902	3,178,190	105.0%
9 Golf	552,573	2,338,512	2,458,820	95.1% <sup>2</sup>
10 Solid Waste	590,206	4,165,968	3,846,290	108.3%
11 <i>Subtotal Enterprise</i>	<i>10,999,598</i>	<i>62,152,534</i>	<i>76,222,516</i>	<i>81.5%</i>
<b>12 Total Revenue</b>	<b>\$ 27,516,683</b>	<b>\$ 158,989,393</b>	<b>\$ 173,449,367</b>	<b>91.7%</b>
<i>Prior Year External Revenue</i>		<i>146,776,722</i>		
<i>Increase From Prior Year</i>		<i>8.3%</i>		
13 Internal Transfers	1,392,278	11,941,484	26,738,908	44.7%
<b>14 Grand Total Revenues</b>	<b>\$ 28,908,961</b>	<b>\$ 170,930,877</b>	<b>\$ 200,188,275</b>	<b>85.4%</b>
<b>EXPENDITURES</b>				
<b>General Governmental</b>				
15 General Fund	5,609,828	38,956,068	42,533,082	91.6%
16 Special Revenue	662,931	6,266,491	9,159,622	68.4%
17 Other Entities	3,412,821	18,782,707	19,216,378	97.7%
18 Internal Services	1,656,743	10,735,916	11,365,827	94.5%
19 <i>Subtotal General Gov't Operations</i>	<i>11,342,323</i>	<i>74,741,182</i>	<i>82,274,909</i>	<i>90.8%</i>
20 Capital	4,743,921	28,362,232	96,413,829	29.4%
<b>Enterprise Fund</b>				
21 Water & Power	6,721,644	39,856,991	46,553,969	85.6%
22 Stormwater	210,740	1,511,363	1,839,683	82.2%
23 Golf	299,623	1,667,092	1,844,490	90.4%
24 Solid Waste	553,388	2,780,007	3,150,120	88.3%
25 <i>Subtotal Enterprise</i>	<i>7,785,395</i>	<i>45,815,454</i>	<i>53,388,262</i>	<i>85.8%</i>
<b>26 Total Expenditures</b>	<b>\$ 23,871,638</b>	<b>\$ 148,918,868</b>	<b>\$ 232,077,000</b>	<b>64.2%</b>
<i>Prior Year External Expenditures</i>		<i>144,439,395</i>		
<i>Increase (-Decrease) From Prior Year</i>		<i>3.1%</i>		
27 Internal Transfers	1,392,278	11,941,484	27,912,467	42.8%
<b>28 Grand Total Expenditures</b>	<b>\$ 25,263,916</b>	<b>\$ 160,860,352</b>	<b>\$ 259,989,467</b>	<b>61.9%</b>

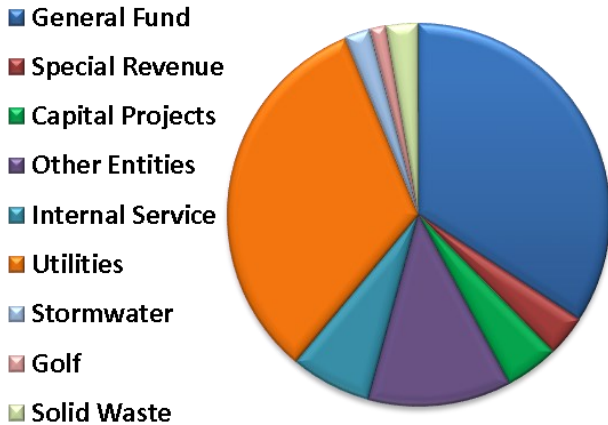
<sup>1</sup> Lower than anticipated revenue due to timing of when capital projects are done, and federal grants are drawn on those projects.  
<sup>2</sup> Lower than anticipated revenue for user fees, punch passes and special promotions.  
<sup>3</sup> Lower than anticipated revenue due to timing of when capital projects are done, and federal grants and bond proceeds are drawn on those projects.

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

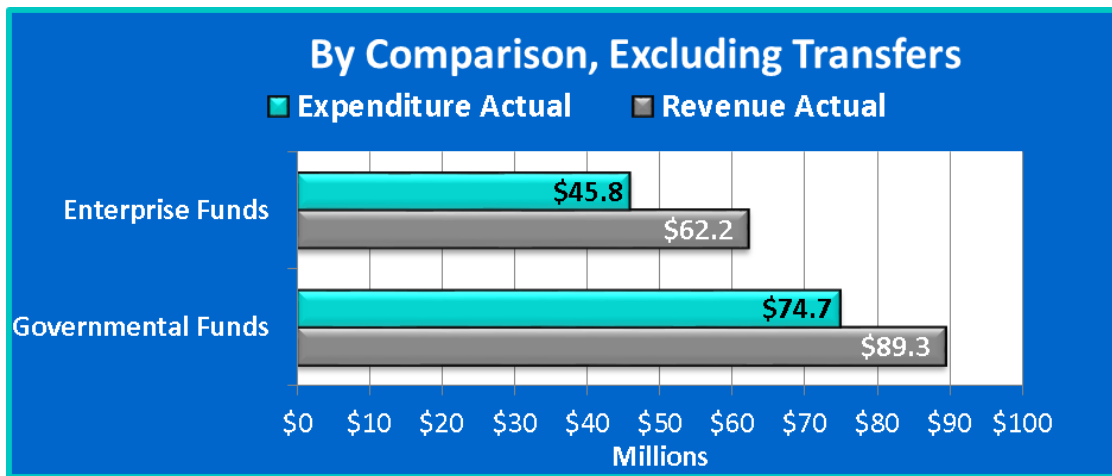
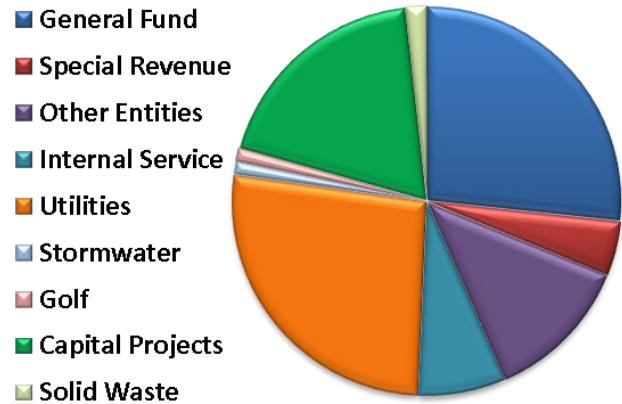
**Other Entities Fund:** Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority, Loveland Fire and Rescue Authority.

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

### YTD Operating Revenues of \$159 Million



### YTD Operating Expenditures of \$149 Million



- ◆ General Fund Revenue, excluding capital and transfers between funds, \$53.8 million (3.6% above budget projections)
  - \* 21.6% above 2014 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$39 million (8.4% below budget projections)
  - \* 29.1% above 2014 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$52.3 million (21.6% below budget projections)
  - \* 33.9% above 2014 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$39.9 million (14.4% below budget projections)
  - \* 28.4% above 2014 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$19.8 million (5.5% below budget projections)
  - \* 27.9% above 2014 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$18.8 million (2.3% below budget projections)
  - \* 35.0% above 2014 YTD

# General Fund Revenues & Expenditures

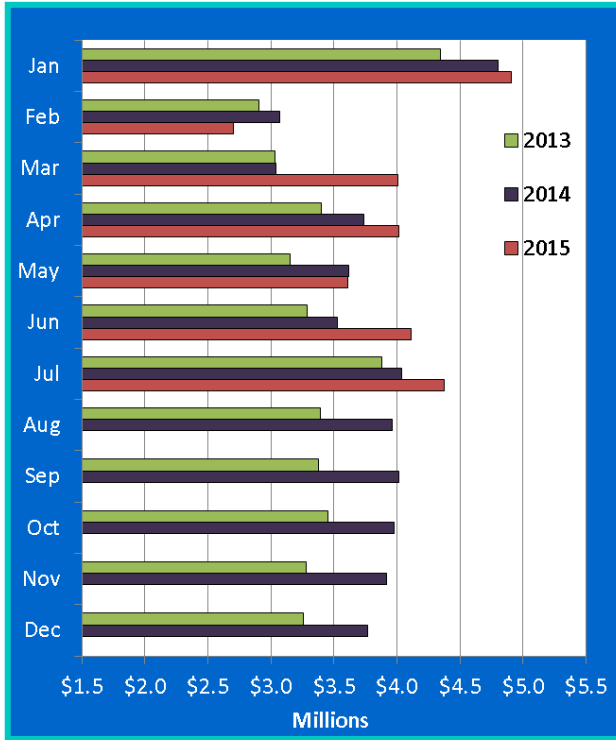
General Fund Revenue & Expenditures July 2015				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 1,605,452	\$ 7,403,909	\$ 7,117,020	104.0%
3 Sales tax	3,727,389	23,800,681	24,316,030	97.9%
4 Building use tax	358,806	2,057,563	1,427,250	144.2%
5 Auto use tax	289,432	1,872,805	1,397,170	134.0%
6 Other taxes	122,404	1,594,318	1,668,850	95.5%
7 Intergovernmental	5,859	401,756	312,860	128.4%
8 License & Permits				
9 Building Permits	267,713	1,522,962	1,266,790	120.2%
10 Other Permits	100,720	214,546	95,500	224.7%
11 Charges for Services	1,475,044	9,481,800	9,315,890	101.8%
12 Fines & Forfeitures	97,718	639,337	554,880	115.2%
13 Interest Income	34,281	240,363	202,600	118.6%
14 Miscellaneous	692,955	4,537,134	4,235,806	107.1%
15 <i>Subtotal</i>	<i>8,777,773</i>	<i>53,767,176</i>	<i>51,910,646</i>	<i>103.6%</i>
16 Interfund Transfers	7,010	74,070	74,210	99.8%
<b>17 Total Revenue</b>	<b>\$ 8,784,783</b>	<b>\$ 53,841,246</b>	<b>\$ 51,984,856</b>	<b>103.6%</b>
<b>EXPENDITURES</b>				
Operating Expenditures				
18 Legislative	13,458	100,603	95,230	105.6% <sup>1</sup>
19 Executive & Legal	152,691	1,201,781	1,174,450	102.3%
20 City Clerk & Court Admin	65,236	594,849	662,241	89.8%
21 Economic Development	945,672	2,107,387	4,199,879	50.2%
22 Cultural Services	172,339	1,054,542	1,211,900	87.0%
23 Development Services	334,509	2,430,617	3,116,019	78.0%
24 Finance	375,912	2,717,444	2,772,065	98.0%
25 Fire & Rescue	-	-	-	0.0%
26 Human Resources	88,873	658,749	707,370	93.1%
27 Information Technology	292,884	2,270,073	2,609,141	87.0%
28 Library	234,869	1,823,371	1,911,671	95.4%
29 Parks & Recreation	957,099	5,836,222	7,657,830	76.2%
30 Police	1,595,446	11,650,681	11,580,120	100.6%
31 Public Works	454,304	3,018,150	3,346,805	90.2%
32 Water/ Waste Operations	-	-	-	N/A
33 Non-Departmental	857,760	5,759,342	6,948,733	82.9%
34 <i>Subtotal Operating</i>	<i>6,541,051</i>	<i>41,223,811</i>	<i>47,993,454</i>	<i>85.9%</i>
35 Internal Transfers	93,107	6,333,366	8,032,157	78.9%
<b>36 Total Expenditures</b>	<b>\$ 6,634,157</b>	<b>\$ 47,557,177</b>	<b>\$ 56,025,611</b>	<b>84.9%</b>

<sup>1</sup> Higher than projected expenditures due to the Municipal Judge Assessment.



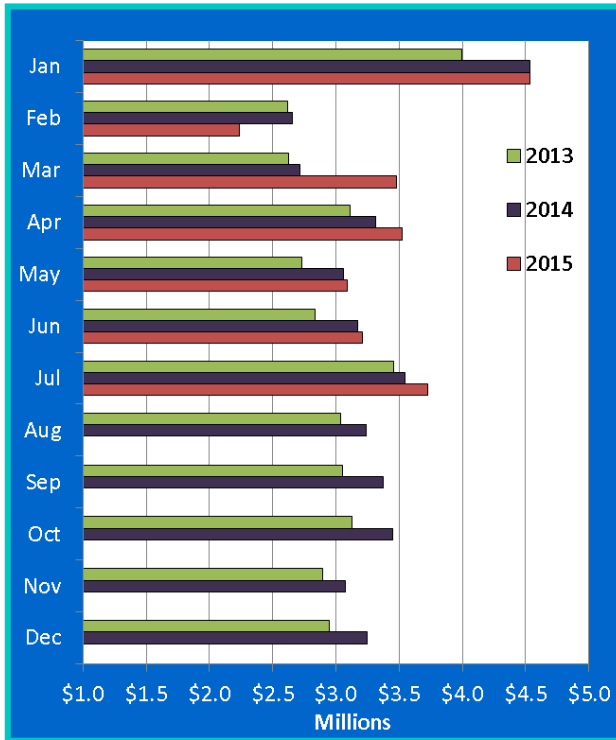
# Capital Projects \$500,000+

Project Title	2015 Budget	2015 Expenditures	Remaining 2015	% of 2015 Budget
<b>Water Capital</b>				
WTP Phase II Expansion (38 MGD)	\$ 1,077,150	\$ 7,490,920	\$ 13,586,230	35.54%
36"&20" Wtr Transmission Line River X'ings (capl)	1,507,843	1,457,749	50,094	96.68%
2015 Water Line Replacement	1,805,000	61,993	1,743,007	3.43%
<b>Raw Water Capital</b>				
Windy Gap Firming Project	1,000,000	92,055	907,945	9.21%
<b>Wastewater Utility Capital</b>				
WWTP Digester System Improvements	5,492,915	-	5,492,915	0.00%
Bio Nutrient Removal Facilities	800,000	-	800,000	0.00%
Southside Lift Station	655,550	145,176	510,374	22.15%
2015 CIPP Sewer Rehabilitation	1,350,000	1,143,615	206,385	84.71%
East Side Lift Station Upgrades	575,000	28,186	546,814	4.90%
2015 WWTP Imprvmnts(Bar Screens, Genr Fuel Tank, etc)	1,100,000	-	1,100,000	0.00%
<b>Power Capital</b>				
Security Gates and Fences at Substations	500,000	-	500,000	0.00%
Colorado Renewable Energy Standard Compliance	500,000	-	500,000	0.00%
600 amp OH to UG Conversion	1,300,000	-	1,300,000	0.00%
200 amp OH to UG Conversion	500,000	-	500,000	0.00%
RMCIT - Valley Substation to Campus	650,000	28,182	621,818	4.34%
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	357,167	506,413	41.36%
Flood Alternative Project	682,103	47,309	634,794	6.94%
600 amp from SW219 on old RR N. on Van Buren	765,740	151,467	614,273	19.78%
<b>Stormwater Capital</b>				
2013 Flooding Response	533,983	-	533,983	0.00%
<b>Streets Transportation Program</b>				
2015 Street Rehabilitation	3,235,680	1,328,479	1,907,201	41.06%
Madison Av @ GRLY-LVLND C	682,040	636,848	45,192	93.37%
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%
<b>All Other</b>				
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	795,730	84,004	711,726	10.56%
Police Records Management System (RMS)	78,000	17,875	2,960,125	0.60%
Mehaffey Community Park	3,871,304	1,330,111	2,541,193	34.36%
Parks & Trails Flood Projects	514,345	15,390	498,955	2.99%
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	829,988	95,106	89.72%



## Sales & Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 4,345,835	\$ 4,801,433	\$ 4,908,517	\$ 4,858,230	1.0%
<b>Feb</b>	2,906,780	3,066,965	2,700,204	3,289,660	-17.9%
<b>Mar</b>	3,033,347	3,037,688	4,007,386	3,391,970	18.1%
<b>Apr</b>	3,397,074	3,737,255	4,011,633	3,989,650	0.6%
<b>May</b>	3,150,201	3,614,459	3,611,468	3,610,170	0.0%
<b>Jun</b>	3,284,808	3,525,536	4,116,214	3,759,780	9.5%
<b>Jul</b>	3,882,561	4,038,555	4,375,627	4,240,990	3.2%
<b>Aug</b>	3,392,757	3,962,915	-	3,912,830	
<b>Sep</b>	3,379,303	4,014,321	-	3,924,480	
<b>Oct</b>	3,452,052	3,974,590	-	4,118,050	
<b>Nov</b>	3,280,666	3,919,205	-	3,772,070	
<b>Dec</b>	3,259,189	3,763,933	-	4,095,710	
	<b>\$40,764,573</b>	<b>\$ 45,456,855</b>	<b>\$27,731,049</b>	<b>\$46,963,590</b>	
<b>YTD</b>	<b>\$24,000,606</b>	<b>\$ 25,821,891</b>	<b>\$27,731,049</b>	<b>\$27,140,450</b>	<b>2.2%</b>

