

**AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, NOVEMBER 17, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

The City of Loveland is committed to providing an equal opportunity for services, programs and activities and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City’s Title VI Coordinator at TitleSix@cityofloveland.org or [970-962-2372](tel:970-962-2372). The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City’s ADA Coordinator at bettie.greenberg@cityofloveland.org or [970-962-3319](tel:970-962-3319).

“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en bettie.greenberg@cityofloveland.org o al 970-962-3319”.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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

CONSENT AGENDA

- 1. **CITY CLERK** **(presenter: Terry Andrews)**
APPROVAL OF MEETING MINUTES
A Motion to Approve the City Council Meeting Minutes for the November 10, 2015 Special Meeting and Study Session.

1. This is an administrative action to approve the City Council meeting minutes for the November 10, 2015 Special Meeting and Study Session.

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

SPECIAL ASSESSMENT REFUNDING BONDS

A Motion To Approve On Second Reading Ordinance #5977 Authorizing The Issuance Of Special Assessment Refunding Bonds In The Maximum Aggregate Principal Amount Of \$5,480,000 Of The City Of Loveland, Colorado, For Special Improvement District No. 1; Prescribing The Form Of The Bonds And Providing For The Payment Of The Bonds And The Interest Thereon.

This is an administrative action. An amendment was made to the ordinance between first and second reading to allow the City more flexibility in selecting the Registrar and Paying Agent to Article VI, Section 6.01 adding the sentence, "The Registrar and Paying Agent may resign or be removed or replaced as provided in the Paying Agent Agreement." Through the adoption of the Ordinance, the City will reduce the interest rate on the remaining Special Improvement District No. 1 bonds. The lower interest rate will mean lower assessment payments from property owners. The savings over the remaining life of the bonds 2029 will be approximately \$700,000. The savings would allow the special assessment being paid by property owners in the Special Improvement District No. 1 to be lowered by about 10 percent for the remaining term of the bonds that mature in 2029. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

3. **MUNICIPAL COURT** (presenter: Geri Joneson)

EXPUNGEMENT OF JUVENILE RECORDS

A Motion To Approve On Second Reading An Ordinance #5978 Amending the Loveland Municipal Code at Section 1.12.020 to Authorize Expungement of Juvenile Records and Establish Expungement Procedures

This is a legislative action. This is a proposed Ordinance that will grant the Municipal Court the authority to expunge arrest and criminal records for Loveland Municipal Court juvenile offenders who successfully complete a diversion program, deferred prosecution or deferred sentence. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

4. **CULTURAL SERVICES** (presenter: Susan Ison)

MUSEUM EXHIBIT, FEES AND BENCH

A Motion To Approve On Second Reading An Ordinance #5979 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For The Christo & Jeanne-Claude Exhibit, Architectural Fees For A Museum Conceptual Design, A Memorial Bench For The Main Gallery And A Colorado Creative Industries Grant For 2016 Art Exhibits

This an administrative action. The following donations were recently received to support activities in the Cultural Services Department:

- \$10,000 from the Erion Foundation for the Christo and Jeanne-Claude Exhibit.
- \$15,000 from the Erion Foundation to secure the services of Olson Kundig Architects, Seattle, Washington, to provide conceptual design support for a future Museum expansion.
- \$10,000 grant from Colorado Creative Industries for art exhibits in 2016.
- \$2,580 from the estate of Stephen Beale for a memorial bench in the gallery.

These activities would not be possible without the support of the donors. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

5. **DEVELOPMENT SERVICES** (presenters: Greg George)
PUBLIC COMMENT
SILVER SHORE DRIVE EASEMENT VACATION
A Motion To Approve On First Reading An Ordinance Vacating A Portion Of A Public Street Right-Of-Way Within Silver Glen 1st Subdivision, City Of Loveland, County Of Larimer, State Of Colorado
 This is a legislative action to consider adoption of an ordinance, on first reading, to vacate a short segment an unused public street right-of-way that was never constructed as a public street and provides access to only one residential lot. Pursuant to state statutes, ownership of the vacated right-of-way will be returned to the owner of the adjacent property to the south, and will be incorporated into a replat of several lots along the west edge of Silver Lake. The replacement access will be a private access, emergency access and utility easement making the current right-of-way no longer necessary.
 The Planning Commission recommended approval of the vacation as part of their Consent Agenda on October 26, 2015.
6. **FINANCE** (presenter: Brent Worthington)
PUBLIC COMMENT
2015 BUDGET FINALIZING AND YEAR-END
A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget
 This is an administrative action. The ordinance appropriates funding for year-end issues and finalizing the 2015 budget.
7. **FINANCE** (presenter: Brent Worthington)
PUBLIC COMMENT
2015 BUDGET TRANSFERS AND ADMINISTRATIVE CORRECTIONS
A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Transfer And Administrative Corrections
 This is an administrative action. The ordinance appropriates funding for transfer and administrative corrections.
8. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Brent Worthington)
SUPPLEMENTAL BUDGET APPROPRIATION FOR BENEFITS
A Motion To Adopt Resolution #R-79-2015 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-57 To Appropriate Additional Funding For Expenditures Associated With Benefits Expenditures
 This is an administrative action to consider approval of a \$77,600 supplemental appropriation by the Loveland Fire Rescue Authority (LFRA), with a City share of \$27,630. The LFRA Board approved the supplemental budget on October 28, 2015 and the Loveland Rural Fire Protection District approved it November 4, leaving only the City Council approval so that the LFRA Board can appropriate it. This is consistent with the procedures required in the intergovernmental agreement for budget appropriations.
9. **HUMAN RESOURCES** (presenter: Karen Rees)
2016 PAY PLAN
A Motion To Approve Resolution #R-80-2015 Adopting A Pay Plan For City Employees, And Superseding All Prior Ordinances And Resolutions Adopting Such A Pay Plan
 This is an administrative action for Council to adopt the City's 2016 Pay Plan. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the

City utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with the identified labor market, while also providing a financially sustainable plan.

10. **HUMAN RESOURCES** (presenter: Bettie Greenberg)
PROPERTY AND LIABILITY INSURANCE COVERAGE RENEWAL
A Motion To Award The City's 2016 Property And Liability Insurance Coverage To CIRSA And Authorize The City To Continue The Intergovernmental Agreement With CIRSA And To Establish A Purchase Order In The Amount Of \$850,000

This is an administrative action to authorize the City to continue its Intergovernmental Agreement with CIRSA for 2016 property and liability insurance coverage and establish a purchase order in the amount \$850,000 for premium, claims administration and payment of estimated claims for 2016 as well as remaining open claims or new claims from prior years. The \$850,000 is within the projected and approved 2016 budget.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT

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

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

11. **PUBLIC WORKS** (presenters: Jeff Bailey and Suzette Mallette)
TEMPORARY MILL LEVY INCREASE FOR I-25
A Motion To Adopt Resolution #R-81-2015 Of Support For The Use Of Larimer County Mill Levy Funds For Interstate 25 (I-25) Improvements

This is an administrative action. Larimer County is proposing to include in their 2016 budget a temporary increase to the Road and Bridge mill levy created by an offsetting decrease in the County's general fund mill levy.

The County's proposal includes utilizing revenue realized from the temporary redistribution to establish a fund to create matching monies for over \$90 million in federal grants being sought by CDOT for improvements to I-25.

This concept was presented to representatives from Berthoud; Estes Park; Fort Collins; Loveland; Timnath; Wellington; Windsor and Johnstown at a regional gathering on October 22, 2015. All cities and towns indicated a willingness to present their respective elected bodies with a proposed Resolution of Support for consideration before the County takes action on its 2016 budget in December.

12. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)

DOWNTOWN DEVELOPER RFP

1. **A Motion to direct staff to proceed with the developer selection process for the Downtown South Catalyst Request for Proposals as set forth in the Staff Report**
2. **A Motion to direct staff to proceed with the proposed developer negotiation process for the South Catalyst Project as set forth in the Staff Report**

This is an administrative action. On October 6, 2015, the Loveland City Council approved the issuance of a Request for Proposals for the Downtown South Catalyst project. At the meeting, the City Council directed staff to return with a more clearly defined process for selecting a developer and for the negotiation process.

BUSINESS FROM CITY COUNCIL

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

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

MINUTES
LOVELAND CITY COUNCIL SPECIAL MEETING AND STUDY SESSION
TUESDAY, NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

SPECIAL MEETING

Mayor Gutierrez opened the special meeting of City Council at 7:35

ROLL CALL: Councilors Gutierrez, Clark, Farley, Shaffer, Trenary, Taylor, Fogle, McKean and Krenning were present.

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

Councilor Shaffer moved to approve the City Council Meeting Minutes for the October 27, 2015 Study Session and November 3, 2015 Regular Meeting. The motion seconded by Councilor Farley, carried with all councilors present voting in favor thereof.

- 1. This is an administrative action to approve the City Council meeting minutes for the October 27, 2015 Study Session.**
- 2. This is an administrative action to approve the City Council meeting minutes for the November 3, 2015 Regular Meeting.**

2. SWEARING IN CEREMONY – Judge Joneson administered Oaths of Office to in coming Councilors Ball, Overcash and Johnson, as well as Mayor Gutierrez and Councilor Fogle, who were reelected to office. Mayor Gutierrez presented plaques as well as words of appreciation to outgoing Councilors Trenary, Farley and Taylor.

ROLL CALL: Councilors Gutierrez, Clark, Shaffer, Fogle, McKean, Krenning, Johnson, Overcash and Ball were present.

3. APPOINTMENT OF MAYOR PRO TEM

Mayor Gutierrez asked for nominations: Councilor Clark nominated John Fogle for Mayor Pro Tem, seconded by Councilor Shaffer. Councilor Krenning moved to close the nominations, seconded by Councilor McKean. This motion passed with all councilors present voting in favor thereof. Mayor Gutierrez declared Councilor Fogle as Mayor Pro Tem by acclamation.

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the November 10, 2015 Special Meeting at 6:50 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

STUDY SESSION

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

1. LOVELAND POLICE DEPARTMENT (presenter: Tim Brown)
VICTIM WITNESS COORDINATOR

This is an information only item. Loveland Police Department is required by the state Victim Rights Act to offer crime victims certain services and information. The Police Department wishes to continue to provide victims of crime the rights granted by the Act by employing a Victim Services Coordinator to provide such victim services and information in the most comprehensive, yet cost efficient manner. Council asked for more information on several items that were discussed tonight. And receiving that information with as much lead time as possible prior to the next discussion. Where would the money come from in the Budget?

2. DEVELOPMENT SERVICES (presenter: Bob Paulsen)
TITLES 16, 17, 18 & 19 CODE AMENDMENTS

This is an information only item to review proposed amendments to Titles 16, 17, 18 and 19 of the Municipal Code. Collectively, these titles address requirements relating to the development of land.

The primary focus of the amendments is to establish procedures and requirements for the processing of development review applications, including subdivision, annexation and zoning applications. The heart of this effort includes two primary components:

1. New chapter 18.39 - Development Application Process and Procedures
2. Expanded chapter 18.46 - Site Development Plan Requirements and Procedures

In addition to the main procedural amendments, the changes include clarifications and adjustments to portions of each of the four titles. Most of these adjustments are relatively minor and do not substantively change the code. With these clarifications, a concerted effort has been made to eliminate unnecessary and out-of-date requirements that clutter the code. Code adjustments also establish consistent style conventions in the four titles, including the formatting of definitions, capitalization and the use of common terms. Collectively, these amendments have a rippling effect throughout the four titles, resulting in a large volume of changes. The substantive changes are limited to those highlighted in yellow in Attachment 3. Council expressed appreciation to all of the participants in this process. Council asked staff to bring it for consideration as soon as possible.

ADJOURN

Mayor Gutierrez adjourned the November 10, 2015 Study Session at 10:13 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



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

AGENDA ITEM: 2
MEETING DATE: 11/17/2015
TO: City Council
FROM: Alan Krcmarik, Development Services
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:

An Ordinance Authorizing The Issuance Of Special Assessment Refunding Bonds In The Maximum Aggregate Principal Amount Of \$5,480,000 Of The City Of Loveland, Colorado, For Special Improvement District No. 1; Prescribing The Form Of The Bonds And Providing For The Payment Of The Bonds And The Interest Thereon

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended. Staff recommends adoption of the Ordinance.
2. Deny the action. If the ordinance is not adopted, the interest rates on the outstanding bonds will remain as they exist today; no savings will be realized and assessments on property owners will remain the same.
3. Adopt a modified action. No modified action are suggested.
4. Refer back to staff for further development and consideration. Interest rates have again dipped to very low levels. If the ordinance is delayed, interest rates could rise thereby reducing the interest savings.

SUMMARY:

This is an administrative action. An amendment was made to the ordinance between first and second reading to allow the City more flexibility in selecting the Registrar and Paying Agent to Article VI, Section 6.01 adding the sentence, "The Registrar and Paying Agent may resign or be removed or replaced as provided in the Paying Agent Agreement." Through the adoption of the Ordinance, the City will reduce the interest rate on the remaining Special Improvement District No. 1 bonds. The lower interest rate will mean lower assessment payments from property owners. The savings over the remaining life of the bonds 2029 will be approximately \$700,000. The savings would allow the special assessment being paid by property owners in the Special Improvement District No. 1 to be lowered by about 10 percent for the remaining term of the bonds that mature in 2029. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

Positive

The future budgets for the Special Improvement District No. 1 will be lower. The lower interest costs on the bonds will translate to lower interest costs being paid by the property owners.

Negative

Neutral or negligible

The City does not expect to benefit financially from this transaction.

BACKGROUND:

This Ordinance authorizes the issuance of refunding bonds for Special Improvement District No. 1. The City of Loveland, through the adoption of Ordinance No. 4518 on March 21, 2000, issued \$13,280,000 of special assessment bonds for the Special Improvement No. 1 Project. In 2007 through Ordinance 5204, The City issued refunding bonds to lower the interest rates and to correspondingly lower special assessments paid by landowners in the special assessment district. The proceeds of the original bonds funded improvements in the project area, including grading, streets, curbs, gutters, sidewalks, storm drainage facilities, and other improvements necessary to develop the site.

When issued in 2000, the original bonds carried interest rates of 7.50%. When refinanced in 2007, the rate was lowered to 5.625%. In today's market, the investment banking firm of George K. Baum & Company projects interest rates in the 4.25% range. Baum projects that the interest payment savings on the refunded bonds over the remaining life to be approximately \$700,000. Savings on the bond payments would allow the City to reduce the corresponding special assessments on the properties within the district.

When the City issued the original bonds, the property was undeveloped agricultural land and the project was considered speculative. The City required a pledge agreement from the developer to provide additional security from default on the special assessments that provided for the repayment of the bonds. Due to the extensive development in the district resulting in a valuation to debt ratio of about 20 to 1, it was appropriate to release the pledge agreement in the refunding bonds in 2007. No pledge will be required for the 2015 refunding bonds.

REVIEWED BY CITY MANAGER:

William A. Cavill

LIST OF ATTACHMENTS:

1. Amended Ordinance
2. Map of the District

FIRST READING: November 3, 2015

SECOND READING: November 17, 2015

ORDINANCE NO. 5977

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL ASSESSMENT REFUNDING BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,480,000 OF THE CITY OF LOVELAND, COLORADO, FOR SPECIAL IMPROVEMENT DISTRICT NO. 1; PRESCRIBING THE FORM OF THE BONDS AND PROVIDING FOR THE PAYMENT OF THE BONDS AND THE INTEREST THEREON.

WHEREAS, pursuant to Ordinance No. 4503 adopted and approved on January 4, 2000, the City Council (the "City Council") of the City of Loveland, Colorado (the "City") created Special Improvement District No. 1 (the "District") for the purpose of constructing and acquiring certain public improvements within the District, as set forth in such Ordinance No. 4503 (the "Improvements"); and

WHEREAS, the City Council adopted and approved Ordinance No. 4519, on March 21, 2000, as amended by Ordinance No. 5245, on September 18, 2007 (collectively, the "Assessment Ordinance") which levies assessments (the "Assessments") against the property in the District benefited by the Improvements; and

WHEREAS, for the purpose of constructing and acquiring the Improvements, the City has previously issued its City of Loveland, Colorado, Special Assessment Bonds (Special Improvement District No. 1), Series 2000 (the "2000 Bonds");

WHEREAS, the Series 2000 Bonds were refunded in whole by the issuance of the City of Loveland, Colorado, Special Assessment Bonds (Special Improvement District No. 1), Series 2007 (the "Refunded Bonds") in the original aggregate principal amount of \$9,960,000, of which \$5,080,000 is currently outstanding; and

WHEREAS, the Refunded Bonds are subject to optional redemption, in whole but not in part, from any legally available funds of the City, on July 1, 2015, and on any date thereafter, at the option of the City, at a redemption price equal to the principal amount thereof plus accrued interest thereon to the redemption date, without premium; and

WHEREAS, pursuant to the City's home rule charter (the "Charter"), and Section 31-25-534.5, Colorado Revised Statutes ("C.R.S."), the City is authorized to issue bonds to refund the outstanding Refunded Bonds in accordance with the provisions of article 56 of title 11, C.R.S. (the "Refunding Act"); and