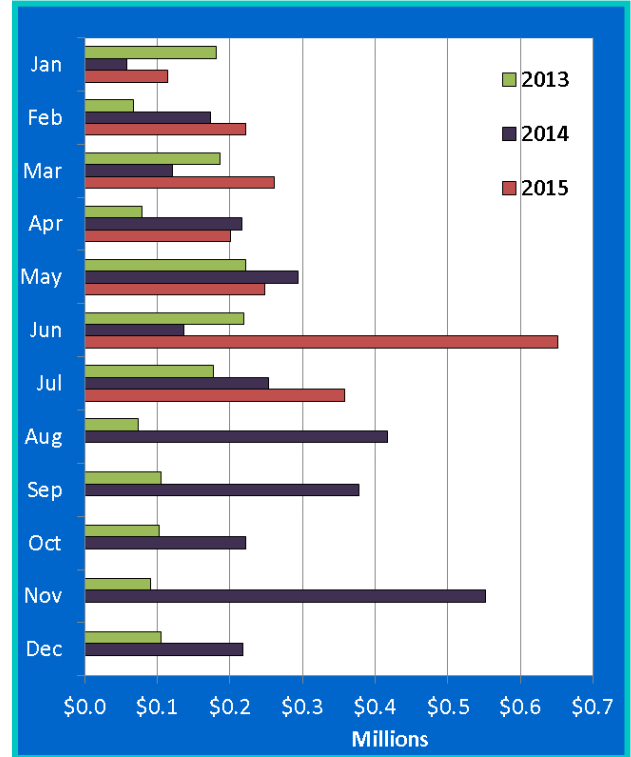


## Retail Sales Tax

	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 3,995,194	\$ 4,531,650	\$ 4,535,554	\$ 4,518,690	0.4%
<b>Feb</b>	2,619,453	2,658,798	2,235,775	2,936,040	-23.9%
<b>Mar</b>	2,622,808	2,719,254	3,480,165	2,950,350	18.0%
<b>Apr</b>	3,109,701	3,317,905	3,521,350	3,573,610	-1.5%
<b>May</b>	2,733,983	3,059,076	3,092,253	3,188,560	-3.0%
<b>Jun</b>	2,835,171	3,170,467	3,208,195	3,347,900	-4.2%
<b>Jul</b>	3,453,149	3,546,945	3,727,389	3,800,880	-1.9%
<b>Aug</b>	3,039,219	3,241,521	-	3,475,330	
<b>Sep</b>	3,051,797	3,374,248	-	3,491,370	
<b>Oct</b>	3,125,566	3,448,473	-	3,663,760	
<b>Nov</b>	2,892,986	3,077,404	-	3,360,620	
<b>Dec</b>	2,946,709	3,246,097	-	3,681,570	
	<b>\$36,425,736</b>	<b>\$ 39,391,838</b>	<b>\$23,800,681</b>	<b>\$41,988,680</b>	
<b>YTD</b>	<b>\$21,369,459</b>	<b>\$ 23,004,095</b>	<b>\$23,800,681</b>	<b>\$24,316,030</b>	<b>-2.1%</b>

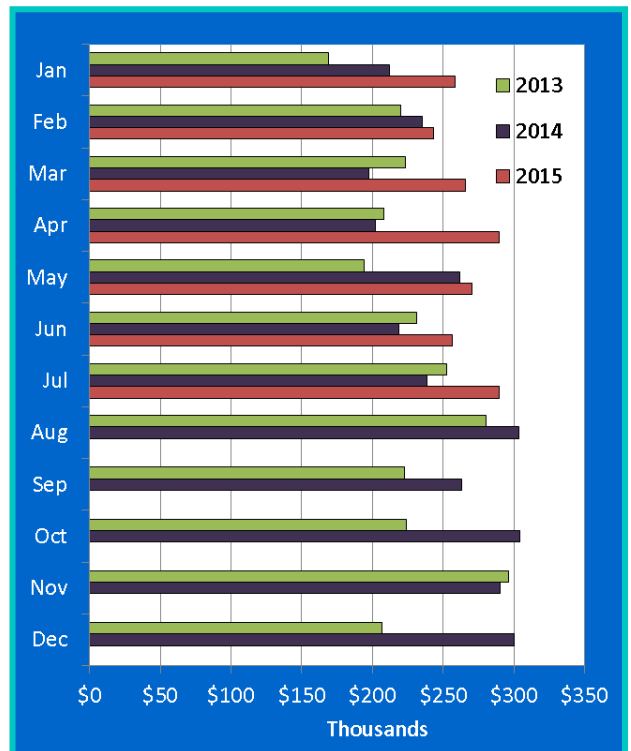
## Building Materials Use Tax

	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 181,907	\$ 57,942	\$ 114,444	\$ 161,460	-29.1%
<b>Feb</b>	67,440	173,295	221,518	152,920	44.9%
<b>Mar</b>	187,222	120,768	261,500	258,330	1.2%
<b>Apr</b>	79,229	217,134	200,708	211,790	-5.2%
<b>May</b>	221,834	293,543	248,738	209,570	18.7%
<b>Jun</b>	218,722	136,432	651,849	216,970	200.4%
<b>Jul</b>	176,829	253,077	358,806	216,210	66.0%
<b>Aug</b>	73,524	417,801		205,740	
<b>Sep</b>	105,174	377,319		208,430	
<b>Oct</b>	102,584	222,297		228,800	
<b>Nov</b>	91,453	551,682		188,130	
<b>Dec</b>	105,740	217,712		216,560	
	\$1,611,658	\$3,039,002	\$2,057,563	\$2,474,910	
<b>YTD</b>	\$1,133,183	\$1,252,191	\$2,057,563	\$1,427,250	44.2%

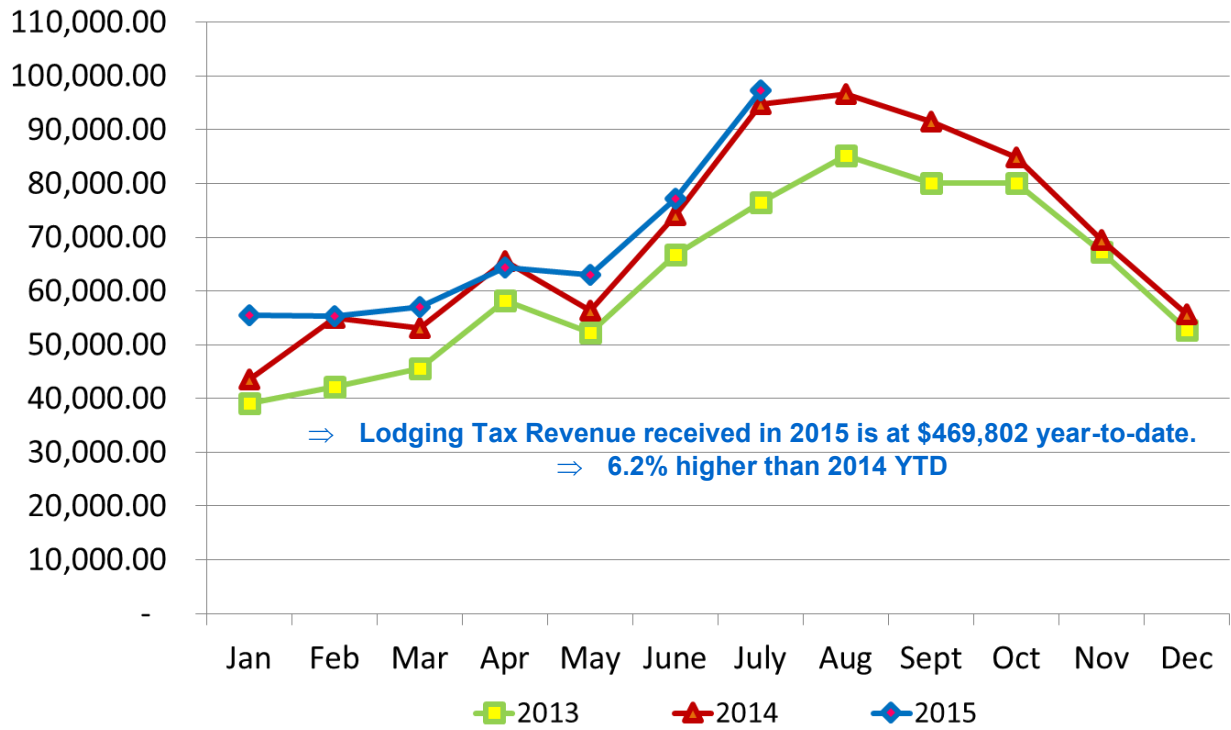


## Motor Vehicle Use Tax

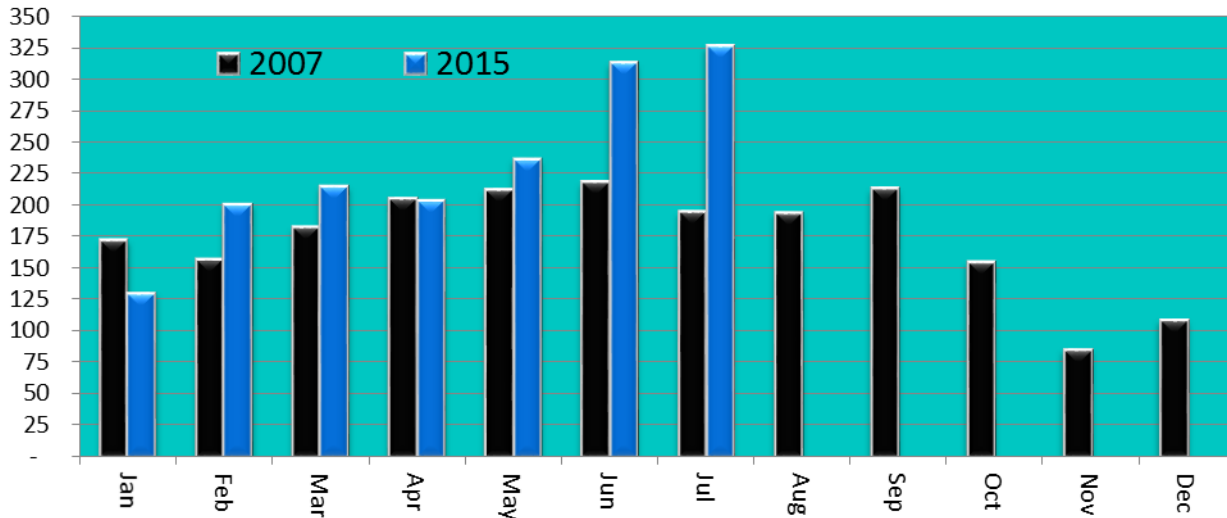
	2013	2014	2015	2015 Budget	+ / - Budget
<b>Jan</b>	\$ 168,734	\$ 211,841	\$ 258,519	\$ 178,080	45.2%
<b>Feb</b>	219,886	234,872	242,911	200,700	21.0%
<b>Mar</b>	223,317	197,666	265,721	183,290	45.0%
<b>Apr</b>	208,144	202,216	289,575	204,250	41.8%
<b>May</b>	194,384	261,840	270,477	212,040	27.6%
<b>Jun</b>	230,915	218,637	256,170	194,910	31.4%
<b>Jul</b>	252,583	238,533	289,432	223,900	29.3%
<b>Aug</b>	280,014	303,593		231,760	
<b>Sep</b>	222,332	262,754		224,680	
<b>Oct</b>	223,902	303,820		225,490	
<b>Nov</b>	296,227	290,119		223,320	
<b>Dec</b>	206,740	300,124		197,580	
	\$2,727,178	\$3,026,015	\$1,872,805	\$2,500,000	
<b>YTD</b>	\$1,497,963	\$1,565,605	\$1,872,805	\$1,397,170	34.0%



### Lodging Tax



### Building Permit Comparison History



## Cost Estimates

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

## Actual Expenditures

	July	To Date
<b>Total</b>	<b>\$ 514,505</b>	<b>\$ 20,283,834</b>

## Reimbursements Applied For

	July	To Date
FEMA	\$ 155,928	\$ 11,705,982
CIRSA	-	7,017,868
Other	-	468,502
<b>Total</b>	<b>\$ 155,928</b>	<b>\$ 19,192,352</b>

## Reimbursements Received

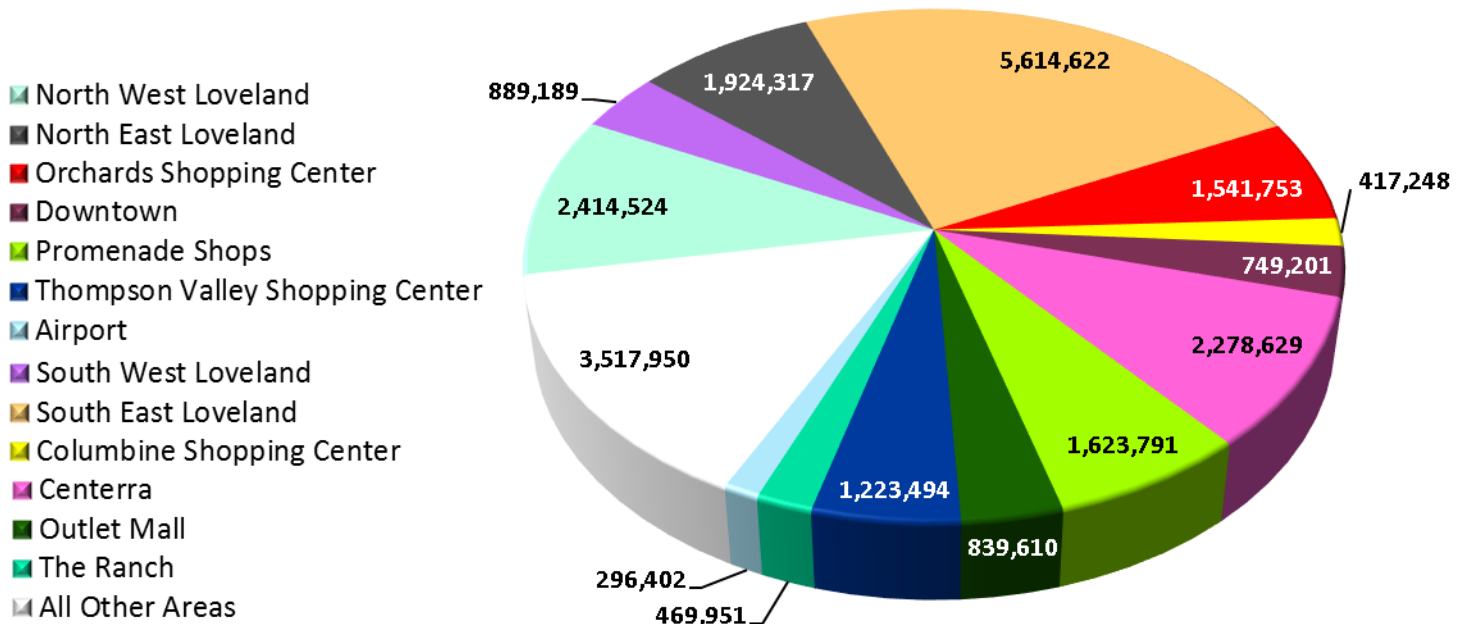
	July	To Date
FEMA	\$ 23,611	\$ 5,797,700
CIRSA	-	7,017,868
Other	-	468,502
<b>Total</b>	<b>\$ 23,611</b>	<b>\$ 13,284,069</b>



# Geographical Codes

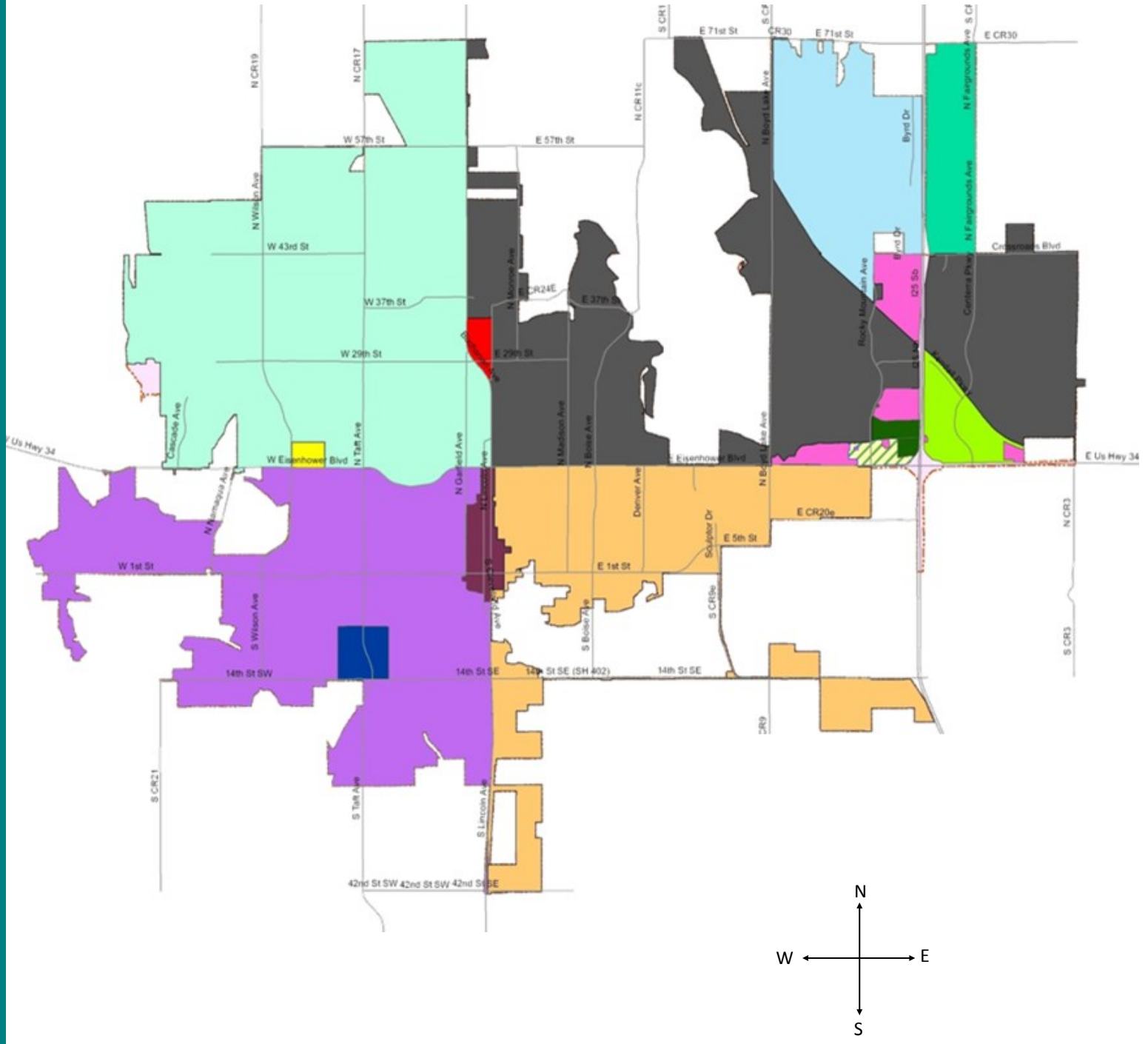
Geographical Area	YTD 2015	YTD 2014	Change
South East Loveland	5,614,622	5,554,987	1.1%
North West Loveland	2,414,524	2,371,329	1.8%
Centerra	2,278,629	2,165,188	5.2%
North East Loveland	1,924,317	1,836,430	4.8%
Promenade Shops	1,623,791	1,522,096	6.7%
Orchards Shopping Center	1,541,753	1,361,845	13.2%
Thompson Valley Shopping Center	1,223,494	1,135,585	7.7%
South West Loveland	889,189	801,466	10.9%
Outlet Mall	839,610	865,856	-3.0%
Downtown	749,201	691,918	8.3%
The Ranch	469,951	483,447	-2.8%
Columbine Shopping Center	417,248	415,322	0.5%
Airport	296,402	270,624	9.5%
All Other Areas (1)	3,517,950	3,528,002	-0.3%
<b>Total</b>	<b>\$23,800,681</b>	<b>\$23,004,095</b>	<b>3.5%</b>