WHEREAS, pursuant to Sections 11-56-104(1)(b), (1)(c) and 1(d) of the Refunding Act, the City may issue refunding bonds for the purposes of (a) reducing the net effective interest rate of such bonds, or (b) reducing total interest payable over the life of the

bonds, by issuing bonds at a lower net interest cost or having a lower net effective interest rate, or (c) reducing the total principal and interest payable on such obligations or the principal and interest payable thereon in any particular year or years, or effecting other economies; and

WHEREAS, the City Council has determined and hereby determines that it is advantageous to the City and in the best interests of the City and its inhabitants and the owners of property in the District to issue the City's Special Assessment Refunding Bonds (Special Assessment District No. 1), Series 2015 (the "Bonds") to refund, pay and discharge all of the outstanding Refunded Bonds (the "Refunding Project"), which Bonds shall be sold pursuant to the terms, conditions and parameters hereinafter set forth; and

WHEREAS, the City Council has found and determined and hereby finds and determines that, provided that the Bonds are sold within the parameters and restrictions hereinafter set forth, the interest rate on the Bonds will be lower than the interest rate on the Refunded Bonds and the issuance of the Bonds and the refunding of the Refunded Bonds will effect other economies; and

WHEREAS, the City Council hereby finds and determines that the issuance of the Bonds to effect the Refunding Project will not materially or adversely impair the obligations of the City with respect to any outstanding bond secured by the Assessments; and

WHEREAS, the City Council hereby finds and determines that the issuance of the Bonds to effect the Refunding Project will not cause the principal balance of any Assessment to increase to an amount such that the aggregate amount that is assessed against any one particular tract of land exceeds the maximum benefit to the tract that is estimated to result from the Improvements that are financed by the Assessment and refunding of the Refunded Bonds; and

WHEREAS, the City Council hereby determines that the provisions and limitations of Section 31-25-534.5 and of the Refunding Act pertaining to the issuance of refunding bonds have been met and that the Refunding Project serves a valid and governmental purpose and is advantageous, necessary, expedient and in the best interests of the City and its taxpayers; and

WHEREAS, the Bonds shall be payable out of moneys collected from the Assessments made for the Improvements in the District and other amounts pledged herein, and shall not be considered or held to be general obligations of the City; and

WHEREAS, the City anticipates that the Bonds will be privately placed and not publicly offered; and

WHEREAS, there is on file with the City Clerk of the City the proposed form of Registrar and Paying Agent Agreement between the City and UMB Bank, n.a., as paying agent (the "Paying Agent Agreement"); and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

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

ARTICLE I.
 DEFINITIONS

SECTION 1.01 Short Title; Definitions. This Ordinance shall be known as, and may be cited by, the short title “Bond Ordinance.” Unless the context otherwise requires, the terms defined in this section shall for all purposes hereof and of any Supplemental Ordinance and of any certificate, opinion, request or other document herein or therein mentioned have the meanings herein specified:

“Act” means Part 5 of Article 25 of Title 31, Colorado Revised Statutes, as amended from time to time.

“Administrative Expense Account” means the Administrative Expense Account of the Assessment Fund created in Section 3.02 hereof.

“Assessment” or “Assessments” means the aggregate special assessment or individual portions thereof, as the case may be, levied by the City constituting a valid lien and charge upon benefited lots, tracts and parcels of land within the District.

“Assessment Fund” means that special fund created or continued in Section 3.02 hereof.

“Assessment Installments” means the installments of principal and interest of the Assessments to be paid by the owners of the benefited lots, tracts and parcels of land within the District.

“Assessment Ordinance” means, collectively, Ordinance No. 4519, adopted by the City Council on March 21, 2000, as amended by Ordinance No. 5245, adopted by the City Council on September 18, 2007, and any ordinance amending such ordinances.

“Authorized Denominations” means denominations of (i) not less than \$500,000 each, in integral multiples of not less than \$1,000, provided that in the event a Bond is partially redeemed and the unredeemed portion is less than \$500,000, such unredeemed portion of such Bond may be issued in the largest possible denomination of less than \$500,000, in integral multiples of not less than \$1,000, or (ii) such other authorized denominations as otherwise set forth in the Sale Certificate.

“Bond Fund” means that special fund created in Section 3.02 hereof.

“Bond Purchase Agreement” means a contract for the purchase of the Bonds between the City and the Initial Purchaser.

“Bond Register” means the register maintained by the Registrar with respect to the Bonds.

“Bonds” means the City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015 issued hereunder.

“Business Day” means a day which is not (i) a Saturday, Sunday or legal holiday on which banking institutions in the State of Colorado, the State of New York, or the state in which the principal office of the Paying Agent is located are authorized by law to close, (ii) a day on which the New York Stock Exchange is closed, or (iii) a day on which the Federal Reserve is closed.

“Charter” means the home rule charter of the City, as from time to time amended.

“City” means the City of Loveland, Colorado.

“City Clerk” means the City Clerk of the City.

“City Council” means the City Council of the City.

“City Manager” means the City Manager of the City.

“Costs of Issuance Fund” means that special fund created in Section 3.02 hereof.

“District” means the City of Loveland, Special Improvement District No. 1.

“Federal Securities” means bills, certificates of indebtedness, notes, or bonds which are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States of America.

“Finance Director” means the Finance Director of the City.

“Initial Purchaser” means the initial purchaser of the Bonds, as set forth in the Sale Certificate.

“Interest Account” means that special account created in the Bond Fund in Section 3.02 hereof.

“Interest Payment Date” means January 1 and July 1 of each year, beginning on the date set forth in the Sale Certificate.

“Mayor” means the Mayor of the City.

“Opinion of Counsel” means a written opinion of Butler Snow LLP or such other counsel of recognized national standing in the field of law relating to municipal bonds, appointed by the City.

“Outstanding” when used with reference to the Bonds or portions thereof as of any particular date, means all of the Bonds or portions thereof theretofore and thereupon being authenticated and delivered:

(a) Except any Bond or portion thereof canceled by the City or by the Registrar or otherwise on the City's behalf at or before such date;

(b) Except any Bond or portion thereof which has been paid or deemed to have been paid pursuant to the provisions hereof;

(c) Except any Bond or portion thereof in lieu of or in substitution for which another Bond shall have been authenticated and delivered by the City pursuant hereto.

“Owner” or “Registered Owner” means any person or entity who shall be the registered owner of any Outstanding Bond.

“Paying Agent” means UMB Bank, n.a., Denver, Colorado, being the City's agent for the payment of the Bonds and interest thereon, or successors and assigns appointed in accordance with the Paying Agent Agreement.

“Paying Agent Agreement” means the Registrar and Paying Agent Agreement between the City and UMB Bank, n.a., as registrar and paying agent, or its successors.

“Principal Account” means that special account created in the Bond Fund in Section 3.02 hereof.

“Principal Corporate Trust Office” means the corporate trust office of the Paying Agent or the Registrar, as the case may be, located in Denver, Colorado, or such other office or offices as the Paying Agent or Registrar shall designate from time to time.

“Rebate Fund” means that special fund created in Section 3.02 hereof.

“Record Date” means the close of business on the fifteenth day (whether or not a Business Day) of the calendar month next preceding an Interest Payment Date.

“Refunded Bonds” means all of the outstanding City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2007.

“Refunding Act” means Article 56 of Title 11, Colorado Revised Statutes.

“Refunding Project” means, collectively, the refunding of the Refunded Bonds, the funding of the Reserve Fund and the payment of the costs of issuing the Bonds.

“Registrar” means UMB Bank, n.a., Denver, Colorado, being the City's agent for the registration, transfer and exchange of Bonds, or successors and assigns appointed in accordance with the Paying Agent Agreement.

“Reserve Fund” means the Reserve Fund established pursuant to Section 3.02 hereof.

“Reserve Requirement” means, as of any date of calculation, an amount equal to the lesser of: (a) 10% of the outstanding aggregate principal amount of the Bonds; (b) 125% of

the average annual debt service requirements of the Bonds; (c) 100% of the maximum annual debt service requirements on the Bonds, or (d) such other amount as specified in the Sale Certificate.

“Sale Certificate” means a certificate, executed by either the City Manager or the Finance Director, dated on or before the date of delivery of the Bonds, setting forth the determinations that may be delegated to such officials pursuant to the Supplemental Act.

“Special Record Date” means a special date fixed by the Registrar to determine the names and addresses of Owners for the purpose of paying interest on a special interest payment date for the payment of defaulted interest.

“Supplemental Act” means Part 2 of Article 57 of Title 11, Colorado Revised Statutes.

“Supplemental Ordinance” means any Ordinance then in full force and effect which has been duly adopted by the City Council which amends this Ordinance; but only if and to the extent that such Supplemental Ordinance is specifically authorized hereunder.

“Tax Certificate” means the Tax Compliance Certificate delivered by the City at the time of the issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with its terms.

“Tax Code” means the Internal Revenue Code of 1986, as amended.

“Trust Estate” means (i) all Assessments, (ii) all moneys and securities from time to time held by the City in the Assessment Fund, the Bond Fund, the Reserve Fund and the Costs of Issuance Fund, and (iii) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds.

SECTION 1.02 Equal Security. In consideration of the acceptance of the Bonds by the Owners thereof, this Ordinance shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of all Bonds authorized, executed, issued and delivered hereunder and then Outstanding to secure the full and final payment of the interest on and principal of all Bonds that may from time to time be authorized, executed, issued and delivered hereunder, subject to the agreements, conditions, covenants and provisions contained herein. All agreements and covenants set forth herein to be performed by or on behalf of the City shall be for the equal and proportionate benefit, protection and security of all Owners of the Bonds without distinction, preference or priority as to security or otherwise of any Bonds over any other Bonds by reason of the number or date thereof or the time of authorization, sale, execution, issuance or delivery thereof or for any cause whatsoever, except as expressly provided herein or therein.

ARTICLE II.
ISSUANCE AND TERMS OF BONDS

SECTION 2.01 Ratification of Actions; Supplemental Act; Delegation. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Bond Ordinance) directed toward effecting the Refunding Project, are ratified, approved and confirmed. The City has reviewed all proceedings heretofore taken relative to the authorization of the Bonds and hereby finds and determines that all acts, conditions and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds do exist, have happened and have been performed in due time, form and manner as required by law, and that the City is now duly authorized, pursuant to each and every requirement of law, to issue the Bonds in the form and manner provided herein and that the Bonds shall be entitled to the benefit, protection and security of the provisions hereof.

Section 11-57-204 of the Supplemental Act provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act to such issuance. The City Council hereby elects to apply all of the Supplemental Act to the Bonds. The Bonds are issued under the authority of the Supplemental Act and shall so recite. Pursuant to Section 11-57-210 of the Supplemental Act, such recital shall be conclusive evidence of the validity and regularity of the issuance of the Bonds after their delivery for value. The Bonds are also issued under the authority of the Refunding Act and shall so recite. Section 11-56-107 of the Refunding Act provides that such recital conclusively imparts full compliance with all of the provisions and limitations of the Refunding Act, and all refunding bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

Pursuant to Section 11-57-205 of the Supplemental Act, the City Council hereby delegates to each of the City Manager or the Finance Director the authority to independently sign a contract for the purchase of the Bonds or to accept a binding bid for the Bonds and to execute any agreement or agreements in connection therewith, and the City Council hereby further delegates to each of the City Manager or the Finance Director the authority to independently make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Supplemental Act, in relation to the Bonds, and to execute the Sale Certificate setting forth such determinations, subject to the parameters and restrictions contained in Section 2.02 hereof.

The Bonds shall constitute the special, limited obligations of the City payable solely from the Trust Estate and the full faith and credit of the City is not pledged to the payment thereof.

SECTION 2.02 Terms of the Bonds. For the purpose of defraying a portion of the cost of the Refunding Project, the City shall issue its special assessment bonds designated as the “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015” in the maximum aggregate principal amount of \$5,480,000, which Bonds shall be dated as of the date of their delivery to the Initial Purchaser and shall be in the form of fully registered Bonds. The Bonds shall bear interest at the rates per annum designated in the Sale Certificate from the most recent interest payment date for which interest has been

paid or duly provided for, or if no interest has been paid, from the date of the Bonds, to their maturity or prior redemption, payable at the times and in the amounts set forth in the Sale Certificate. The Bonds shall mature, bear interest from their dated date to maturity or prior redemption, be subject to redemption prior to maturity, be issued in Authorized Denominations, and be sold to the Initial Purchaser, all as provided in the Sale Certificate; provided that:

- (a) the aggregate principal amount of the Bonds shall not exceed \$5,480,000;
- (b) the interest rate on the Bonds is lower than the interest rate on the Refunded Bonds;
- (c) the maximum annual repayment cost of the Bonds based on the estimated redemption schedule shall not exceed \$675,000;
- (d) the Bonds shall mature no later than July 1, 2029; and
- (e) the purchase price of the Bonds shall not be less than 98.5%.

Interest shall be payable on the Bonds from the most recent Interest Payment Date or, in the case of the first Interest Payment Date, from the date of delivery of the Bonds to the Initial Purchaser. Payment of interest on the Bonds shall be made to the Registered Owner thereof by check mailed by the Paying Agent on or before each Interest Payment Date (or, if such Interest Payment Date is not a Business Day, on or before the next succeeding Business Day), to the Registered Owner thereof as shown on the Bond Register at the close of business on the Record Date, at the address of the Owner as it last appears on the Bond Register at the close of business on such day, but any such interest not so timely paid shall cease to be payable to the Owner thereof as of the close of business on the Record Date and shall be payable to the Owner thereof as of the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to such Owner not less than ten days prior thereto by first-class postage prepaid mail, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on the Bonds by such alternative means as may be mutually agreed to in writing by the Owner of the Bonds and the Paying Agent. If the Bonds are not paid upon their presentation and surrender at or after their maturity or prior redemption and moneys are not available therefor, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months.

Except as hereinafter provided, the principal of the Bonds shall be payable to the Registered Owner thereof as shown on the Bond Register upon presentation and surrender at the Principal Corporate Trust Office of the Paying Agent. Notwithstanding the foregoing, in the event that the Bonds are issued as a single term Bond with mandatory sinking fund redemption, the Owner of such Bond shall not be required to surrender the Bond to the Paying Agent to receive payment in connection with a mandatory sinking fund redemption, but shall only be required to surrender the Bond for payment upon optional redemption, final maturity or transfer of the Bond. In such case, payment of principal on the Bond shall be made by check mailed to

the Owner or by electronic transfer, or by such other means as shall be agreed to in writing by the Owner of the Bond and the Paying Agent. All such payments of interest and principal shall be made in lawful money of the United States of America.

SECTION 2.03 Redemption of Bonds. The Bonds shall be subject to optional and mandatory redemption or prepayment in accordance with the provisions of the Sale Certificate.

SECTION 2.04 Notice of Redemption.

(a) Unless waived in writing by the Owner of a Bond to be redeemed, notice of redemption shall be given by the Registrar in the name of the City by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the Owners of the Bonds to be redeemed at their addresses as shown on the registration records. Notwithstanding the foregoing, the Registrar may provide notice of redemption by such alternative means as may be mutually agreed to between the Owner of the Bonds and the Registrar. Failure to give such notice to the Owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds. All such notices of redemption shall be dated and shall state: (i) the redemption date, (ii) the redemption price, (iii) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (iv) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and (v) the place where such Bonds are to be surrendered for payment of the redemption price. Except as provided in subsection (c) below, after such notice has been given in the manner provided herein, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and (except as otherwise set forth in Section 2.03 hereof) upon presentation and surrender thereof the Paying Agent shall pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as provided in this Ordinance for the payment of interest. A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Owner of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

(b) All Bonds redeemed pursuant to the provisions of this Section shall be canceled and destroyed by the Paying Agent and shall not be reissued.

(c) Notwithstanding the provisions of this Section, any notice of optional redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds, or portions thereof, so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the Owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 2.05 Execution of Bonds. The Bonds shall be signed and executed in the name of the City with the manual or facsimile signature of the Mayor, countersigned with the manual or facsimile signature of the City Manager, and attested with the

manual or facsimile of the signature of the City Clerk. The seal of the City or a facsimile thereof shall be affixed to each Bond. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign any Bond at the time of its execution and of the execution of a signature certificate may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the Bond. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the manual signature of the Registrar (or a duly authorized officer thereof), and such certificate of authentication of the Registrar upon any Bond shall be the only competent evidence that such Bond has been duly issued and delivered.

SECTION 2.06 Lost, Stolen, Destroyed or Mutilated Bonds. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the Owner thereof a replacement for such Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar shall direct the Paying Agent to pay such Bond in lieu of replacement.

SECTION 2.07 Registration, Transfer and Exchange. The City shall cause to be kept at the Principal Corporate Trust Office of the Registrar a Bond Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration and transfer of the Bonds. Initially, each Bond shall be registered in the name of the Initial Purchaser, and shall not be registered in the name of a securities depository. A Bond shall be fully transferable by the Owner thereof in person or by such Owner's duly authorized attorney on the registration records kept at the office of the Registrar upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of any Bond at the Principal Corporate Trust Office of the Registrar, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the Owner or such Owner's attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the Principal Corporate Trust Office of the Registrar for an equal aggregate principal amount of Bonds. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from the redemption of a portion of a Bond. The Registrar shall not be required to transfer or exchange (i) any Bond during the period beginning on and including the 15th day before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption, except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall

be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, as the case may be, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar. The person in whose name a Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes and neither the City, the Paying Agent nor the Registrar shall be affected by any notice to the contrary. Payment of principal of and interest on any Bond shall be made only to or upon the written order of the Owner thereof or such Owner's legal representative (except as provided above for the payment of interest to the Owner as of the Record Date or a Special Record Date). All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

SECTION 2.08 Uniform Commercial Code. The Owner or Owners of the Bonds shall possess all rights enjoyed by the owners of investment securities under the provisions of the Uniform Commercial Code – Investment Securities.