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



Map →

# Geographical Codes



# Sales Tax Collections

Description	YTD 2015	YTD 2014	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 4,589,506	\$ 4,668,366	\$ (78,860)	-1.7%	19.3%	19.3%
Restaurants & Bars	3,151,225	2,933,488	217,737	7.4%	13.2%	32.5%
Grocery Stores & Specialty Foods	2,519,019	2,269,172	249,847	11.0%	10.6%	43.1%
Building Material & Lawn & Garden Supplies	1,852,806	1,691,258	161,548	9.6%	7.8%	50.9%
Motor Vehicle Dealers, Auto Parts & Leasing	1,753,048	1,671,144	81,904	4.9%	7.4%	58.3%
Clothing & Clothing Accessories Stores	1,693,785	1,650,197	43,588	2.6%	7.1%	65.4%
Utilities	1,187,051	1,216,513	(29,462)	-2.4%	5.0%	70.4%
Sporting Goods, Hobby, Book & Music Stores	1,036,620	1,027,148	9,472	0.9%	4.4%	74.7%
Used Merchandise Stores	867,615	853,896	13,719	1.6%	3.6%	78.4%
Broadcasting & Telecommunications	791,501	837,654	(46,153)	-5.5%	3.3%	81.7%
Beer, Wine & Liquor Stores	587,689	536,870	50,819	9.5%	2.5%	84.2%
Hotels, Motels & Other Accommodations	548,066	533,629	14,437	2.7%	2.3%	86.5%
Consumer Goods & Commercial Equipment Rental	513,768	448,499	65,269	14.6%	2.2%	88.6%
Health & Personal Care Stores	415,519	388,661	26,858	6.9%	1.7%	90.4%
Electronics & Appliance Stores	384,424	332,133	52,291	15.7%	1.6%	92.0%
Electronic Shopping & Mail-Order Houses	352,256	403,207	(50,951)	-12.6%	1.5%	93.5%
Furniture & Home Furnishing Stores	315,247	301,415	13,832	4.6%	1.3%	94.8%
Gasoline Stations with Convenience Stores	248,935	209,911	39,024	18.6%	1.0%	95.8%
Office Supplies, Stationery & Gift Stores	193,846	215,143	(21,297)	-9.9%	0.8%	96.6%
All Other Categories	798,755	815,791	(17,036)	-2.1%	3.4%	100.0%
<b>Total</b>	<b>\$23,800,681</b>	<b>\$23,004,095</b>	<b>\$ 796,586</b>	<b>3.5%</b>	<b>100.0%</b>	

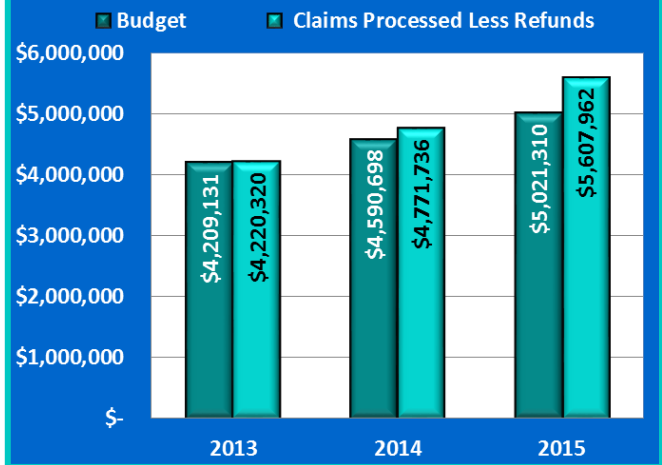


## Claims Incurred

		OAP	HRA	Total
2015	July	573,102	138,109	711,211
	YTD	4,834,060	1,567,385	6,401,446
2014	July	666,149	127,208	793,357
	YTD	5,023,894	1,398,068	6,421,962
Change	July	(93,047)	10,901	(82,146)
	% July	-14.0%	8.6%	-10.4%
	YTD	(189,833)	169,317	(20,516)
	% YTD	-3.8%	12.1%	-0.3%

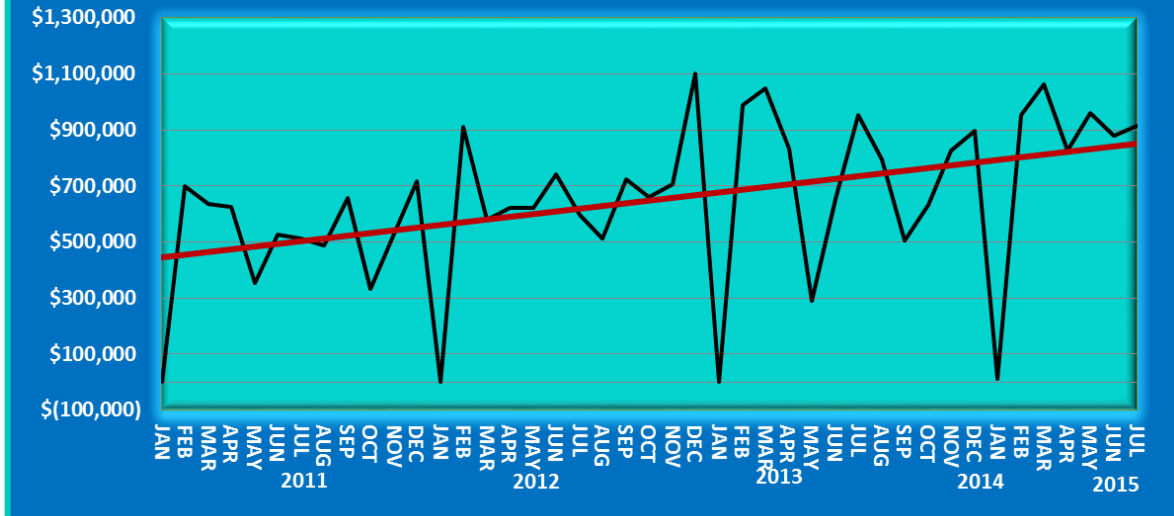
- ⇒ HRA—Health Reimbursement Arrangement
- ⇒ OAP—Open Access Plan

## 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

July	2012	2013	2014	2015
# of claims	29	35	45	45
YTD Cost of high claims	\$1,456,130	\$1,936,381	\$3,883,834	\$3,741,883

- ⇒ 2015 # of StopLoss claims: 4
- ⇒ Projected YTD Reimbursements: \$473,795  
(claims over \$175k paid by StopLoss Carrier)

# Activity Measures

Measures	July 2013	July 2014	July 2015	2013 YTD	2014 YTD	2015 YTD
# of Building Permits	219	184	326	1,267	1,269	1,623
Building Permit Valuations	\$ 20,080,524	\$ 16,649,982	\$ 24,091,278	\$ 106,671,296	\$ 119,801,282	\$ 137,994,220
# of Certified Occupancies	44	26	110	217	129	291
Net # of Sales Tax Licenses	(11)	3	10	(345)	(111)	(79)
New Residential Electric Meter Sets	29	25	85	178	193	486
# of Utility Bills Sent	36,666	36,960	37,677	255,638	257,717	262,269
Rounds of Golf	19,442	17,607	18,865	65,708	63,975	68,610
\$ Average Health Claim Costs/Emp.	\$ 813	\$ 1,204	\$ 995	\$ 1,035	\$ 1,395	\$ 1,317
KWH Demand (kH)	146,916	144,141	147,210	761,647	750,336	737,719
KWH Purchased (kwh)	73,212,467	72,742,064	73,263,913	431,333,451	375,813,580	435,429,721
Gallons of Water Sold	617,660,582	545,779,342	448,918,109	1,768,828,012	1,838,531,783	1,509,395,445
# of Workers' Comp Claims 2015	13	6	11	62	52	58
\$ of Workers' Comp Claims Paid 2015	\$ 29,735	\$ 46,922	\$ 25,182	\$ 167,871	\$ 409,011	\$ 305,494
# of Total Open Claims	22	20	15	<i>Not Cumulative</i>		
\$ of Total Open Claims	\$ 281,420	\$ 364,668	\$ 426,949	<i>Not Cumulative</i>		
\$ of Lodging Tax Collected	\$ 76,482	\$ 94,719	\$ 97,254	\$ 380,741	\$ 442,153	\$ 470,360



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

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

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

# SnapShot

July 2015



**For more information regarding this report contact:**

**Brent Worthington**

**Finance Director**

**970.962.2300 or**

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



# Snapshot



July  
2015

**Brent Worthington**  
Finance Director

**Presented**  
September 1, 2015

# July 2015 Snapshot

- Citywide Revenue
  - \$159.0 million, excluding transfers
  - 8.3% below budget projections
  
- Citywide Expenditures
  - \$148.9 million, excluding transfers
  - 35.8% below budget projections
  
- Citywide revenues exceed expenditures by \$10.1 million.

# July 2015 Snapshot

- General Fund Revenue
  - \$53.8 million YTD, excluding transfers
  - 3.6% above YTD Budget
  - 21.6% above same period last year
  
- Sales and Use Tax Revenue
  - \$27.7 million YTD
  - 2.2% above budget projections
  - 7.4% above same period as last year
  
- Sales Tax only
  - \$23.8 million YTD
  - 2.1% below budget projections
  - 3.5% above same period last year

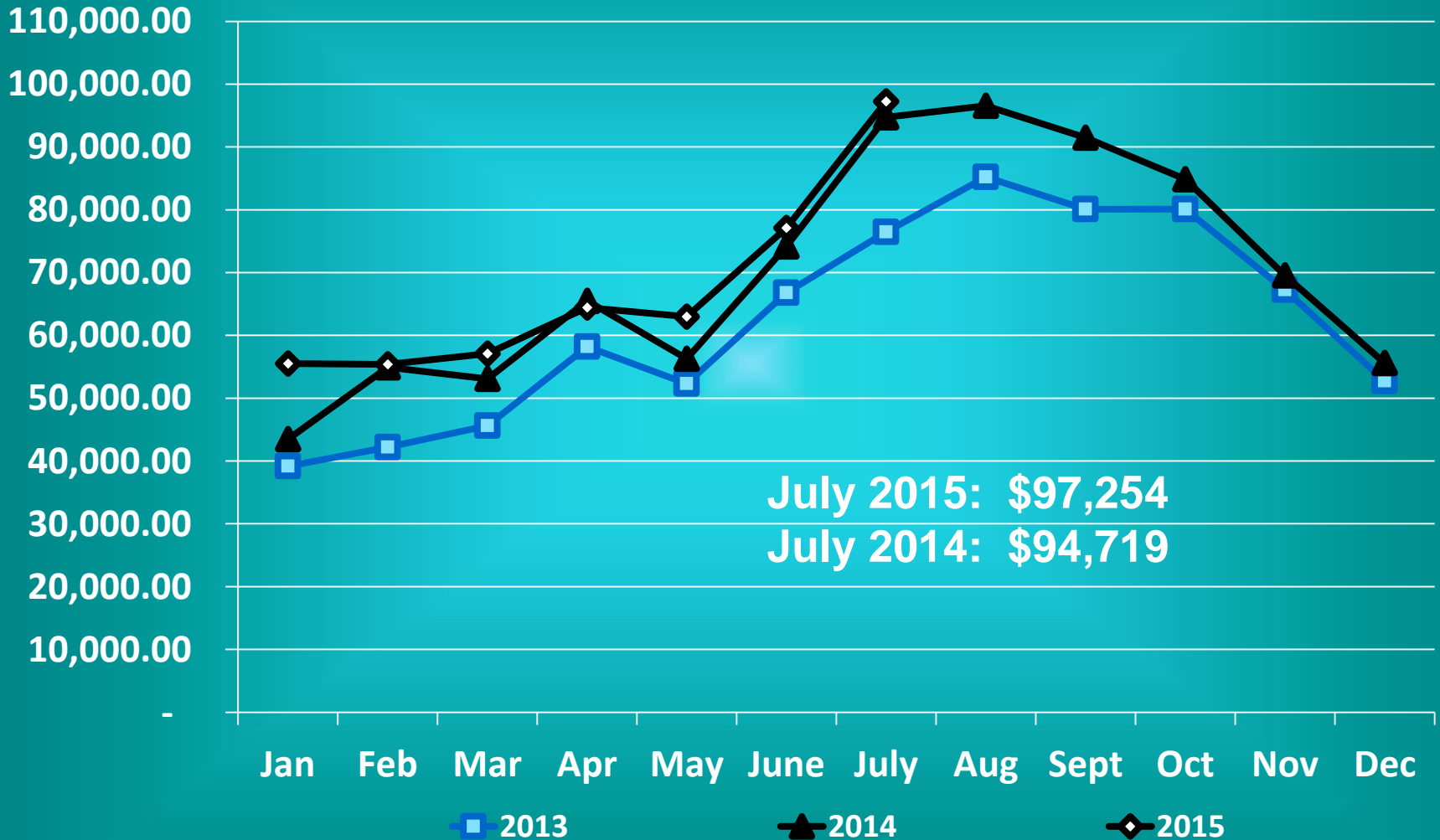
# July 2015 Snapshot

- General Fund Expenditures
  - \$41.2 million YTD, excluding transfers
  - 14.1% below budget projections
  
- General Fund Revenues Exceed Expenditures by \$6.3 million
  
- Health Claims
  - July Claims \$711 thousand
  - 2015 YTD decreased from \$6.42 mil to \$6.4 mil from same time as last year (0.3%)



# July 2015 Snapshot

## Lodging Tax



July 2015: \$97,254  
July 2014: \$94,719

➤ Lodging tax YTD is \$469,802 (6.2% higher than 2014 YTD).



# Flood Report

<b>Cost Estimates</b>			
Emergency Response		\$2,000,000	
Business Assistance		600,000	
Capital		23,100,000	
<b>Total</b>		<b>\$25,700,000</b>	
<b>Actual Expenditures</b>			
		<u>July</u>	<u>To Date</u>
<b>Total</b>	<b>\$</b>	<b>514,505</b>	<b>\$ 20,283,834</b>
		<u>July</u>	<u>To Date</u>
FEMA	\$	155,928	\$ 11,705,982
CIRSA		-	7,017,868
Other		-	468,502
<b>Total</b>	<b>\$</b>	<b>155,928</b>	<b>\$ 19,192,352</b>
		<u>July</u>	<u>To Date</u>
FEMA	\$	23,611	\$ 5,797,700
CIRSA		-	7,017,868
Other		-	468,502
<b>Total</b>	<b>\$</b>	<b>23,611</b>	<b>\$ 13,284,069</b>

# July 2015 Snapshot



Questions?

**Brent Worthington**  
Finance Director

**Presented**  
September 1, 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

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**AGENDA ITEM:** 10  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

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**TITLE:**

Investment Report for July 2015

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**RECOMMENDED CITY COUNCIL ACTION:**

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

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**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 1.11%. For July, earnings of \$149,613 were posted to City funds and the year to date total is \$1,062,039. U.S. short-term Treasury interest rates fell in July; the portfolio had an unrealized gain of \$13,751 compared to an unrealized loss of \$110,896 in June. The end of July portfolio market value is estimated to be \$217.3 million. The total amount of the portfolio is growing, but is still not back to the peak amount reached before the 2013 flood, when the portfolio carried an estimated market value of \$226.3 million.