SECTION 2.09 Form of Bonds; Recitals. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the form set forth in Appendix A attached hereto and by this reference incorporated herein, with such omissions, insertions, endorsements and variations as may be required by the circumstances, be required or permitted by this Ordinance or the Sale Certificate, or necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto. Pursuant to Section 11-56- 107(6) of the Refunding Act, the Bonds shall contain a recital that they are issued under the authority of the Refunding Act. Pursuant to Section 11-57-210 of the Supplemental Act, the Bonds shall contain a recital that they are issued pursuant to the Supplemental Act.

ARTICLE III.

DELIVERY OF BONDS; CREATION OF FUNDS AND ACCOUNTS

SECTION 3.01 Delivery of Bonds; Application of Proceeds. When the Bonds have been duly executed and authenticated, they shall be delivered to the Initial Purchaser upon receipt of the agreed purchase price. The proceeds realized by the City from the sale of the Bonds and amounts currently held in funds relating to the Refunded Bonds shall be applied as follows:

First, there shall be remitted to the paying agent for the Refunded Bonds an amount sufficient to refund, pay and cancel the Refunded Bonds on the redemption date set forth in the Sale Certificate.

Second, there shall be credited to the Reserve Fund the Reserve Fund Requirement.

Third, there shall be credited to the Bond Fund the amounts, if any, set forth in the Sale Certificate.

Fourth, there shall be credited to the Administrative Expense Account the amounts, if any, set forth in the Sale Certificate.

Fifth, the balance of the proceeds of the Bonds and other available funds shall be deposited in the Costs of Issuance Fund and applied to the payment of the costs of issuance of the Bonds.

SECTION 3.02 Creation of Funds and Accounts. The following funds and accounts are hereby created or continued and shall be held as special funds by the City:

(a) The “City of Loveland, Colorado, Special Assessment Fund (Special District No. 1)” (the “Assessment Fund”) and the Administrative Expense Account therein.

(b) The “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015, Bond Fund” (the “Bond Fund”) including the Interest Account and Principal Account therein.

(c) The “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015, Reserve Fund” (the “Reserve Fund”).

(d) The “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015, Costs of Issuance Fund” (the “Costs of Issuance Fund”).

(e) The “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015, Rebate Fund (the “Rebate Fund”).

Moneys and investments in each of the funds and accounts shall be used only and exclusively as provided herein. The “Rebate Fund” shall not be part of the Trust Estate for purposes of this Ordinance.

SECTION 3.03 Assessment Fund. The Finance Director is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments made and levied for the Improvements, and all installments thereof and all interest and penalties thereon, as provided by law and as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof and the interest and penalties thereon, to the person or persons entitled thereto pursuant to the provisions of this Ordinance and the Act. All moneys received from the Assessments, including principal and interest and all penalties thereon, and all other amounts specified by this Ordinance shall be deposited in the Assessment Fund and shall be held therein until disbursed as provided in this Article III.

Amounts on deposit in the Assessment Fund shall be applied by the City in the following priority:

(a) First, there shall be transferred to the Administrative Expense Account of the Assessment Fund an amount sufficient to pay the estimated costs, fees and expenses of the City of collecting and enforcing the payment of the Assessments in the current fiscal year and to pay the annual costs, fees and expenses of the Paying Agent and Registrar coming due in the current fiscal year, plus an amount sufficient to pay any unreimbursed costs, fees and expenses of the City and the Paying Agent and Registrar related thereto from any prior fiscal year. The

Administrative Expense Fund shall also be used as additional security for the Bonds to pay any interest on the Bonds when due if monies on deposit in the Interest Account of the Bond Fund, including any amounts transferred thereto from the Reserve Fund in accordance with Section 3.05 hereof and from the Principal Account in accordance with Section 3.04(c) hereof, are insufficient to pay such interest when due. In the event of any such deficiency in the Interest Account of the Bond Fund, amounts on deposit in the Administrative Expense Fund shall be transferred to the Interest Account of the Bond Fund in the amount of such insufficiency. Monies on deposit in the Administrative Expense Fund may also be used to make the last debt service payments required on the Bonds.

(b) Second, there shall be transferred to the Interest Account of the Bond Fund the amounts required by Section 3.04(b) hereof at the times required therein.

(c) Third, there shall be transferred to the Reserve Fund the amounts required by Section 3.05 hereof at the times required therein.

(d) Fourth, there shall be transferred to the Rebate Fund the amounts required by Section 3.07 hereof.

(e) Fifth, there shall be transferred to the Principal Account of the Bond Fund the amounts required by Section 3.04(c) hereof at the times required therein.

SECTION 3.04 Bond Fund.

(a) All moneys deposited in the Bond Fund shall be used for the purpose of paying or prepaying the principal of and the interest on the Bonds as they become due and payable, and for no other purposes whatsoever, except as hereinafter provided, and the Bond Fund is hereby pledged as security for such purposes.

(b) There shall be deposited into the Interest Account of the Bond Fund (i) on or before twenty Business Days preceding July 1 of each year, commencing in 2016, an amount equal to the interest on the unpaid principal of the Outstanding Bonds due the next two Interest Payment Dates, taking into account monies already on deposit in the Interest Account on the date of such deposit, or (ii) on or before twenty Business Days preceding January 1 of each year, commencing in 2017, an amount equal to the interest on the unpaid principal of the Outstanding Bonds due the next succeeding Interest Payment Date, taking into account monies already on deposit in the Interest Account on the date of such deposit. Monies on deposit in the Interest Account of the Bond Fund shall be used to pay interest on the Bonds. Interest earned on the moneys deposited into the Interest Account shall remain in the Interest Account, except as provided in Section 3.07 hereof.

(c) After all the payments required by Sections 3.03(a), (b), (c) and (d) have been made, any monies remaining in the Assessment Fund shall be deposited in the Principal Account. Monies on deposit in the Principal Account shall be used to pay the principal of the Bonds in accordance with the maturity schedule and redemption provisions set forth in the Sale Certificate. In addition, monies on deposit in the Principal Account shall be used to pay any interest on the Bonds when due if monies on deposit in the Interest Account of the Bond Fund, including any amounts transferred thereto from the Reserve Fund in accordance with Section

3.05 hereof, are insufficient to pay such interest when due. In the event of any such deficiency in the Interest Account of the Bond Fund, amounts on deposit in the Principal Account shall be transferred to the Interest Account of the Bond Fund in the amount of such insufficiency. Interest earned on the monies deposited to the Principal Account shall be transferred to the Interest Account, except as provided in Section 3.07 hereof.

SECTION 3.05 Reserve Fund.

(a) Whenever there is a deficiency in the Interest Account of the Bond Fund to pay the interest on the Bonds when due, the deficiency shall be paid from amounts in the Reserve Fund. The City hereby pledges the Reserve Fund for such purpose. The Reserve Fund shall be a continuing reserve to secure the payment of the Bonds by meeting possible deficiencies in the payment of the interest on the Bonds resulting from the failure to deposit into the Interest Account sufficient funds to pay the interest on the Bonds as the same become due. In the event of any such deficiency in the Interest Account of the Bond Fund to pay the interest due on the Bonds, amounts on deposit in the Reserve Fund shall be transferred to the Interest Account of the Bond Fund in the amount of such insufficiency. Moneys in the Reserve Fund shall also be used to make the last debt service payments required on the Bonds as hereinafter set forth.

(b) Except when used for the purposes authorized by Section 3.05(a) above, the Reserve Fund shall be maintained in the amount of the Reserve Requirement until such time as such amount, when combined with other monies available therefor in the Bond Fund and the Administrative Expense Account, will be sufficient to pay the principal of and interest on all Outstanding Bonds, at which time such monies shall be applied to pay the Outstanding Bonds in accordance with the maturity schedule and redemption provisions set forth in the Sale Certificate. In accordance with Section 3.02 hereof, Assessments collected by the City and deposited in the Assessment Fund shall be deposited in the Reserve Fund to the extent the amount on deposit in the Reserve Fund is less than the Reserve Requirement.

(c) Interest earned on monies on deposit in the Reserve Fund shall be maintained in the Reserve Fund until such time as the amount on deposit in the Reserve Fund is equal to the Reserve Requirement. All amounts in the Reserve Fund in excess of the Reserve Requirement derived from interest earned on amounts in the Reserve Fund or otherwise shall be transferred first to the Interest Account and second to the Principal Account.

(d) If because of any delinquent Assessment an amount is withdrawn from the Reserve Fund to pay the interest on the Bonds, and that Assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of such delinquent Assessment), to the extent available from that payment of the delinquent Assessment (including penalty and interest but after payment of costs of collection), an amount equal to the amount necessary to restore the Reserve Fund to the Reserve Requirement, shall be paid to the Reserve Fund from the payment of the delinquent Assessment.

SECTION 3.06 Costs of Issuance Fund. There shall be deposited into the Costs of Issuance Fund from the proceeds of the Bonds and other available revenues the amount required by Section 3.01 hereof. Moneys in the Costs of Issuance Fund shall be used by the City to pay

the costs of issuance of the Bonds. Interest earned on monies on deposit in the Costs of Issuance Fund shall be retained in the Costs of Issuance Fund. Any balance remaining in the Costs of Issuance Fund after all costs of issuance have been paid shall be transferred to the Interest Account.

SECTION 3.07 Rebate Fund. In accordance with Section 3.02 hereof, there shall be deposited into the Rebate Fund amounts transferred from the Assessment Fund as required to comply with Section 148(f) of the Tax Code and the Tax Certificate. In addition, notwithstanding any other provision of this Ordinance, any investment income or other gain on moneys in any of the funds or accounts created hereunder may be transferred to the Rebate Fund to enable the City to satisfy the requirements of Section 148(f) of the Tax Code. Moneys in the Rebate Fund shall be paid to the United States in the amounts and at the times required by the Tax Code. Any excess moneys contained in the Rebate Fund shall be transferred to the Interest Account of the Bond Fund. Moneys on deposit in the Rebate Fund shall not be part of the Trust Estate and shall not secure the payment of the Bonds.

SECTION 3.08 Exercise of Option. The City Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem the Refunded Bonds in whole on the earliest practicable redemption date after the adoption of this Ordinance, at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date, without premium. The redemption date of the Refunded Bonds shall be determined by the City Manager or the Finance Director. The City hereby irrevocably authorizes and directs the Registrar, as registrar for such Refunded Bonds, to give notice of refunding, defeasance and redemption of the Refunded Bonds to the registered owners of the Refunded Bonds in accordance with the provisions of the ordinance and the Trust Indenture authorizing the issuance of the Refunded Bonds.

SECTION 3.09 Investment of Moneys. Amounts in the Assessment Fund, the Bond Fund, the Reserve Fund, the Costs of Issuance Fund and the Rebate Fund may be invested by the City in securities that are permitted investments for City funds under the laws of the State of Colorado.

ARTICLE IV.

PLEDGE OF TRUST ESTATE; ENFORCEMENT OF ASSESSMENTS

SECTION 4.01 Pledge of Trust Estate. The Trust Estate is hereby irrevocably pledged to and shall be used for the punctual payment of the principal of and interest on the Bonds, and for payment of the continuing costs, fees and expenses of collecting and enforcing the payment of the Assessments and payment of the costs, fees and expenses of the Paying Agent and Registrar, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessment Installments shall constitute a valid lien on the Assessment Installments for the foregoing purposes in accordance with the terms hereof.

Nothing in this Ordinance prohibits the City Council from amending the Assessment Ordinance and the assessment roll to reduce the principal amount of the Assessments to not less than the original aggregate principal amount of the Bonds and to reduce

the interest rate on the Assessments to not less than the highest interest rate on the Bonds plus 35 basis points.

SECTION 4.02 Enforcement of Assessments. Upon a default in the due and punctual payment of any Assessment Installment due hereunder and under the Assessment Ordinance, the Finance Director promptly (but in no event later than 30 days after the installment due date, or as otherwise provided in the Assessment Ordinance) shall mark the Assessment Installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to such owner's last-known address. The collection of the Assessments shall be enforced by the Finance Director and other officers of the City as provided in Title 31, Article 25, Part 5, C.R.S., and the assessment roll and certified copy of the Assessment Ordinance shall be prima facie evidence of the regularity of the proceeding. The City Council shall direct the Finance Director to give notice of the sale of the property subject to the lien of the delinquent Assessment Installment, or all of the Assessment with respect to such property if the City Council has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of Section 4.03 hereof), and shall sell such property as provided in and pursuant to the Act. In the event that the owner of such property does not prior to the day of sale pay the amount of all delinquent Assessment Installments, with accrued interest thereon and penalties and costs of collection, and such property is not sold to a third party purchaser at such sale, the property may be stricken off to the City and held in trust for the benefit of the District pursuant to the Act.

Upon the sale of real property which is the subject of such delinquent Assessment Installment, or upon the owner of such property paying prior to the day of sale the amount of all delinquent Assessment Installments and accrued interest and penalties thereon, the City shall deposit such moneys received in the Assessment Fund.

SECTION 4.03 Action by Owners. Upon a default in the due and punctual payment of an Assessment Installment and if sale proceedings are not promptly filed and diligently prosecuted by the City, then any Owner may file and prosecute a foreclosure action in the name of the City, and proceed against the City to protect and enforce the rights of the Owners under the Act or hereunder by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provisions contained in the Act or herein or in an award of execution of any power granted for the enforcement of any proper legal or equitable remedy as such Owner may deem most effectual to protect and enforce the rights aforesaid.

All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners then outstanding. The failure of the Owners so to foreclose upon the property that is the subject of such delinquent Assessment Installment, or so to proceed against the City, or both, shall not relieve the City or any of its officers, agents or employees of its duty so to take the actions set forth in Section 4.02.

ARTICLE V.
COVENANTS

SECTION 5.01 General. The City hereby further irrevocably covenants and agrees with each and every Owner that so long as any of the Bonds remain Outstanding, the City will impose and collect the Assessments within the District in the manner provided by law, and take such action as may be determined appropriate by the City to collect any Assessments that are in default.

SECTION 5.02 Books and Records. The City covenants for the benefit of the Owners that so long as any of the Bonds remain outstanding, the City shall keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of the Assessment Installments, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the funds and accounts created under this Ordinance and covering the payment of the principal of and interest on the Bonds. The City shall permit an inspection and examination of all records and accounts at all reasonable times by any property owner in the District.

SECTION 5.03 Tax Covenants. The City covenants for the benefit of the Owners of the Bonds that it shall not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities financed or refinanced with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code, except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (c) would cause the interest on the Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present State law. In furtherance of this covenant, the City agrees to comply with the procedures set forth in the Tax Compliance Certificate. The foregoing covenants shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenants under the Tax Code have been met.

The City hereby determines that neither the City nor any entity subordinate thereto reasonably anticipates issuing in the aggregate more than \$10,000,000 face amount of tax-exempt bonds or any other similar obligations during calendar year 2015. For the purpose of Section 265(b)(3)(B) of the Tax Code, the City hereby designates the Bonds as qualified tax-exempt obligations.

Notwithstanding any provision of this Section 5.03, if the City shall obtain an Opinion of Counsel that any specified action required under this Section 5.03 is no longer required or that some further or different action is required to maintain the tax-exempt status of interest on the Bonds, the City may conclusively rely on such opinion in complying with the requirements of this Section, and the covenants hereunder shall be deemed to be modified to that extent.

ARTICLE VI.
THE REGISTRAR AND PAYING AGENT

SECTION 6.01 Appointment of Registrar and Paying Agent. UMB Bank, n.a., Denver, Colorado is hereby appointed as Registrar and Paying Agent for the Bonds for the purpose of paying the principal of and interest on the Bonds presented for payment at the Principal Corporate Trust Office, with the rights and obligations provided herein and in the Paying Agent Agreement. It shall not be required that the same institution or person serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution or person serve as both Registrar and Paying Agent hereunder. The Registrar and Paying Agent may resign or be removed or replaced as provided in the Paying Agent Agreement.

ARTICLE VII.
AMENDMENT OF ORDINANCE

SECTION 7.01 Amendment with Consent of Owners. This Ordinance may be amended or supplemented by Supplemental Ordinance adopted by the City Council, without the receipt by the City of any additional consideration, with the written consent of the Owners of not less than a majority in aggregate principal amount of the Bonds outstanding at the time of the adoption of such Supplemental Ordinance, provided, however, that without the prior written consent of the Owner of each Bond affected by such Supplemental Ordinance, no Supplemental Ordinance shall have the effect of permitting:

- (a) An extension of the maturity of any Bond authorized by this Ordinance; or
- (b) A reduction in the principal amount of any Bond or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or
- (d) A reduction of the principal amount of Bonds required for consent to such Supplemental Ordinance.