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**SUMMARY:**

At the end of July, the City's portfolio had an estimated market value of \$217.3 million, about \$4.6 million more than a month ago. Of this amount, USBank held \$191.1 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 June. In July, they were down slightly. 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 U.S. Treasury Notes, high-rated U.S. 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 \$2.17 million annually.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:**

Investment Focus July 2015



# Investment Focus

Monthly Investment Report

July 2015

**What's in here?**

- Focal Points** 1
- Gain / Loss**
- Next Crisis Ammo**
- 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 \$149,613; for the year-to-date, \$1,062,039.**
- \* **Each 1% of market value amounts to nearly \$2.1 million.**
- \* **The month-end market value shows the unrealized gain is estimated to be \$13,751 at the end of July.**

**U.S. Lacks Ammo for Next Economic Crisis**

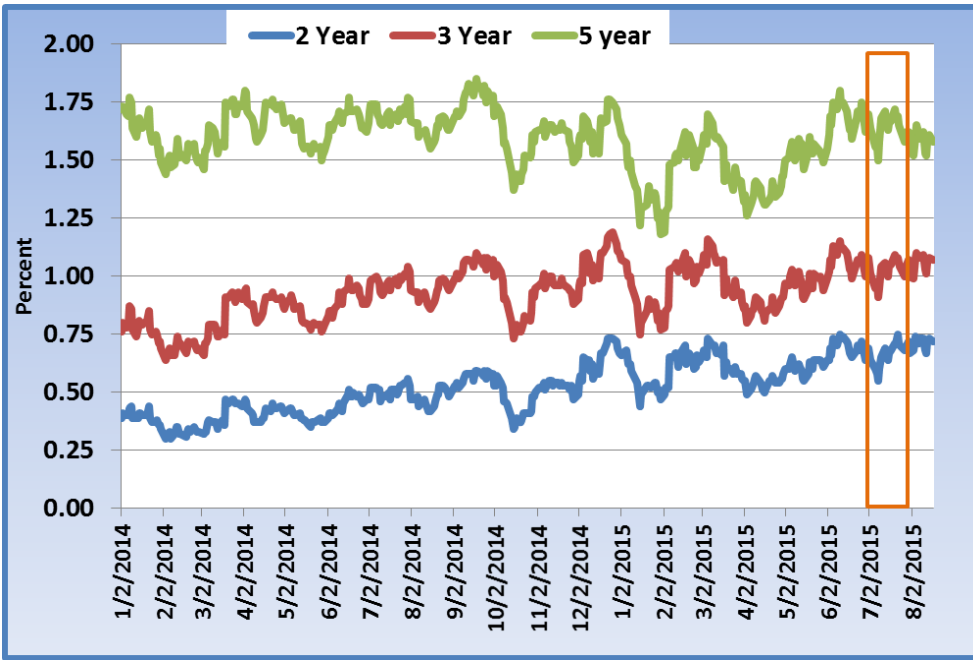
"As the U.S. economic expansion ages and clouds gather overseas, policy makers worry about recession. Their concern isn't that a downturn is imminent but whether they will have firepower to fight back when one does arrive. The U.S. generally injects cash into the economy through interest-rate cuts, tax cuts, or ramped-up federal spending. Few economists believe the U.S. is near recession. Even so, looming threats are a reminder that the slow-growing global economy is just a shock away from peril."

Type of Investment	Purchase Price	Market Price	Unrealized Gain / Loss
Checking Accounts	\$ 19,237,614	\$ 19,237,614	-
Investment Pools	\$ 7,025,343	\$ 7,025,343	-
Money Markets	\$ 7,310,154	\$ 7,310,154	-
<b>Subtotal</b>	<b>\$ 33,573,110</b>	<b>\$ 33,573,110</b>	-
Notes, Bonds, and CDs	\$ 183,745,563	\$ 183,759,315	\$ 13,751
<b>Total Portfolio</b>	<b>\$ 217,318,674</b>	<b>\$ 217,332,425</b>	<b>\$ 13,751</b>
<b>Data sources</b>	(Morgan Stanley)	(US Bank)	

*continued on page 2* Due to rounding, column and row totals may not add exactly.



## Treasury Rate Trends / Fewer Monetary Tools



Interest rates on U.S. Treasuries fell in July. The 2-year Treasury note was up three basis points, the 3-year was down one basis point, and the 5-year Treasury was down nine basis points.

When rates fell, the price of securities held in the portfolio increased, resulting in a small unrealized gain at month end.

### Continued from page 1

“Officials are looking to the next downturn, which U.S. history shows is inevitable.”

“In the next downturn, former Fed Chairman Ben Bernanke said in an interview, the tools of government will be ‘more limited than usual, but they’re not zero by any means.’”

“The Fed, for example, could experiment with negative interest rates. A recession also could force Congress and the White House to bridge Washington’s partisan divide to strike a deal that pairs short-run stimulus with long-run plans to reduce the deficit.”

“No one knows how much U.S. debt can grow without triggering an increase in inflations and interest rates that would hobble investment and growth.”

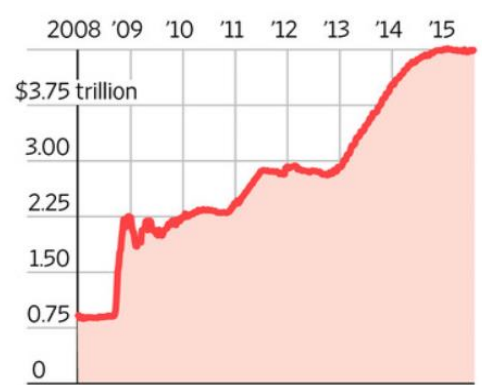
### U.S. Defenses Down

**The Federal Reserve will have fewer monetary weapons in the next recession. It has less room to cut rates, and its swollen portfolio will make it harder to launch new rounds of bond buying.**

How the effective Federal-funds rate changed



Total assets held by Federal Reserve banks



Source: Federal Reserve (effective rate, bank assets).

(Source: U.S. LACKS AMMO FOR NEXT CRISIS by Jon Hilsenrath and Nick Timiraos in **THE WALL STREET JOURNAL**, August 18, 2015.)

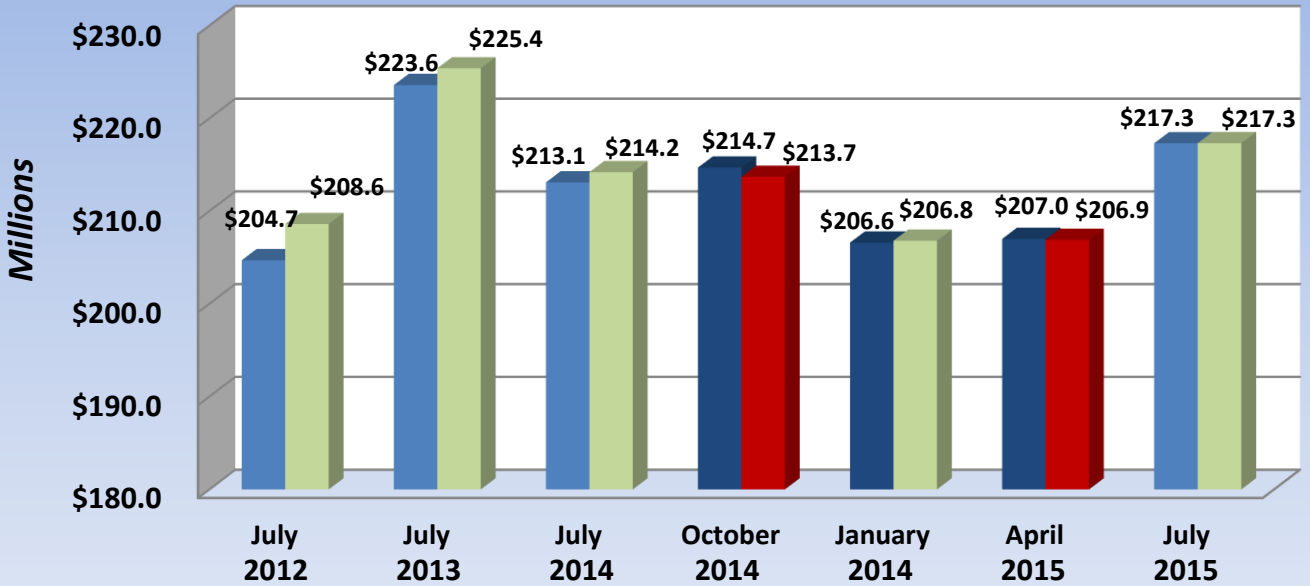
## Bottom Line: Plus 3.8% to Beginning Balance

		Est. 2015 Beginning	YTD Activity	Month End Total
<b>Restricted Reserves</b>				
1	Capital Expansion Fees	\$ 26,441,888	\$ 3,769,761	\$ 30,211,649
2	Water System Improvement Fees	8,739,018	(3,306,048)	5,432,970
3	Raw Water Revenue - Windy Gap	23,717,172	(2,792,576)	20,924,596
4	Wastewater System Imp. Fees	6,567,194	1,036,175	7,603,368
5	Storm Drainage System Imp. Fees	1,560,948	264,403	1,825,351
6	Power Plant Investment Fees	3,062,677	1,731,212	4,793,889
7	Cemetery Perpetual Care	2,796,863	14,443	2,811,306
8	Other Restricted	33,911,437	(1,351,150)	32,560,287
9	<b>Total Restricted</b>	<b>\$ 106,797,197</b>	<b>\$ (633,779)</b>	<b>\$ 106,163,417</b>
<b>Committed / Assigned</b>				
10	General Fund	\$ 11,224,908	\$ 1,619	\$ 11,226,527
11	Enterprise Funds	5,277,806	383,367	5,661,173
12	Internal Service Funds	16,298,335	(1,060,661)	15,237,674
13	<b>Total Committed / Assigned</b>	<b>\$ 32,801,049</b>	<b>\$ (675,674)</b>	<b>\$ 32,125,375</b>
14	<b>Total Restricted/Committed/Assigned</b>	<b>\$ 139,598,246</b>	<b>\$ (1,309,454)</b>	<b>\$ 138,288,792</b>
<b>Unassigned Balance</b>				
15	General Fund	\$ 30,998,781	\$ 6,119,978	\$ 37,118,760
16	Airport	1,937,715	(134,522)	1,803,193
17	Internal Service - Vehicle Maint.	37,349	(37,348)	2
18	Enterprise Funds	36,009,298	3,374,795	39,384,092
19	<b>Total Unassigned</b>	<b>\$ 68,983,143</b>	<b>\$ 9,322,904</b>	<b>\$ 78,306,047</b>
20	<b>TOTAL FUND BALANCE</b>	<b>\$ 208,581,389</b>	<b>\$ 8,013,450</b>	<b>\$ 216,594,839</b>

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

## Portfolio Growth Trend / Types of Investments

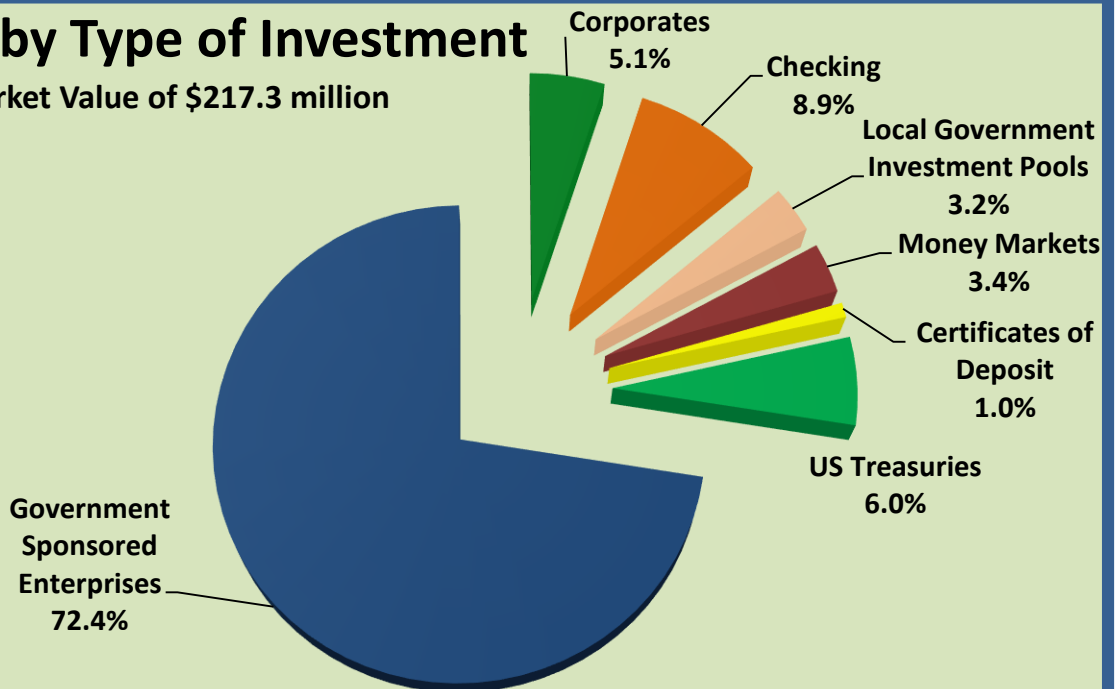
### Portfolio Size Since July 2012



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

### Portfolio by Type of Investment

July 2015 – Market Value of \$217.3 million

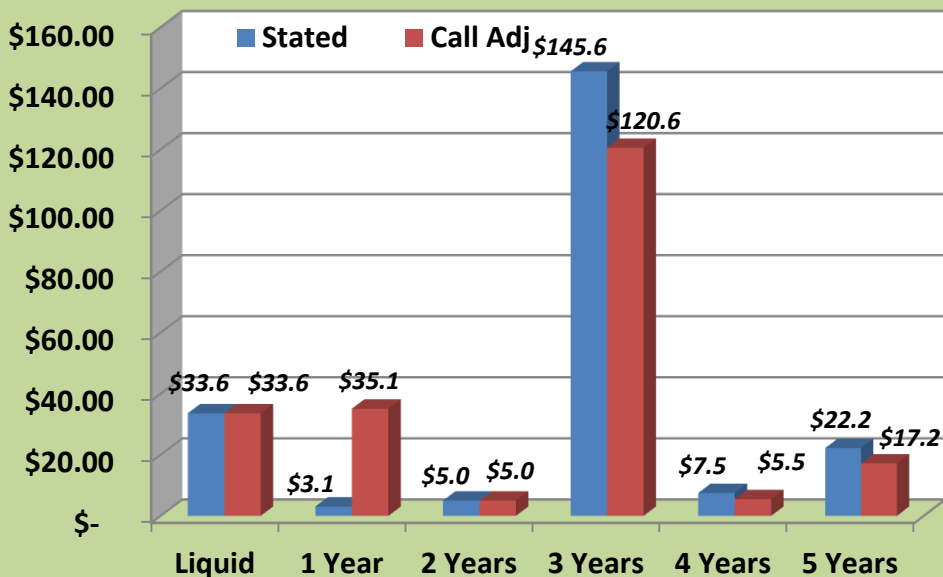




# Transactions / Portfolio by Maturity

	Maturity Date	Face Value \$	Purchase \$	Stated Rate
<b>Purchases</b>				
Fed. Farm Credit Bank Note	07/13/2017	\$ 5,000,000.00	\$ 5,000,000.00	0.810%
<b>Matured</b>				
None this month				
			<u>Call Value \$</u>	
<b>Called</b>				
None this month				
			<u>Gain/(Loss) \$</u>	
Federal Nat'l Mortgage Assn	09/24/2019	\$1,000,000.00	\$ 4,118.76	1.500%

**Portfolio by Estimated Maturity Term**  
(in millions - Total = \$217.3 at the end of July)



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 \$2,429.28 this year.

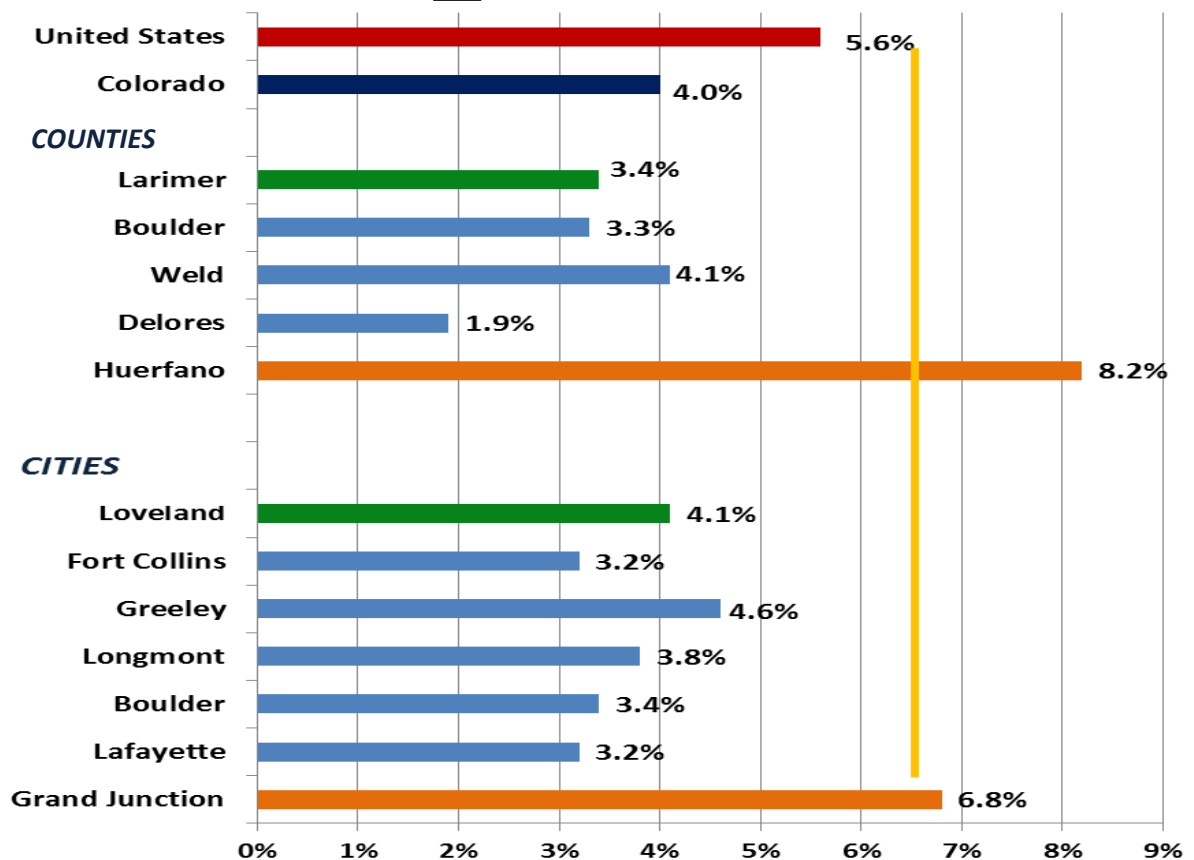
Blue bars show the stated term; red bars show possible calls.

- ❑ Loveland's employed workforce contracted in July, **down 403** jobs from June.
- ❑ Compared to July of 2014, there are now **589 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

Data not adjusted for seasonality



## Current “missing worker” estimates at a glance

Updated August 7, 2015, based on most current data available.

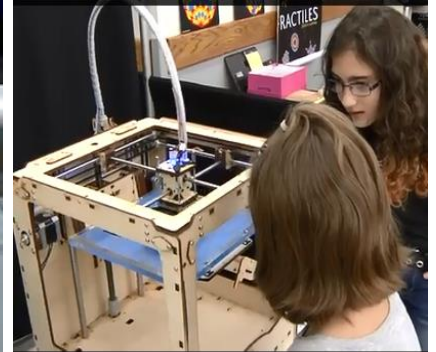
Total missing workers,  
July 2015:  
**3,400,000**

Unemployment rate if  
missing workers were  
looking for work:  
**7.3%**

Official  
unemployment rate:  
**5.3%**

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 5.3% number above right), the rate rises to **10.4%** (the seasonally adjusted U-6 number; the unadjusted number is **10.7%**).

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





## Future Scan: Fed Outlook, Oil Price Trend, Employment, Recession Outlook

### ❖ **No Clear Sign Central Bank to Raise Interest Rates In September**

- “U.S. Treasury bonds rallied broadly on Wednesday as the minutes of the Federal Reserve’s July policy meeting offered no clear signals of an interest-rate increase next month.”
- “The Fed’s report came as U.S. crude oil prices hit a six-year low and U.S. stocks softened, which already boosted demand for ultra safe U.S. government debt. A gauge of 10-year inflation expectations in the bond market fell to the lowest level since January.”
- “Bond traders said the release was less hawkish than expected. In its July rate statement, the Fed said some further improvement in the labor market could be sufficient to tighten rates. But the Fed minutes showed some participants expressed the view that the incoming information had not yet provided grounds for reasonable confidence that inflation would move back to 2% over the medium term.”
- “Analysts say a strong report may still allow the central bank to act from its Sept. 16-17 policy meeting. But many investors and traders remain skeptical about whether the economy is strong enough for the Fed to act soon. The key message is that the Fed is not committed to a rate hike in September, which cheered up bond buyers, said Ian Lyngen, senior government bond strategist at CRT Capital Group LLC.”

(Source: *U.S. 10-Year Bond Yield Drops to Lowest Level Since May* by Min Zeng in **THE WALL STREET JOURNAL** August 20, 2015.)

### ❖ **Outlook for Oil Prices: Oil dives below \$40 after rise in U.S. Oil Rigs**

- U.S. crude oil prices on Friday dove below \$40 a barrel for the first time since the 2009 financial crisis, notching their longest weekly losing streak in 29 years after a further rise in U.S. drilling and a drop in Chinese manufacturing.”
- “With deepening gloom over demand growth from the world’s second-biggest oil user, and expectations for a significant build-up in surplus oil stocks this autumn, dealers said most oil traders were unwilling to fight the tide. ‘The market is stuck in a relentless downtrend,’ said Robin Bieber, a director at London brokerage PVM Oil Associates.” (Source: **Reuters** online story, August 21, 2015.)

### ❖ **The June 2015 Colorado Employment Situation** was released July 21st. Total nonfarm payroll jobs fell by 2,200 from June to July. Year over year, the jobs number is up by 50,200. The latest household survey data show Loveland’s unemployment rate to be 4.1, 0.2% lower than June. Other cities and counties show similar decreases in the unemployment rate. The chart with other cities and counties is on page 6. (Next Update September 18.)

(Source: Colorado Department of Labor and Employment **July 2015 Colorado Employment Situation**, August 21, 2015.)

### ❖ **Recession Indicators:** Four indicators (Industrial Production, Nonfarm Employment, Real Personal Income, and Real Retail Sales) are the basis for determining a recession. Based on July data, Industrial Production rose by 0.56%; Real Retail Sales rose by 0.44% and, Employment continued on a modest growth trend of 0.15%. Real Income was up 0.24% in June. “The US economy has been slow in recovering from the Great Recession. Weak Retail Sales and Industrial Production beginning in December 2014 triggered a replay of the “severe winter” meme from last year. Collectively the indicators have essentially trended sideways through June, but the July data is nudging in the right direction.”

(Source: **Advisor Perspectives**, Doug Short, August 19, 2015.)

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

**Alan Krcmarik, Executive Fiscal Advisor** 970.962.2625 or [Alan.Krcmarik@cityofloveland.org](mailto:Alan.Krcmarik@cityofloveland.org)

Monthly Investment Report

July 2015



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

**AGENDA ITEM:** 11  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Greg George, Development Services Department  
**PRESENTER:** Chris Dunn and Christopher Smith, Urban Land Institute

**TITLE:**  
 Urban Land Institute's Final Report on Healthy Place Workshop – Highway 287

**RECOMMENDED CITY COUNCIL ACTION:**  
 This is an information only item. No action is required.

**SUMMARY:**  
 This is an information only item. In 2012, the Colorado Health Foundation and the Urban Land Institute launched the Building Healthy Places Initiative. The initiative links negative health factors, particularly obesity and related diseases, to the physical design of communities that discourage active lifestyles and limited access to healthy food. On April 2, 2015, members from the Urban Land Institute conducted a one day workshop to assess a section of the Highway 287 Corridor with respect to the goals of the Building Healthy Places Initiative.

**BUDGET IMPACT:**  
 Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**  
 Orchards North is the name given to this project area – Highway 287 from 29th to 37th. This commercial corridor was selected because it has great potential to become a good example of a built environment that supports the health and wellness of the community and accessible choice for all residents. Currently, it's a high speed/high volume commercial corridor designed for the automobile. While there are many goods and services available within walkable distances, this corridor presents many safety hazards for pedestrians and bicyclists. The infrastructure is disjointed and in fact, several sections of the corridor have no sidewalks at all. But we know that people of all ages and abilities walk this corridor to access daily goods and services as well as transit.

**REVIEWED BY CITY MANAGER:**

*William D. Cavill*

**LIST OF ATTACHMENTS:**  
 Healthy Place Workshop Final Report

# Building Healthy Places

*Workshops on healthy solutions  
for the built environment.*

---

**Workshop #3: Highway 287 Corridor  
Loveland, Colorado  
April 2, 2015**



## Contents of Report

2

- I) Overview
- II) What's the problem with 287?
- III) Findings: Challenges and Opportunities
- IV) Recommendations
- V) What's Next?
- VI) Appendix: Panel bios, Stakeholders, and Acknowledgments



## I. Overview



In 2012, the Colorado Health Foundation and the Urban Land Institute, a 501-c-3 nonprofit membership organization dedicated to best practices in land use, launched the Building Healthy Places Initiative. The initiative links alarming health factors – particularly obesity and related diseases – to the physical design of communities that discourages active lifestyles, while limiting access to healthy food. This is especially a problem in lower-income areas where residents may not be able to afford health clubs, youth sports leagues, or shopping at Whole Foods. Active living, healthy food, access to nature, and a strong sense of community are not a luxury and must be embedded in or near their neighborhoods.

The initiative seeks to make an impact in specific areas including:

- Active living: Buildings and community design that encourages walking, cycling, play and other physical activity as part of everyday life
- Access to healthy food. Many communities lack a local market that sells fresh food, farmers market, or community gardens. High-calorie, low-cost fast food is a cheaper alternative
- Healthy buildings that are energy efficient, have good indoor air quality, and invite access to natural light and fresh air
- Access to parks and natural areas
- A safe public environment essential for active living, community gardens, playgrounds, and other outdoor activities
- A strong sense of community to foster social and mental health

In 2013, ULI and CHF studied three Colorado communities – Arvada, Lamar and the Westwood neighborhood of Denver—to recommend physical improvements. Later that year, ULI Colorado—the 1,100-member District Council of the international ULI—received a \$10,000 grant from the ULI Foundation to work with another two Colorado communities in a new program of Building Healthy Places Workshops. This resulted in studies of Lake Creek Village in Edwards, Colorado, and the 40th and Colorado FasTracks station area in Denver (reports available on request).

In 2014, the Colorado Health Foundation awarded a grant to ULI Colorado to study two more communities. Through a competitive application process, a selection committee chose applications from Loveland and Pueblo for BHP workshops taking place in Spring 2015.



*Katie Guthrie holds a new ULI publication, "Building Healthy Places." Photo taken during the panelists tour of Highway 287.*



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## II. What's the problem with 287 from 29th to 37th?

3

*"We started calling Loveland the City of Gardens and Art. This should be celebrated in everything you do. We think art should be a big part of the improvements on 287. This defines the city and really separates Loveland from any other city." – Chris Dunn, ULI panel chair*



*Artworks from Loveland's Benson Sculpture Park. The panel discussed using art to brand 287 as a gateway.*

A tour of this section of arterial road neatly summarized the issue. Simply to stroll down this stretch, ULI volunteers and stakeholders had to don bright reflective safety vests while walking on a highway shoulder as vehicles sped by. They walked past a mixed-bag of fairly active retail, vacant lots, used-car lots, and fraying signs.

Katie Guthrie of CanDo said that when she takes schoolchildren on this tour, they often ask, "Who made this place this way?" The answer is no one did intentionally. The corridor evolved haphazardly with little thought to pedestrians, cyclists or transit riders. The corridor also includes low-income residences, the elderly and nonprofits providing social services—two populations who tend not to drive.

The community identified four major areas of concern:

1. Walkable/bikeable access to goods and services (especially for vulnerable populations)
2. Public safety
3. Connectivity between neighborhoods, commercial areas, schools, parks, and transit
4. Safe access to play spaces



*Panelists Max Gibson and Angela Loder touring corridor.*





Looking for solutions, the ULI panel studied an advance packet of background information, toured 287 and worked with local officials and residents for a daylong workshop at Orchards North on Thursday, April 2. The volunteer panel included experts in real estate development, transportation planning, traffic engineering, landscape architecture, urban planning, and public health.



*ULI Colorado Panelists hard at work! Left: Chris Dunn and Emily Gloeckner; right: Max Gibson.*

The guest ULI panel identified the following general barriers to addressing these issues:

1. Design of adjacent suburban neighborhoods where streets and paths do not connect to destinations except by car travel
2. Little incentive for new private investment in commercial areas that could transform them from "auto-oriented" to "pedestrian-friendly"
3. Adjacent right-of-way may not be wide enough to add detached sidewalks and paths
4. Not enough public funding to "fix" all this infrastructure at once

*"Touchstone has two offices for family services but there is nowhere for families to go along 287. Most of our families are in or near poverty; also a lot of veterans. Most get here by bus walk bike, usually from the transit center."— Chris Fine, Development Specialist, Touchstone Health Partners*



*Panelist Greg Dorolek's overlay sketch.*

### III. Findings: Challenges and Opportunities

5

*"I see gaps that are technical but not daunting. Our panel could supply a vision but you have to figure out how to fund it. You've got \$13 million of need and \$100,000 a year to spend ... Are there stormwater funds, CDOT, ditch funds that can be applied?"—Greg Dorolek, ULI panelist*

#### Challenges:

- Corridor has "retail fatigue"—too much commercial zoning for the amount of vitality that local residents and drive-by can support
- There is low demand for new development or redevelopment in the corridor
- Most residents leave Loveland to go to work, which reduces local retail opportunities
- This will intensify with major retail developments underway in Fort Collins and Longmont
- The corridor lacks both an identity and sense of place
- There is little safe, appealing connectivity to adjacent neighborhoods. Kids can't walk or bike to school and residents can't reach the nearby supermarket and other services without car



*Current land use plan shows little connectivity between neighborhoods and 287.*

- As a result, local populations (low-income and children for example) are "vulnerable" to more health issues without access to fresh food and active living
- The border of the 287 right of way lacks room to add full tree lawns and detached sidewalks that are continuous
- There is no obvious funding for a project to improve 287

#### Opportunities:

*"Start looking at idea of Lincoln as having a more pedestrian character. It would still have autos on it but would be prioritized for pedestrians and bikes. As it connects with 287, it creates an opportunity for a monumental gateway featuring sculpture."*  
—Christopher A. Smith, Colorado Health Foundation



*"You can add room for pedestrians and bicycles while maintaining four lanes of vehicle travel on 287."*  
—Emily Gloeckner

- Loveland has a great identity based on its geography, foundries, public art, galleries and art festivals



- This "brand" can be extended to other parts of the city including the 287 study area
- Benson Sculpture Park is essentially "full" and the city continues to purchase 3-5 new sculptures a year
- The corridor is well-positioned as a "gateway" to Loveland's historic downtown and to the Big Thompson corridor
- Adjacent streets can be upgraded as pedestrian-bikeways that connect residential neighborhoods to retail services
- Highway 287 itself has the capacity to be redesigned with public art, dedicated bike/ped-ways, and landscaped medians
- Strategic rezoning (particularly at 37th Street) and new streetscapes may encourage new residential "infill" development

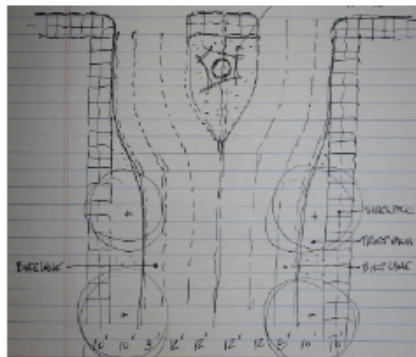
## IV. Recommendations

6

*"29th Street at 287 is primed to be a gateway. The two-block space as a dead zone is really a disservice to the city."*  
 —Max Gibson, ULI panelist

### A) General recommendations:

1. Plan a north-south, east-west ped-bike network linking specific destinations. The panel identified five schools, six parks, lower-income communities, the transit center, bus stops, retail and medical amenities, the Benson Sculpture Park, and open space.
2. Open discussions with CDOT on improving this section of 287. Using the panel's schematic designs and precedents from other communities, advocate for pedestrian and bicycle improvements that maintain level of service and traffic flow. This can be achieved, for example, without reducing the number of auto traffic lanes.



*Pictured above and right are traffic and streetscape schematics, provided by panelist Emily Gloeckner. These show an alternative road that provides ped and bike routes without compromising the number of lanes.*



*The panel's schematic design for new connections for bikes and pedestrians.*



3. Begin exploring funding partnerships including Federal grants, DOLA, Colorado Health Foundation, LiveWell, Mile High Connects.

4. Begin exploring such public funding alternatives such as Tax-Increment Finance, Enterprise Zones, CDOT funding (examples in Boulder and Fort Collins), public art funding.

5. Begin negotiating for potential rights-of-way (along ditches and rail tracks, for example), to create important links for non-vehicular travel.

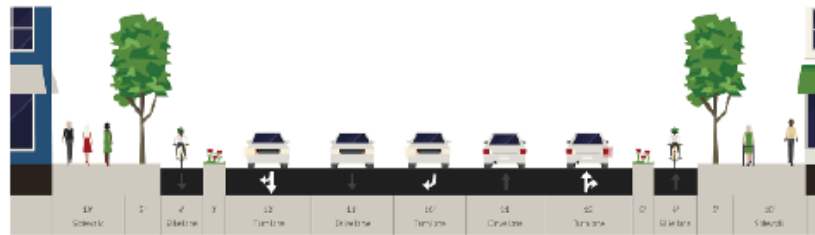
**B) Specific recommendations for the Redesign of 287:**

*“When you slow cars down, the value of adjacent land goes up. All the places in the world where the traffic slows down have the highest land value. Highway 287 today is designed to help people in Loveland to leave and go shopping in Fort Collins.” – Jeff Bedard, ULI panelist*

*“Make a distinction between recreational and commuter paths. I don’t know many women who would go down a dark path at night to go the grocery store.” – Angela Loder, ULI panelist*

*“We surveyed kids and they would rather be on a separate path on a busy road rather than a separate, out-of-site path.” – Shelley Aschenbrenner, Staff Engineer, City of Loveland*

1. “Brand” the corridor using strategically placed public art purchased through an existing city program.
2. Use public art and landscaping to create gateways to the corridor and other Loveland destinations.
3. Repurpose the overly wide shoulders and acceleration/deceleration lanes as dedicated and safe sidewalks and bike trails, including landscapes “tree lawn” buffers from the main roadway (see diagram below left).