SECTION 7.02 Amendments Without Consent of Owners. The City may, without the consent of or notice to the Owners, adopt any Supplemental Ordinance which shall thereafter form a part hereof, for any one or more of the following purposes, provided that such purpose shall not materially adversely affect the interests of the Owners:

- (a) to add to the agreements and covenants required herein to be performed by the City, other agreements and covenants thereafter to be performed by the City, or to surrender any right or power reserved herein to or conferred herein on the City;
- (b) to make such provisions for the purpose of curing any ambiguity or of correcting, curing or supplementing any defective provision contained herein or in regard to questions arising hereunder that the City may deem desirable or necessary and not inconsistent herewith or to make any provision necessary or desirable due to a change in law or for any other

purpose if such provisions are necessary or desirable and do not materially adversely affect the interests of the Owners;

(c) to add to the agreements and covenants required herein, such agreements and covenants as may be necessary to qualify the Ordinance under the Trust Indenture Act of 1939;

(d) to pledge additional revenues, properties or collateral as security for the Bonds;

(e) to grant or confer upon the Registrar or Paying Agent for the benefit of the Owners any additional rights, remedies, power or authorities that may lawfully be granted to or conferred upon the Owners; or

(f) for the purpose of providing for the issuance of refunding bonds.

SECTION 7.03 Disqualified Bonds. Bonds owned or held by or for the account of the City shall not be deemed Outstanding for the purpose of any consent or other action or any calculation of Outstanding Bonds provided in this article, and shall not be entitled to consent to or take any other action provided in this article.

SECTION 7.04 Endorsement or Replacement of Bonds After Amendment. After the effective date of any action taken as provided in this Article VII, the City may determine that the Bonds may bear a notation by endorsement in form approved by the City as to such action, and in that case upon demand of the Owner of any Outstanding Bonds and presentation of its Bond for such purpose at the Principal Corporate Trust Office of the Registrar, a suitable notation as to such action shall be made on such Bond. If the City shall so determine, new Bonds so modified as, in the opinion of the City, shall be necessary to conform to such action shall be prepared and executed, and in that case upon demand of the Owner of any Outstanding Bond a new Bond or Bonds shall be exchanged at the Principal Corporate Trust Office of the Registrar without cost to each Owner for its Bond or Bonds then Outstanding upon surrender of such Outstanding Bonds.

SECTION 7.05 Amendment by Mutual Consent. The provisions of this article shall not prevent any Owner from accepting any amendment as to the particular Bonds held by such Owner, provided that due notation thereof is made on such Bonds.

ARTICLE VIII. DEFEASANCE

SECTION 8.01 Discharge of Bonds.

(a) If the City shall pay or cause to be paid or there shall otherwise be paid to the Owners of all Outstanding Bonds the interest thereon and the principal thereof at the times and in the manner stipulated herein and therein, then the Owners of such Bonds shall cease to be entitled to the pledge of and charge and lien upon the Trust Estate as provided herein, and all agreements, covenants and other obligations of the City to the Owners of such Bonds hereunder shall thereupon cease, terminate and become void and be discharged and satisfied. In such event,

the Paying Agent shall execute and deliver to the City all such instruments as may be necessary or desirable to evidence such discharge and satisfaction.

(b) Any Outstanding Bonds shall prior to the maturity date or redemption date thereof be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) in case any of such Bonds are to be redeemed on any date prior to their maturity date, the City shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to provide notice of redemption in accordance with Section 2.04 hereof, and (2) there shall have been deposited with the Paying Agent either (A) money in an amount which shall be sufficient or (B) Federal Securities that are not subject to redemption prior to maturity (including any such Federal Securities issued or held in book-entry form on the books of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient, as set forth in a written report of an independent certified public accountant, to pay when due the interest to become due on such Bonds on and prior to the maturity date or redemption date thereof, as the case may be, and the principal of such Bonds.

SECTION 8.02 Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds that remains unclaimed for two (2) years after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for redemption prior to maturity, shall be repaid by the Paying Agent to the City as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Owners shall not look to the Paying Agent for the payment of such Bonds.

ARTICLE IX. MISCELLANEOUS

SECTION 9.01 Approvals and Authorizations.

(a) The City Council hereby approves the Paying Agent Agreement in substantially the form of such document on file with the City Clerk, with only such changes therein as are not inconsistent herewith. The Mayor is hereby authorized and directed to execute the Paying Agent Agreement. The City Clerk is hereby authorized to attest and to affix the seal of the City to the Paying Agent Agreement. Such document is to be executed in substantially the form hereinabove approved, provided that such document may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. The execution of any document or instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such document or instrument in accordance with the terms hereof.

(b) The City Manager and the Finance Director shall each have the independent authority pursuant to the Supplemental Act to accept the proposal of the Initial Purchaser to purchase the Bonds and to execute a Bond Purchase Agreement and the Sale Certificate in connection therewith, subject to the parameters and restrictions contained in this

Ordinance. The execution of a Bond Purchase Agreement by the City Manager or the Finance Director shall be conclusive evidence of the approval by the City of the Bond Purchase Agreement in accordance with the terms hereof.

(c) The Mayor and the City Clerk and all other appropriate officers or employees of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, executing, attesting, authenticating and delivering for and on behalf of the City any and all necessary documents, instruments or certificates and performing all other acts that they deem necessary or appropriate.

(d) It shall be the duty of the proper officers of the City to hereafter take all action necessary for the City to comply with the provisions of this Ordinance, the Assessment Ordinance, and the Act, as hereafter amended and supplemented from time to time.

SECTION 9.02 Liability of City Limited. The City shall not be required to advance any money derived from any source other than the Trust Estate as provided herein for the payment of the principal of and interest on the Bonds or for the performance of any agreements or covenants herein contained. The City may, however, advance funds for any such purpose so long as such funds are derived from a source legally available for such purpose.

The Bonds are special, limited obligations of the City and are payable solely from the Trust Estate as provided herein, and the City is not obligated to pay the Bonds except from the Trust Estate. All the Bonds are equally secured by a pledge of and charge and lien upon the Trust Estate, and the Trust Estate constitutes security for the payment of the principal of and interest on the Bonds as provided herein.

SECTION 9.03 Benefits of the Ordinance Limited. Nothing contained herein, expressed or implied, is intended to give to any person other than the City, the Paying Agent, the Registrar, and the Owners any right, remedy or claim under or by reason hereof. Any agreement or covenant required herein to be performed by or on behalf of the City or any member, officer or employee thereof shall be for the sole and exclusive benefit of the Paying Agent, the Registrar and the Owners.

SECTION 9.04 Successor Is Deemed Included In All References To Predecessor. Whenever herein either the City or any member, officer or employee thereof is named or referred to, such reference shall be deemed to include the successor to the powers, duties and functions with respect to the City or such member, officer or employee, and all agreements and covenants required hereby to be performed by or on behalf of the City or any member, officer or employee thereof shall bind and inure to the benefit of the respective successors thereof whether so expressed or not.

SECTION 9.05 Execution of Documents by Owners. Any declaration, request or other instrument that is permitted or required herein to be executed by Owners may be in one or more instruments of similar tenor and may be executed by Owners in person or by their attorneys appointed in writing. The fact and date of the execution by any Owner or his or her attorney of any declaration, request or other instrument or of any writing appointing such

attorney may be proved by the certificate of any notary public or other officer authorized to make acknowledgments of deeds to be recorded in the state or territory in which he or she purports to act that the person signing such declaration, request or other instrument or writing acknowledged to him or her the execution thereof, or by an affidavit of a witness of such execution duly sworn to before such notary public or other officer. The ownership of any Bonds and the amount, maturity, number and date of holding the same may be proved by the registration books relating to the Bonds at the Principal Corporate Trust Office of the Registrar.

Any declaration, request or other instrument or writing of the Owner of any Bond shall bind all future Owners of such Bond with respect to anything done or suffered to be done by the City in good faith and in accordance therewith.

SECTION 9.06 Acquisition of Bonds by City. All Bonds acquired by the City, whether by purchase or gift or otherwise, shall be surrendered to the Paying Agent for cancellation.

SECTION 9.07 Destruction of Canceled Bonds. Whenever provision is made for the return to the City of any Bonds which have been canceled pursuant to the provisions hereof, the City may direct the Paying Agent to destroy such Bonds and furnish to the City a certificate of such destruction.

SECTION 9.08 Content of Certificates. Every certificate of the City with respect to compliance with any agreement, condition, covenant or provision provided herein may be based, insofar as it relates to legal matters, upon an Opinion of Counsel. Any Opinion of Counsel may be based, insofar as it relates to factual matters or information in the possession of the City, upon a representation by an officer or officers of the City; provided that nothing herein shall be deemed to require the counsel rendering any such opinion to conduct an independent investigation of factual matters contained in any such representation.