4. Reduce the length of left-turn “suicide” lanes to make room for landscaped medians (see upper diagram).
5. Create dedicated “bicycle boulevards” (also for peds) bike-pedestrian ways along 33rd, 37th to link residents to the Orchard Shopping Center, Loveland Marketplace and other amenities.
6. Explore the possibility of using part of the BNSF right of way as a bike-ped path (provides a North-South link).
7. Explore the possibility of a trail, connections and open space with the private owners of the Dry Creek canal that crosses 287 near Orchards North housing.

*“Some streets that cross 287 can become what we call Bicycle Boulevards. You combine these streets with traffic calming elements. Vehicles might not be able to get through at every intersection but families can.” – Emily Gloeckner, ULI panelist*

**Specific land use recommendations:**

*“Some of these deeper lots along 287 could be ideal for multifamily, which would bring more people to live near the shopping and services.” – Loveland stakeholder*

1. Rezone the odd-shaped parcel just north of Loveland Marketplace encourage private investment, potentially in residential development.
2. Rededicate the vacant land bordered by Dry Creek, Harding Drive and auto-oriented stores as a public open space and sculpture garden.



*Pictured above right is the existing zoning. Below is the recommendation for the area, north of Loveland Market Place to be re-zoned.*

## V. What's Next?

8

It is important that the Loveland leadership and community act on the momentum of this initiative and workshop. Achieving a long-term vision is hard, but getting started is fairly easy.

Sample first steps:

- Find a champion (elected official, property owner or neighborhood resident) to advocate for change
- Appoint a citizen task force to study the recommendations and take them to the next level of detail and action
- Schedule a City Council presentation to present the Workshop findings and recommendations
- Begin thinking about a Pilot Project: What strategic redevelopment or streetscape improvement in the corridor would point the way toward a positive transformation of the entire corridor? How might this be funded?
- Pick a project that is fundable and will produce attractive, dramatic and highly visible results, even on a small scale

*"We've been here for six hours, but you can take the next step; for example, start identifying what these improvements will cost."*  
—Emily Gloeckner, ULI panelist



*Christopher Smith of Colorado Health Foundation works with panelists Angela Loder and Emily Gloeckner.*

## Vi. Appendix

Stakeholder Interviews:

*City of Loveland*

Alison Hade, Administrator, Community Partnership Office  
Karl Barton, Planner, Community & Strategic Planning  
Mike Jacobsen, Civil Engineer/Bicycle and Pedestrian Coordinator, Public Works  
Shelley Aschenbrenner, Civil Engineer/Safe Routes to School Coordinator, Public Works  
Christopher Barnes, Interim Transit Manager, Public Works

*Elected and Appointed Officials*

Michele Fenwick-Forrest, Planning Commission  
Joan Schaffer, Ward II Loveland City Councilor and 287 Coalition Member

*Others*

Sam Betters, Executive Director, Loveland Housing Authority  
Kelly Burwell, Obesity Prevention Coordinator, CanDo Loveland  
Bruce Croissant, Citizen Advocate  
Edgar Dominquez, Equity Coordinator, Vida Sana/CanDo Loveland  
Chris Fine, Development Specialist, Touchstone Health Partners  
Megan Moore, 287 Strategic Plan Project Manager, Logan Simpson Design  
Kelly Robenhagen, Advisor, Project Self-Sufficiency  
Dixie Schmatz, Citizen Advocate  
Jake Schuch, EIT II, Colorado Department of Transportation

## Panelist Bios:



**Jeff Bedard**  
 Founder, New Providence Company

Jeff heads a mixed-use builder developer of residential, retail and office projects in high-density urban locations. He currently works with the National Renewable Energy Laboratory to help create sustainable, net-zero energy communities. Previously Jeff was a partner with Continuum Partners responsible for land acquisition, entitlements, permitting, project management, design, construction, sales and financing for over \$300 million of development.



**Greg Dorolek**  
 Principal & Project Manager, Wenk Associates

Greg is a talented designer with experience in the planning and design of urban redevelopment including stormwater gardens, streetscapes, parks, trails and green infrastructure. He has a Bachelor of Landscape Architecture from the University of Georgia and completed his Master of Landscape Architecture at Harvard's Graduate School of Design.



**Chris Dunn (panel chair)**  
 Principal, Dunn & Kiley Landscape Architects

Chris is a Colorado landscape architect and urban designer with experience in master planning and detailed design for resort, civic, retail and residential environments worldwide. His 35 years of professional practice have culminated in enduring solutions for complex and environmentally challenged development projects in Colorado, North America, Asia and the Middle East.



**Max Gibson**  
 Jefferson County Public Health

Max has eight years of experience in improving health outcomes of fringe communities as both a medical worker and a field guide. His specialties include stakeholder engagement, land use policy analysis, and community resilience development. Mr. Gibson's dual master's degrees in Public Health and Urban & Regional Planning address today's most important health issues: healthy eating, active living, and hazard mitigation.



**Emily Gloeckner**  
 Civil Engineer, Fehr & Peers

Emily's professional experience incorporates multi-modal analysis in all the work that she does, including the analysis of pedestrians, bicycles, transit and traffic on roadway systems. She has extensive experience with the design and layout of bicycle, pedestrian connections and routes, roadway design, signing and striping, signal systems, traffic operational analysis, and traffic forecasting.



**Angela Loder**  
 Strategic Planner, Jefferson County Health

Angela is a researcher and strategic planner whose work looks at sustainable urban form, health, and nature. She looks at how healthy buildings can be integrated with ecological city and planning objectives; how building design and access to nature impacts stress, concentration, and creativity; and what kind of interdisciplinary collaboration is needed to move health in buildings forward.



**Christopher Smith**  
Colorado Health Foundation

As a member of the foundation's Healthy Living outcome team, Christopher works closely with the Portfolio Director of Healthy Living and other members of the philanthropy and evaluation teams achieve the Foundation's mission. Responsibilities include program management, implementation and leadership of strategic initiatives. Chris holds master's degrees in architecture and public administration from the University of California at Los Angeles.

**Acknowledgements:**

*ULI Colorado is grateful to its sponsors, hosts, panelists and volunteers...*

Colorado Health Foundation, Christopher Smith, program officer

ULI Colorado Building Healthy Places committee chaired by:  
Susan Powers, Urban Ventures LLC  
Josh Radoff, YR&G

*Special thanks to the Loveland Working Group:*

Bethany Clark, Planner, Community & Strategic Planning, City of Loveland

Katie Guthrie, Health Planner, CanDo Loveland

Greg George, Director of Development Services, City of Loveland

Leah Browder, Director of Public Works, City of Loveland

Ralph Trenary, Ward IV Loveland City Councilor

*This Building Healthy Places Workshop was made possible by the partnership of...*



*Generously supported by: Colorado Health Foundation*



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**AGENDA ITEM:** 12  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Economic Development Department  
**PRESENTER:** Betsy Hale, Economic Development Director  
 Mike Scholl, Economic Development Manager  
 Alan Krcmarik, Executive Fiscal Advisor

**TITLE:**

1. A Motion to issue Developer Request for Proposals for the South Catalyst Project consistent with the direction provided by City Council
2. A Motion to direct staff to negotiate an Intergovernmental Agreement with Larimer County for locating the County building in the South Catalyst Project and bring such Intergovernmental Agreement to City Council for final consideration

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the action as recommended.

**OPTIONS:**

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

**SUMMARY:**

This is an administrative item. This is a motion to authorize the City Manager to issue a Request for Proposals (RFP) for a development partner for the South Catalyst project in Downtown Loveland and secondly a motion to direct staff to proceed with the final negotiations on the Intergovernmental Agreement with Larimer County for its building in Downtown.

Staff will pose a series of questions to Council regarding the desired outcomes for the South Catalyst project and the County building that will provide direction for the RFP.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

The motions do not require an appropriation. The City has expended approximately \$4.8 million on property acquisition.

**BACKGROUND:**

In April 2014, City Council authorized staff to begin the process of acquiring property in the area south of Back Stage Alley and north of 1<sup>st</sup> Street, between Lincoln and Cleveland Avenues to



facilitate the development of the South Catalyst project. In addition, Council agreed to enter into an Exclusive Right to Negotiate (ERN) with the Michaels Development Company as the City's preferred developer. Concurrent with these discussions, the City and County expressed a mutual interest to include a new Larimer County building as part of the South Catalyst project. In November 2014, the County brought a successful ballot initiative to the voters to redirect the capital funds for new construction as opposed to its initial purpose of rehabilitation of the existing building at 206 E. 6<sup>th</sup> Street.

- As of June 30, 2015 the City has acquired sufficient property to move forward with a significant development project. The City was unable to acquire three small parcels at the corner of 3<sup>rd</sup> and Cleveland.
- The City, by mutual agreement, terminated the ERN with the Michaels Development Company. While the parting was respectful and amicable, it was clear that the parties did not share a common vision and purpose.
- Staff has completed negotiations with Larimer County to locate the building on the southernmost block as indicated on the attached map. Staff is seeking direction to complete the negotiations and bring an IGA to Council for formal consideration. In exchange for the land for the new building, the County will transfer to the City the existing building at 206 E. 6<sup>th</sup> Street and the parking lot located at 6<sup>th</sup> and Railroad.

Staff will also be seeking direction from Council on the RFP process for the selection of the developer. Specifically, staff is interested in engaging Council on their desired outcomes for the project. Discussion topics/questions are attached as a guide.

Please see the attached staff reports for additional information.

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**REVIEWED BY CITY MANAGER:**

*William D. Cabell*

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**LIST OF ATTACHMENTS:**

1. Staff Report - Project history and background
2. Staff Report - Larimer County building/negotiations
3. Staff Report – Downtown RFP and Discussion topics/questions
5. Map



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## Memorandum

**To:** Bill Cahill, City Manager  
**From:** Mike Scholl, Economic Development Manager  
**Date:** August 27, 2015  
**RE:** South Catalyst Project History – Staff Report

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### Background:

The staff report is intended to provide context and history for the proposed South Catalyst project. The staff report provides the references to the approved plans and other actions that led to the current progress today.

### Downtown Strategic Plan and Implementation Strategy:

At the 2009 Loveland City Council Retreat, Council directed staff to develop a comprehensive downtown strategic plan. At the time, there had been a couple of notable successes in Downtown including Lincoln Place project, the Buggy Top building (KL&A) and Lightning Hybrids among others. There were calls for the City to take a more active role in the downtown revitalization effort and, in response, Council asked staff for a strategic plan that answered the following three questions:

1. Why downtown revitalization?
2. What do we need to achieve a revitalized downtown?
3. How are we going to revitalize downtown?

Council hosted three study sessions throughout 2009, each focused on the individual questions listed above. The study sessions facilitated by City staff and sponsored by the Loveland Downtown Team in turn became the basis for the Strategic Plan that was approved in August of 2009.

The plan was based on seven basic principles of revitalization:

1. Revitalization efforts must be focused on addressing the underlying economics that govern Downtown.
2. Public investments in infrastructure and other facilities should be used to leverage private investment.
3. Private/Public partnerships are essential.

4. The Downtown must embrace its market strengths particularly the agglomeration of arts and culture.
5. Efforts must seek broad community support and buy in.
6. Downtown should identify and use many different “tools”.
7. This is a long-term strategy.

The City Council had expressed a desire to ensure that the plan included a robust implementation strategy or business plan and project concepts that could be acted upon.

Included in the plan, under the section on “Catalyst Project Concepts” was the following description:

*Large Catalyst Project: A 275,000 square foot redevelopment with 165 new residential units, 75,000 square feet of commercial space, the potential for 50,000 to be used by the public sector.*

*The project also assumes construction of a 300 space public parking deck. The concept calls for a full city block that includes a sixth story setback to meet existing zoning standards, but to take advantage of mountain views. The project envisions 50,000 square feet of commercial space would be used by a public sector partner. In addition, 300 public parking spaces would be included in the development. The upper stories would be residential with the lower floors commercial and retail. (Strategic Plan p. 17)*

The plan also included a chart on page 18 that outlines the projected cost to the City and potential development for the Catalyst project concepts.

The full document can be accessed here:

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=9376>

**Downtown Vision Book:**

Following the approval of the Downtown Strategic Plan in 2009, City Council directed staff to engage in a visioning process that could be used as the basis for a Request for Proposals (RFP) for Downtown Development. Staff engaged consultants to work with the community to complete the Vision book, which was approved by City Council in fall of 2010.

The Vision book contemplated three catalyst projects, the North Catalyst (Gallery Flats), the South Catalyst project and the Museum Project. The first RFP was issued in January of 2011. The Brinkman partners responded for the North Catalyst project site, which resulted in the now completed Gallery Flats building. The Council took no action on the Museum project.

The complete document can be viewed here:



<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=9378>

### **Request for Expressions of Interest:**

Following the success of the Gallery Flats project, City Council directed staff to simplify the downtown RFP and create an open and transparent process for interested developers that wished to engage the City for assistance with a development project. Staff presented to Council a process called, a Request for Expressions of Interest (RFEI), which was open to any developer interested in submitting a proposal.

In August of 2013, the Michaels Development Company (MDC) submitted a proposal to the City to be the developer for the South Catalyst project. The City also received a response from Momentum Development out of Boulder, Colorado. The Council approved an Exclusive Right to Negotiate with MDC in February of 2014.

The RFEI information can be found here:

<http://www.cityofloveland.org/index.aspx?page=1696>

### **Downtown Property Assemblage:**

At the January 2013 Council meeting approving the RFEI, the Council also approved a contract template for commercial real estate brokers interested in working with the City to facilitate assemblages for redevelopment. In late 2013, staff had engaged a team through Realtec to begin discussions with the property owners regarding the South Catalyst project site. This was following a Council outreach breakfast with local commercial brokers who emphasized the need for site control to promote development. Staff was directed to begin acquisition of property north of the Greeley Loveland Irrigation Canal to Backstage Alley (alley behind the Rialto Theater) between Lincoln and Cleveland Avenues.

The City had previously acquired a few of the parcels for a planned parking structure (see section below).

In April of 2014, Council approved a \$250,000 appropriation to fund the earnest money deposits and limited predevelopment costs. The following August an appropriation for \$6.25 million to purchase properties in the designated South Catalyst project area was approved by Council. As of June 30, 2015 the City has acquired sufficient property to move forward with a significant development. The expenditures on the site to date total \$4,678,456.

### **Downtown Parking Study:**

The City completed a parking study in 2008, which prompted Council to acquire property for a proposed parking structure. The City acquired the property at 270 E. 3<sup>rd</sup> Street, which became an interim long-term parking lot. The City entered into extended negotiations with the owner at 301 N. Lincoln due to severe environmental conditions. The parcel was later purchased at a much lower price (\$55,000) and was cleaned up through a \$300,000 federal stimulus grant to the City.

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=231>



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## Memorandum

**To:** Bill Cahill, City Manager  
**From:** Mike Scholl, Economic Development Manager  
Alan Krcmarik, Executive Fiscal Advisor  
**Date:** August 27, 2015  
**RE:** Larimer County – Downtown Building/Staff Report

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### Request:

At the September 1, 2015 regular City Council meeting, staff is requesting the Council consider a motion directing staff to complete negotiations with the County on an Intergovernmental Agreement (IGA) for formal consideration by the Council.

### Background:

City and County staff have reached a tentative agreement on the terms of the IGA regarding the proposed County building in downtown. With the terms largely agreed upon, it is ready to be handed off to the legal staff to draft the formal IGA for City Council and Larimer County Board consideration. Based on the concept plans shared by the County, the project will not require the Greeley Loveland Irrigation Canal that runs parallel to 1st Street will not need to be enclosed in a box culvert. Also, some of the customer parking required by the County will be accommodated on 2nd Street.

Generally, the terms of the deal include:

- The City will transfer the half block south of 2<sup>nd</sup> Street and north of the Greeley Loveland Irrigation Canal (GLIC) between Lincoln and Cleveland to the County. The site will be cleared of all buildings and remediated to a “rough-grade.”
- The City will provide long-term parking in a parking structure or provide interim-surface parking for which the county will pay an annual fee for operations and maintenance.
- In exchange, the County will transfer the current County building located at 6<sup>th</sup> and Cleveland and the parking lot behind the Pulliam Building at 6<sup>th</sup> and Railroad to the City. The City will also receive a right of first refusal to purchase the undeveloped parcel adjacent to the Police and Courts Building should the County choose to dispose of the property at a future date.

## History:

On November 5, 2013, the voters of Larimer County approved Ballot Measure 1a by a vote of 76 percent to 24 percent, allowing the use of \$8,500,000 in capital funds already collected, for a new County building. The capital funds were originally programmed for the renovation of the existing building at 6th and Cleveland. Due to the age and condition of the building (formerly the City of Loveland Library), the County has expressed concern regarding renovation of the existing building.

Staff, working cooperatively with Larimer County staff, identified the site at 2nd Street between Lincoln and Cleveland as a possible location for the new building. The location of the County building on 2nd Street would link the County investment with the planned redevelopment of the 3rd Street block as outlined in the City's Downtown Vision book. The IGA, approved by Council in January 2014, only committed both parties to move forward cooperatively.

Following the passage of the ballot measure, City Council directed staff to extend the boundaries of the South Catalyst project site to include the block adjacent to 2<sup>nd</sup> Street between Lincoln and Cleveland Avenue for the benefit of Larimer County.

The full IGA can be accessed here (see item #14):

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=18531>

Specifically, the IGA states:

***Section 2 - Cooperation to facilitate mutually beneficial development.*** *The City and County agree to work cooperatively, to evaluate, plan and facilitate mutually beneficial development of the City's South Catalyst development project and the New County Building in a consistent and cohesive manner. Such cooperation may include, but not be limited to, City assistance to facilitate site acquisition for the New County Building, consideration of exchanging County properties located in the City for City owned-properties (with the terms of any exchange to be negotiated and agreed upon in the future), consideration by the County of participating in a shared parking facility to serve both City and County projects, and other related public improvements, including street improvements, utilities and green space, that may benefit both proposed projects. As a part of such efforts, the County agrees to work cooperatively with the City's approved development partner for the City's South Catalyst development project; provided that this cooperation shall not obligate the County in any way to use that development partner for the design or construction of the New County Building.*

## Addition of the Courts:

Following the approval of the IGA, staff began the process of assembling the land to facilitate the project (see *Staff Report – South Catalyst Project History*) and were working with County staff on predevelopment issues. In late 2014, an idea was brought forth by City Council to expand the County project to relocate the County Courts from their existing location in the Police and Courts building on

Monroe Street to the Downtown project. The City would, in turn, purchase the existing County space for future use by the Police Department.

At the time, the County had largely completed their space planning efforts and were required to go back and engage the additional county departments on the proposed move. The Courts, District Attorney, and County Probation office among others were queried about their needs for the new building. A number of issues arose from those discussion including:

- The need for secured parking for the judges and the District Attorney.
- The need for a secured sally-port for defendant drop off and pick up.
- The need for visitor screening for those entering the building.
- The need for separation between secured courthouse and non-secured uses such as the Clerk and Recorder and vehicle and license registration.
  - Typically, customers of the Clerk and other uses are not required to pass through secured screening.
  - The Courts required that any use adjacent to or under the Courts would require full security screening.
  - As a result, the County was attempting to construct two separate and unique buildings within one building envelope.
- The size of the building increased to approximately 80,000 square feet and could not be accommodated on the southernmost block.

After working with the County to understand the needs of the building, the total cost to the City to facilitate the move by the County was estimated at roughly \$8 million. Staff presented the findings to the City Council in an Executive Session. After hearing feedback from the Council, the decision was made by the City Manager and Deputy County Manager, Neil Gluckman to return to the original scope of the project. Following the discussion, the City and County staff worked to complete the terms of the IGA for the building on the southernmost block.

### **Financial Analysis:**

This analysis compares possible private sector development of the site between Lincoln and Cleveland, south of 2<sup>nd</sup> Street to the use of the site for the Larimer County Downtown Loveland Office Building. This brief analysis is intended to identify the opportunity costs that might be foregone compared to a typical private sector project on the site. The analysis excludes land cost because in both situations the land would be transferred for a nominal fee. However, in the County project, the City will receive two properties in exchange.

**County Project:** The current plan is a 50,000 square foot office building. To support the Larimer County office building, the City has included the following financial considerations reflecting terms tentatively agreed upon with the County:

- |                           |   |
|---------------------------|---|
| 1. Demolition/Remediation | \$400,000 (estimate for County parcel only)                             |
| 2. Provision of parking   | \$1,400,000 (120 spaces, prorated between County and other shared uses) |

3. Other/Predevelopment	\$50,000 (estimate, prorated share of predevelopment cost)
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<b>TOTAL:</b>	<b>\$1,850,000</b>
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**Private Project Development:** The project for comparison is a mixed use project on the same site assuming roughly 88,000 square feet of multi-family housing. Also included on the site would be 8,000 square feet of retail. The residential portion has been modeled using the Gallery Flats project (this project would be about 1.5 times Gallery Flats). The retail portion uses an average sales per square foot at \$125.

In addition, a City incentive or subsidy should be anticipated for a private development. Based on previous experience such as Gallery Flats, a cash outlay incentive could be expected at around \$2.25 million. This is offset against the present value of future revenue, yielding a net of about \$150,000.

Total estimated private investment:	\$15,000,000
1. Demolition/Remediation	Project responsibility
2. Public Improvements	\$500,000 (estimated at \$1 million per block)
3. Provision of parking	Project responsibility
4. Other/Predevelopment	\$50,000 (estimate, prorated share of predevelopment cost)
5. Estimated additional public investment	\$2,250,000 (~15% of TDC)
o A portion of the public investment could be offset by the land basis as a contribution.	
<b>TOTAL:</b>	<b>\$2,800,000</b>

Private Development Revenue:

1. One time use tax on building permit:	\$210,000
2. Sales Tax from Retail:	\$30,000 annually at stabilization
3. Property Tax	\$148,000 annually at stabilization
Total Revenue over first 30 years of the DDA:	\$5.8 million with a net present value of \$2.95 million

<b>Estimated ROI</b>	<b>\$2.95 million minus \$2.8 million = \$150,000</b>
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In sum, the City would have an expense of about \$1.85 million for the County building, compared to a net revenue of about \$150,000 over time for a private development. However, City cash outlay at the front end is actually higher for the private development.





**Memorandum**

**To:** Bill Cahill, City Manager  
**From:** Mike Scholl, Economic Development Manager  
**Date:** August 27, 2015  
**RE:** Downtown RFP – Staff Report

**Request:**

Staff is seeking a motion by Council to issue a Request for Proposals (RFP) for the Downtown South Catalyst project site at the September 1, 2015 regular City Council meeting. The following staff report includes a series of questions for Council, which are intended to provide some direction moving forward with the RFP.

**Background:**

Staff is proposing a streamlined process for the RFP. The process will allow prospective developers the opportunity to provide their vision for the development, based on the desirable outcomes defined by City Council at the September 1 meeting. It is staff’s intention to allow the development community to use their professional expertise to help shape the project in partnership with the City.

The RFP would indicate that the street rights of way on 2<sup>nd</sup> and 3<sup>rd</sup> Street between Lincoln and Cleveland can be incorporated into the development footprint. Staff believes that this process will lead to a greater response from quality developers in the Front Range. The process will include interviews with developer, reference checks, financial reviews and site visits to completed projects.

The questions for Council consideration are listed below along with a draft outline of the RFP process.



**Discussion Topics/Questions for Council Consideration:**

- 1. Will the project be mixed-use? What are the outcomes/uses the Council is seeking from this project?**

The approved Downtown Strategic Plan has the following goal and actions:

*Identify strategic catalyst projects that will significantly improve the economic conditions in Downtown.*

Actions:

- Increase the housing density to a level commensurate with the existing zoning, 25 units per acre. The current housing density is approximately two units per acre for the core of Downtown.
- Improve the quality of office space to support employment growth in Loveland.
- Assemble smaller parcels for the purpose of creating denser vertical buildings in Downtown.
- Include affordable housing units as part of any new development.

- 2. Is the Council open to allowing developers to share their vision for the project?**

Staff has received a number of inquiries and ideas which range from multi-family, mixed-use, commercial office uses, as well as a movie theater. While it is expected that the project will likely include some aspects of multi-family and commercial, it would be helpful to get direction from Council on their expectations.

- 3. Will the project produce substantial property and sales tax increment?**
- 4. Will the project produce significant secondary economic benefits to the Downtown as a whole?**
- 5. What are the general design characteristics? Should the project blend in with the Downtown or be designed to stand out?**
- 6. What are the other amenities, public spaces, pedestrian facilities you would like to see in the project?**
- 7. What are the key contributions the City is willing to make in support of the project?**
- 8. See the DRAFT process chart below offered for discussion purposes. Is Council amendable to the process below?**

Staff has provided a framework for the RFP similar to what was used on the Agilent project site and based on feedback provided by Council at the Council meeting. The process would have a developer partner no later than the end of the year. Staff is anticipating participation in the selection process from both the Loveland Downtown Partnership and the Downtown Development Authority.

## Draft Process Chart / Developer Selection

### 1. Developer Call for Interviews/Preliminary RFP

Based on Council direction from the September 1 meeting, staff will Issue a RFP. The RFP would articulate in broad terms, the City's position regarding the development including:

- Outcomes, density retail, office, theater, and housing
- Contributions to the project (ie land, parking)
- Development parameters (potential inclusion of the street rights of way)
- Request information on financial capabilities and examples of previous experiences and references

Developers would be qualified based on general consistency with the City's stated outcomes, development experience and financial abilities. Developers that meet the basic criteria would be interviewed.

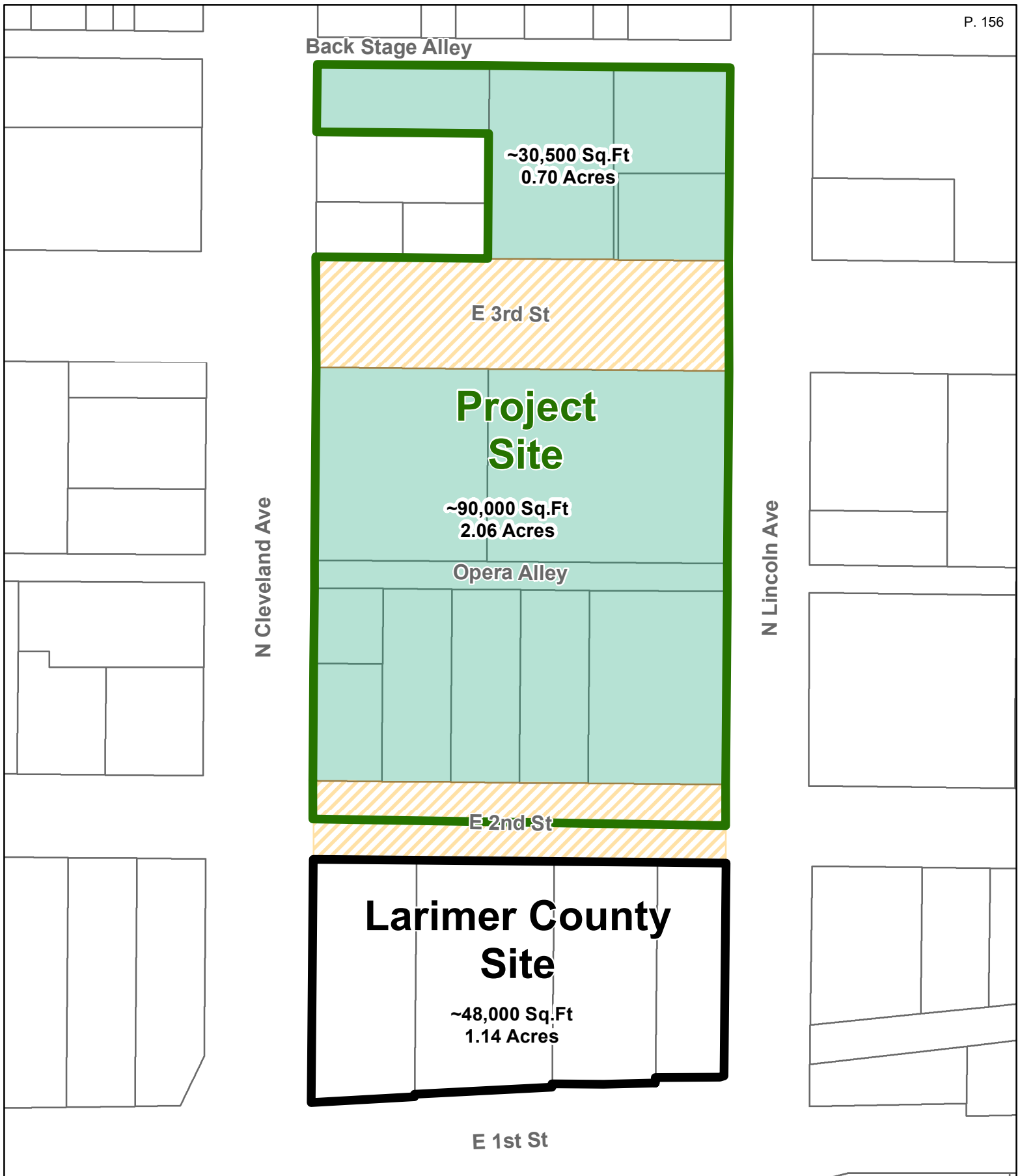
### 2. Developer Short List/Selection





Based on feedback from interview committee, staff would plan to short list no more than three development firms. The City would then request additional information including preliminary conceptual site plan and broader project vision. In addition, the City will conduct additional investigation including but not limited to:

- Follow up with references
- Conduct a financial review (Alan)
- Visit completed development projects
- Have the interview committee, complete a scoring of the shortlisted firms similar to the process used on the Agilent purchase.

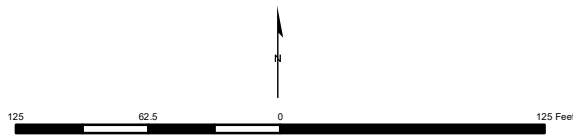
### 3. Developer Selection

Based on scoring, references and site visit make a recommendation to Council on a development partner. Require a \$10,000 refundable deposit as a requirement of the Exclusive Right to Negotiate.



-  Larimer County Site
-  Project Site
-  Project Area
-  Possible Additional Area

### Downtown Project Area



NOTE: All calculations were made using best available data and should be considered approximate.



**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:** 13  
**MEETING DATE:** 9/1/2015  
**TO:** City Council  
**FROM:** Tami Yellico, City Attorney  
**PRESENTER:** Tami Yellico, City Attorney

**TITLE:**

Discussion of and possible staff direction regarding the Stacy Lynne v. Joan Shaffer lawsuit, which includes alleged claims of defamation and First Amendment violations. This agenda item includes a possible Executive Session.

**RECOMMENDED CITY COUNCIL ACTION:**

Discussion; possible direction.

**OPTIONS:**

1. Discussion
2. Possible Executive Session
3. Possible direction to Staff regarding next steps in the litigation.
4. Take no action. If no action is taken, City Attorney will have no Council direction for next steps in litigation.

**SUMMARY:**

This is an administrative action. City Council may be asked to consider formal action, including calling an Executive Session, to consider the claims made in this lawsuit and defense provided by Colorado Intergovernmental Risk Sharing Agency (CIRSA), the City's insurance carrier.

**BUDGET IMPACT:**

- Positive  
 Negative  
 Neutral or negligible

**BACKGROUND:**

On August 11, 2015, a lawsuit was filed in Larimer County District Court alleging First Amendment and defamation claims against Councilor Joan Shaffer. This lawsuit was subsequently served on Councilor Shaffer. In accordance with the City Attorney's standard process, a copy of the lawsuit was forwarded to CIRSA and CIRSA determined that it has an obligation to provide a defense to Councilor Shaffer in this matter.

Staff would like to discuss this lawsuit with City Council in executive session for the purposes of receiving legal advice and direction. General Counsel to CIRSA will attend at least a portion of the executive session to discuss its defense obligations.

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**REVIEWED BY CITY MANAGER:**

*William D. Cahill*

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**LIST OF ATTACHMENTS:**

Complaint

District Court, <u>Larimer</u> County, Colorado Court Address: 201 LaPorte Avenue, Fort Collins, Colorado 80521	2015 AUG 11 AM 8:06
Plaintiff <u>Stacy Lynne</u> v.	▲ COURT USE ONLY ▲
Defendant <u>Joan Shaffer</u>	Case Number: <u>15 CV 196</u> <u>15 CV 235</u> Division: Courtroom:
<b>DISTRICT COURT CIVIL SUMMONS</b>	

COPY

TO THE ABOVE NAMED DEFENDANT: Joan Shaffer

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

If you fail to file your answer or other response to the Complaint in writing within the applicable time period, the Court may enter judgment by default against you for the relief demanded in the Complaint without further notice.

Dated: August 11, 2015

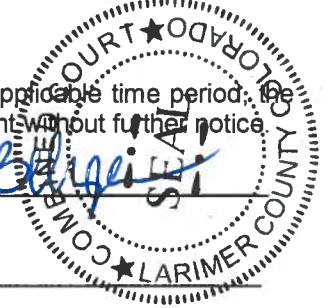
Clerk of Court/Clerk

Stacy Lynne  
 Signature of Plaintiff

305 West Magnolia Street #282  
 Address of Plaintiff

Fort Collins, Colorado 80521

970 402 1582  
 Plaintiff's Phone Number



**This Summons is issued pursuant to Rule 4, C.R.C.P., as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired.**

**WARNING:** A valid summons may be issued by a lawyer and it need not contain a court case number, the signature of a court officer, or a court seal. The plaintiff has 14 days from the date this summons was served on you to file the case with the court. You are responsible for contacting the court to find out whether the case has been filed and obtain the case number. If the plaintiff files the case within this time, then you must respond as explained in this summons. If the plaintiff files more than 14 days after the date the summons was served on you, the case may be dismissed upon motion and you may be entitled to seek attorney's fees from the plaintiff.

TO THE CLERK: If the summons is issued by the clerk of the court, the signature block for the clerk or deputy should be provided by stamp, or typewriter, in the space to the left of the attorney's name.

District Court Larimer County, Colorado Court Address: 201 LaPorte Avenue, Fort Collins, Colorado 80521	DISTRICT COURT LARIMER COUNTY, CO 2015 AUG 11 AM 8:06
Plaintiff(s): Stacy Lynne v. Defendant(s): Joan Shaffer	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Stacy Lynne 305 West Magnolia Street #282 Fort Collins, Colorado 80521  Phone Number: 9704021582                      E-mail: FAX Number:    Atty. Reg. #:	Case Number: <del>15 CV 7916</del> 15 CV 235  Division                      Courtroom
<b>DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT</b>	



1. This cover sheet shall be filed with each pleading containing an initial claim for relief in every district court civil (CV) case, and shall be served on all parties along with the pleading. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

2. Check one of the following:

This case is governed by C.R.C.P. 16.1 because:

- The case is not a class action, domestic relations case, juvenile case, mental health case, probate case, water law case, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding; AND
- A monetary judgment over \$100,000 is not sought by any party against any other single party. This amount includes attorney fees, penalties, and punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.

This case is not governed by C.R.C.P. 16.1 because (check ALL boxes that apply):

The case is a class action, domestic relations case, juvenile case, mental health case, probate case, water law case, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding.

A monetary judgment over \$100,000 is sought by any party against any other single party. This amount includes attorney fees, penalties, and punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.

Another party has previously indicated in a Case Cover Sheet that the simplified procedure under C.R.C.P. 16.1 does not apply to the case.

*NOTE: In any case to which C.R.C.P. 16.1 does not apply, the parties may elect to use the simplified procedure by separately filing a Stipulation to be governed by the rule within 49 days of the at-issue date. See C.R.C.P. 16.1(e). In any case to which C.R.C.P. 16.1 applies, the parties may opt out of the rule by*



separately filing a Notice to Elect Exclusion (JDF 602) within 35 days of the at-issue date. See C.R.C.P. 16.1(d).

A Stipulation or Notice with respect to C.R.C.P. 16.1 has been separately filed with the Court, indicating:

C.R.C.P. 16.1 applies to this case.

C.R.C.P. 16.1 does not apply to this case.

3.  This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Date: August 11, 2015

Stacy Lunn  
Signature of Party or Attorney for Party

District Court <u>Larimer</u> County, Colorado Court Address: 201 LaPorte Avenue, Fort Collins, Colorado 80521	2015 AUG 11 AM 8:07  ▲ COURT USE ONLY ▲ <b>COPY</b>
Plaintiff(s): <u>Stacy Lynne</u> v. Defendant(s): <u>Joan Shaffer</u>	
Attorney or Party Without Attorney (Name and Address):  Stacy Lynne 305 West Magnolia Street #282, Fort Collins, Colorado 80521 Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: <u>15CV 235</u> Division _____ Courtroom _____

**NOTICE TO ELECT EXCLUSION FROM C.R.C.P. 16.1 SIMPLIFIED PROCEDURE**

Simplified Procedure under C.R.C.P. 16.1 is intended to be a less expensive and faster method of handling civil cases and applies where amount sought against each party is \$100,000.00 or less, see C.R.C.P. 16.1(c). The Rule requires early and full disclosure of the information that each party has about the dispute and addresses what evidence will be introduced at trial.

The party and attorney, if applicable, signing this Notice hereby elect to exclude this case from the Simplified Procedure under C.R.C.P. 16.1. This election is being filed with the Court no later than the time provided by C.R.C.P. 16.1(d).

**IT IS UNDERSTOOD THAT ONCE THIS NOTICE OF EXCLUSION IS FILED WITH THE COURT, THE PROCEDURES OF C.R.C.P. 16, CASE MANAGEMENT AND TRIAL MANAGEMENT WILL APPLY TO THIS CASE.**

This Notice must be signed by the party and, if represented, by the attorney.

Date: August 11, 2015 Stacy Lynne  
 Signature of Party


Date: \_\_\_\_\_  
 Signature of Attorney for Party

**CERTIFICATE OF SERVICE**

I certify that on August 11, 2015 (date) a true and accurate copy of this document was served on the other party by  Hand Delivery,  E-filed,  Faxed to this number \_\_\_\_\_, or  by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: Joan Shaffer  
 \_\_\_\_\_  
 \_\_\_\_\_

Stacy Lynne  
 Signature of Party or Attorney for Party

District Court , Larimer County, Colorado 201 LaPorte Avenue Fort Collins, Colorado 80521	2015 AUG 11 AM 8:07 LARIMER COUNTY CO
Plaintiff: Stacy Lynne  v.  Defendant: Joan Shaffer	 ↑ COURT USE ONLY ↑
Stacy Lynne 305 West Magnolia Street #282 Fort Collins, Colorado 80521	Case Number: <u>15CV 214</u> 15CV 235 Division:    Courtroom:
<b>COMPLAINT</b>	

COMES NOW Plaintiff Stacy Lynne to honorably state the following:

**INTRODUCTION**

1. This complaint arises out of actions taken by Defendant Joan Shaffer during the Loveland City Council meeting on July 21, 2015.
2. Defendant Joan Shaffer publicly and falsely accused Plaintiff Stacy Lynne of slandering Loveland Police Chief Luke Hecker.
3. Defendant Joan Shaffer publicly and falsely accused Plaintiff Stacy Lynne of taking Detective Brian Koopman’s words out of context.
4. In so doing, Defendant Joan Shaffer engaged in defamatory actions against Plaintiff Stacy Lynne.
5. This is an action for damages against Defendant Joan Shaffer for defamation per se.

### **JURISDICTION AND VENUE**

6. This action arises under the jurisdiction of the Constitution and laws of the United States and Colorado.
7. Venue is proper because the violations by Defendant Joan Shaffer occurred in Larimer County, Colorado.

### **PARTIES**

8. At all pertinent times mentioned herein, Plaintiff Stacy Lynne was a resident of Larimer County, Colorado.
9. At all pertinent times mentioned herein, Defendant Joan Shaffer was a resident of Larimer County, Colorado.
10. Defendant Joan Shaffer is an elected city councilor in the City of Loveland and although her violations against Plaintiff Stacy Lynne occurred during a Loveland City Council meeting, Defendant Joan Shaffer was acting outside the scope of her official duties at all pertinent times herein.
11. Defendant Joan Shaffer is being sued in her individual capacity.

## FACTUAL BACKGROUND

12. On July 21, 2015, Plaintiff Stacy Lynne, speaking in her capacity as an investigative journalist, made statements at the podium during the public comments portion of the Loveland City Council meeting.
13. Defendant Joan Shaffer responded to Plaintiff Stacy Lynne's comments by falsely accusing her of taking Loveland Police Detective Brian Koopman's words out of context.
14. Defendant Joan Shaffer continued her verbal tirade against Plaintiff Stacy Lynne by falsely accusing her of slandering Loveland Police Chief Luke Hecker.
15. Defendant Joan Shaffer repeated her false accusation by exclaiming, "Chief Hecker was slandered tonight." "...you slandered him." "I know what slander is because it's been done to me."
16. After Defendant Joan Shaffer finished her first round of false accusations, she continued by saying, ..."he (meaning Chief Luke Hecker) can respond by suing you".
17. A fellow city councilor told Defendant Joan Shaffer to "back off", and said, "You cannot make accusations to her in public." At this same time, Mayor Cecil Gutierrez made physical motions toward Defendant Joan Shaffer in an attempt to stop her emotional outburst.
18. On July 22, 2015, one day after Defendant Joan Shaffer's false accusations, Plaintiff Stacy Lynne emailed the Loveland City Council, Mayor Cecil Gutierrez, Chief Luke Hecker, City Manager Bill Cahill, City Attorney Tami Yellico and City Clerk Terry Andrews.

19. Plaintiff Stacy Lynne offered via that email a proposed remedy for Defendant Joan Shaffer's defamatory actions.
20. Defendant Joan Shaffer chose not to remedy her actions via Plaintiff Stacy Lynne's proposal as outlined in the July 22, 2015 email.
21. On August 4, 2015, Defendant Joan Shaffer intensified the wrongs she committed on July 21, 2015 by making a convoluted statement at the very end of the Loveland City Council meeting.
22. On August 4, 2015, Defendant Joan Shaffer caused more doubt and confusion about Plaintiff Stacy Lynne due to the vague and non-specific nature of Defendant Joan Shaffer's statements.
23. After the July 21, 2015 and August 4, 2015 Loveland City Council meetings, reasonable people are left wondering...what exactly is Defendant Joan Shaffer talking about regarding Plaintiff Stacy Lynne? The doubts that Defendant Joan Shaffer has created in the minds of the community are undeniable.
24. Defendant Joan Shaffer's obfuscation on August 4, 2015 was intentional as she attempted to avoid legal liability while at the same time, she admitted her guilt.
25. Defendant Joan Shaffer's choice to deny simple remedy has compounded the damages caused to Plaintiff Stacy Lynne. Each day that passes without remedy adds to the injuries that Plaintiff Stacy Lynne suffers.
26. Defendant Joan Shaffer's refusal to remedy her actions outside of the legal system has forced Plaintiff Stacy Lynne to pursue the fullest extent of legal and lawful reparations.

**FIRST CLAIM FOR RELIEF: DEFAMATION PER SE**

27. Defendant Joan Shaffer recklessly, willfully, intentionally, wantonly, knowingly and with deliberate indifference to the injuries she was inflicting, falsely accused Plaintiff Stacy Lynne of slandering Loveland Police Chief Luke Hecker.
28. Defendant Joan Shaffer repeated, as statements of fact, her false accusations against Plaintiff Stacy Lynne, and further exclaimed that she herself (Defendant) had specific knowledge of what slander is.
29. Defendant Joan Shaffer falsely accused Plaintiff Stacy Lynne of taking Loveland Detective Brian Koopman's words out of context.
30. Defendant Joan Shaffer admitted that she watched videos of Detective Brian Koopman speaking for himself during sworn testimony. Thus, Defendant Joan Shaffer had personal knowledge that her false claims against Plaintiff Stacy Lynne were just that – false.
31. Defendant Joan Shaffer's false accusations were published via the City of Loveland's livestream broadcast system that is available world-wide and in perpetuity via on-line archived copy.
32. Defendant Joan Shaffer was warned by fellow elected officials to stop making accusations against Plaintiff Stacy Lynne. And still, Defendant Joan Shaffer continued her barrage of falsities against Plaintiff Stacy Lynne.
33. Plaintiff Stacy Lynne is constantly mindful of the fact that credibility and integrity are foundational characteristics of an investigative journalist; accuracy in reporting is integral to an intact reputation. In light of those critical elements,

Plaintiff Stacy Lynne speaks and writes *only after* researching and personally possessing the evidence at issue.

34. The damages caused by Defendant Joan Shaffer's false and slanderous comments cannot be overstated.
35. Reasonable people understand that Defendant Joan Shaffer publicly accused Plaintiff Stacy Lynne of committing a crime.
36. As a result of the above-described defamation, Plaintiff Stacy Lynne has suffered outrageous harm to her personal and professional reputation.



**SECOND CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL  
DISTRESS**

37. Defendant Joan Shaffer maliciously, with forethought and extreme indifference, inflicted emotional distress on Plaintiff Stacy Lynne by defaming her in public and on livestream broadcast that is perpetually available for the world-wide public to view.
38. Defendant Joan Shaffer compounded her public humiliation of Plaintiff Stacy Lynne by making those false accusations in a manner that did not afford Plaintiff Stacy Lynne a method to publicly defend herself. Instead, Defendant Joan Shaffer further demeaned Plaintiff Stacy Lynne by speaking to Plaintiff as a dictator might talk down to an abhorred servant.
39. Defendant Joan Shaffer owns a business (Silver Lining Strategies, LLC) that is registered with the Colorado Secretary of State.
40. Defendant Joan Shaffer describes her business as a “public relations and communications” company. As the owner of a public relations and communications company, Defendant Joan Shaffer knows, or should have reasonably known, that publicly accusing Plaintiff Stacy Lynne of taking words out of context and committing slander was egregious and illegal.
41. For the record, and if needed in future litigation, as of August 9, 2015, the State lists Defendant’s business as “Delinquent”.

42. Defendant Joan Shaffer, when warned by her peers to stop launching verbal inaccuracies, did not cease. In fact, the publicly televised record shows that Defendant Joan Shaffer escalated her vitriolic verbiage.

43. Defendant Joan Shaffer's conduct is causing Plaintiff Stacy Lynne emotional distress that no reasonable person should be expected to endure.

44. Plaintiff Stacy Lynne's entire life rests on truth, accuracy, credibility and integrity.

45. Defendant Joan Shaffer's actions have placed Plaintiff Stacy Lynne's past, present and future reputation at verifiable risk.

## **THE FIRST AMENDMENT, FREE SPEECH, AND THE CHILLING EFFECT DOCTRINE**

At the micro level, Defendant Joan Shaffer has exploded one woman's reputation by obliterating the law and violating standards of human decency. At the universal level, Defendant Joan Shaffer has soiled sacred ground. The First Amendment to the United States Constitution says, "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Defendant Joan Shaffer's actions have far-reaching adverse impacts on the entire community. Here's how: Defendant Joan Shaffer's actions on July 21, 2015 and August 4, 2015 scare people away from speaking to their elected representatives. Nobody wants to be treated the way Defendant treated Plaintiff, especially not in public and on display for the whole world to see.

Plaintiff Stacy Lynne, as an individual and as an investigative journalist, holds the First Amendment close. A lawful companion to the First Amendment is the legal doctrine of chilling. As additional litigation against Defendant Joan Shaffer may be required, the legal doctrine of chilling is briefly explained here for the record:

The legal doctrine of chilling, as applied to the First Amendment right to free speech is aimed directly at government agents and actors. The First Amendment right to free speech is wholly designed to protect the people's right to speak and it is not intended in any way to protect government agents or actors from hearing anything that may be offensive.

In 1952, the Supreme Court of the United States first used the term "chilling". New York University School of Law Constitutional Fellow Monica Youn explains the issue simply in the *Vanderbilt Law Review*:

*State and federal governments felt increasing urgency to quash ideas and groups they deemed subversive, especially those deemed sympathetic to... the civil rights movement.*

*Thus, government officials sought recourse in more subtle methods of suppression, including ... the "spotlight of pitiless publicity" employed in governmental blacklists and investigations. Such indirect methods were thought to suppress subversive ideas and activity while evading the strictures of the First Amendment. Much of early chilling effect doctrine developed as courts attempted to protect the ... civil rights activists from such oppressive tactics.*

Defendant Joan Shaffer has dirtied the First Amendment via the Chilling Effect when she publicly unloaded a slew of fraudulent claims against a member of the community. *The people* who speak to elected governing bodies during public meetings *are not at all guilty of any such chilling effect.* In fact, the Supreme Court of the United States says that *government agents and actors* are chilling the people's First Amendment right to free speech by the way you impose miniscule time limits on the speakers, the way you respond to or ignore what the people have to say, *but then prohibit any rebuttal by those people.*

However, the most serious chilling effect you force on your community is the way you instill fear in the people who elected you make the most dangerous decision to stand up in public and tell you the truth.

Elected governing bodies hold positions of power and the community's trust rests with you. When you abuse that trust and your power runs rampantly unchecked, lawsuits against you are destined to occur.

Telling the truth is a lawful act.

Feeling uncomfortable or offended when you hear the truth is not protected by any law, statute, charter, procedure or rule.

When a woman holds a seat of power and spreads lies about a woman who does not have equal access to speak, rebut, or defend herself, the injury caused by those lies and that imbalance of power is multiplied exponentially.

## SUMMARY

Defendant Joan Shaffer's unconscionable public attack on Plaintiff Stacy Lynne was broadcast to the world via livestream by the City of Loveland. Defendant knew, as did her peers who were sitting on the same stage, that her actions crossed moral, ethical, professional, and most critically, legal boundaries. Defendant's peers tried to stop her, but she viciously spewed on.

Plaintiff Stacy Lynne is an investigative journalist who delves into deeper aspects of corruption than is typically reported. Precisely because of that depth, Plaintiff's untarnished reputation is paramount to her life's work.

On July 21, 2015, and again on August 4, 2015, Defendant Joan Shaffer assassinated Plaintiff Stacy Lynne's positive character and solid reputation that required decades of investment to build and maintain.

## RELIEF

WHEREFORE, Plaintiff Stacy Lynne prays for relief as follows, on all claims and in amounts to be determined at trial and as allowed by law, understanding that with each day that this claim remains unresolved, damages accrue:

1. For compensatory and consequential damages, including and not limited to loss of income, past and future pecuniary and non-pecuniary losses, emotional distress, suffering, loss of reputation, humiliation, public ridicule, inconvenience, mental anguish, loss of economic opportunity, and loss of enjoyment in life;
2. For economic losses;
3. For exemplary damages;
4. For costs of suit incurred herein;
5. For such other and further relief as the Court may deem just and proper.

Solemnly filed this 11<sup>th</sup> day of August, 2015.

*Stacy Lynne*

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Stacy Lynne  
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