SECTION 9.09 Accounts and Funds. Any fund or account required herein or in the Sale Certificate to be established and maintained by the City may be established and maintained in the accounting records of the City either as a fund or an account, and may, for the purposes of such accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or a fund; but all such records with respect to all such accounts and funds shall at all times be maintained in accordance with the Tax Certificate and sound government accounting practice and with due regard for the protection of the security of the Bonds and the rights of the Owners.

SECTION 9.10 Article and Section Headings and References. The headings or titles of the several articles and sections hereof appended hereto shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof. All references herein to "Articles," "Sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof; and the words "hereby," "herein," "hereof," "hereto," "herewith," "hereunder" and other words of similar import refer to the Ordinance as a whole and not to any particular article, section, subdivision or clause hereof.

SECTION 9.11 Partial Invalidity. If any one or more of the agreements or covenants or portions thereof required hereby to be performed by or on the part of the City, the Paying Agent or the Registrar shall be contrary to law, then such agreement or agreements, such covenant or covenants or such portions thereof shall be null and void and shall be deemed separable from the remaining agreements and covenants or portions thereof and shall in no way affect the validity hereof or of the Bonds, and the Owners shall retain all the benefit, protection and security afforded to them under the Act or any other applicable provisions of law. The City hereby declares that it would have executed and delivered this Ordinance and each and every other article, section, paragraph, subdivision, sentence, clause and phrase hereof and would have authorized the issuance of the Bonds pursuant hereto irrespective of the fact that any one or more articles, sections, paragraphs, subdivisions, sentences, clauses or phrases hereof or the application thereof to any person or circumstance may be held to be unconstitutional, unenforceable or invalid.

SECTION 9.12 No Recourse Against Officers and Agents. Pursuant to § 11-57-209 of the Supplemental Act, if a member of the City Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such City Council member, officer, or agent for payment of the principal or interest on the Bonds. Such recourse shall not be available either directly or indirectly through the City Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bonds and as a part of the consideration of their sale or purchase, any person purchasing or selling such Bonds specifically waives any such recourse.

SECTION 9.13 Governing Law. This Ordinance shall be governed by and construed in accordance with the laws of the State of Colorado.

SECTION 9.14 Repeal of Inconsistent Provisions. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This Section shall not be construed to revive any ordinance, resolution or order, or part thereof, heretofore repealed.

SECTION 9.15 Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the Owner or Owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds shall be fully paid, canceled and discharged, as herein provided.

SECTION 9.16 Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bonds as provided herein shall be governed by § 11-57-208 of the Supplemental Act and this Ordinance. The revenues pledged for the payment of the Bonds, as received by or otherwise credited to the City shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge on the revenues pledged for payment of the Bonds and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City. The lien of such pledge shall be valid, binding, and enforceable as against all persons or entities having claims of any kind in tort, contract, or

otherwise against the City irrespective of whether such persons or entities have notice of such liens.

SECTION 9.17 Limitation of Actions. Pursuant to § 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings of the City in connection with the authorization or issuance of the Bonds, including but not limited to the adoption of this Ordinance, shall be commenced more than thirty days after the authorization of the Bonds.

SECTION 9.18 Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9.19 Business Days. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, is not a Business Day, such payment may be made or act performed or right exercised on the next succeeding Business Day, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 9.20 Charter Controls. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance, including but not limited to the issuance of the Bonds, the levying of the Assessments, and the use of the Assessments and the moneys on deposit in the funds and accounts created hereunder, are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this Ordinance and such statutes. Any such inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

SECTION 9.21 Effective Date. This Ordinance shall take effect ten days after publication following final adoption, as provided in Charter Section 4-8(b).

ADOPTED this 17th day of November, 2015.

CITY OF LOVELAND, COLORADO

Mayor

(SEAL)

Attested:

City Clerk

APPROVED AS TO FORM:



City Attorney

Ordinance # 5977

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the city Council, held on November 3, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on November 7, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on November 21, 2015.

City Clerk

Effective Date: November 27, 2015

APPENDIX A

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF COLORADO
CITY OF LOVELAND

NO. R-___ \$ _____

SPECIAL ASSESSMENT REFUNDING BOND
(SPECIAL IMPROVEMENT DISTRICT NO. 1)
SERIES 2015

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated as of</u>
___% per annum		

REGISTERED OWNER

PRINCIPAL AMOUNT DOLLARS

The City of Loveland, Colorado (the "City"), for value received, hereby promises to pay, out of funds available for that purpose as hereinafter set forth, to the registered owner specified above or registered assigns the principal amount specified above on the maturity date specified above (unless this Bond shall have been called for prior redemption, in which case on such redemption date) and to pay solely from such available funds interest hereon at the interest rate per annum specified above, said interest being payable on January 1 and July 1 in each year, commencing July 1, 2016. This Bond bears interest (computed on the basis of a 360-day year of twelve 30-day months) payable to the Registered Owner at the Interest Rate specified above from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this Bond.

This Bond is one of an authorized series of Bonds issued pursuant to an Ordinance of the City Council of the City adopted on _____, 2015 (the "Ordinance"). This Bond bears interest, matures, is payable, is subject to redemption and is transferable as provided in the Bond Ordinance and a Sale Certificate executed by either the City Manager or the Finance Director of the City prior to the delivery of the Bonds. To the extent not defined herein, terms used herein are used as defined in the Bond Ordinance.

The Bonds have been authorized and issued pursuant to the Ordinance, the home rule Charter of the City, Part 5 of Article 25 of Title 31, Colorado Revised Statutes, Article 56 of Title 11, Colorado Revised Statutes (the "Refunding Act"), and Part 2 of Article 57 of Title 11, Colorado Revised Statutes (the "Supplemental Act"). Pursuant to Section 11-56-107 of the Refunding Act, this recital that the Bonds are issued under the authority of the Refunding Act conclusively imparts full compliance with all of the provisions and limitations of the Refunding

Act, and all refunding bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value. Pursuant to Section 11-57-210 of the Supplemental Act, this recital that the Bonds are issued pursuant to the Supplemental Act shall be conclusive evidence of the validity and regularity of the issuance of the Bonds after their delivery for value.

Pursuant to the Ordinance, the payment of the principal of and interest on the Bonds shall be made from and as security for such payment there is pledged, a special fund designated as the “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015 Bond Fund” (the “Bond Fund”) containing the receipts upon the collection thereof from the special assessments (the “Assessments”) levied against and secured by a lien upon the property in the District specially benefited by the Improvements, which Bond Fund shall be used for the full and prompt payment of the Bonds and the interest thereon, and shall be used for no other purpose whatsoever except as permitted by the Ordinance. Whenever there is a deficiency in the Bond Fund, the deficiency must be paid out of the special fund designated as the “City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015 Reserve Fund” in the priority specified in the Ordinance.

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of and interest on the Bonds, and for payment of the continuing costs of collecting and enforcing the payment of the Assessments as set forth in the Ordinance, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien has priority over all other liens except general tax liens.

The Finance Director shall collect, receive and enforce the payment of all Assessments made and levied for the Improvements, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Ordinance and the other proceedings of the City relating thereto.

THIS BOND DOES NOT CONSTITUTE A DEBT OR AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL, STATUTORY OR HOME RULE CHARTER LIMITATION OR PROVISION, AND SHALL NOT BE CONSIDERED OR HELD TO BE A GENERAL OBLIGATION OF THE CITY. THE PAYMENT OF THIS BOND AND THE INTEREST HEREON IS NOT SECURED BY AN ENCUMBRANCE, MORTGAGE, OR OTHER PLEDGE OF PROPERTY OF THE SPECIAL ASSESSMENT DISTRICT NO. 1 EXCEPT FOR SUCH SPECIAL ASSESSMENTS AND OTHER MONEYS PLEDGED FOR THE PAYMENT OF THE BONDS, AS SET FORTH ABOVE. NO PROPERTY OF THE DISTRICT, SUBJECT TO SAID EXCEPTION, SHALL BE LIABLE TO BE FORFEITED OR TAKEN IN PAYMENT OF THE BONDS.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of the

Improvements, that this Bond is issued under the authority of the Act, the Refunding Act and the Supplemental Act and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings with reference to the Improvements, the levying of the assessments to pay the cost and expense of the Improvements and the issuance of the Bonds have been regularly had and taken in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefited by the Improvements and of the liability of the owner or owners of such property therefor have been performed.

IN WITNESS WHEREOF, the City of Loveland, Colorado has caused this Bond to be signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor of the City, to be countersigned with the manual or facsimile signature of the City Manager of the City, and to be countersigned, subscribed, executed and attested with the manual or facsimile signature of the City Clerk, has caused the seal of the City or a facsimile thereof to be affixed hereon, and has caused this Bond to be dated as of the date specified above.

CITY OF LOVELAND, COLORADO

(Manual or Facsimile Signature)
Mayor

(Manual or Facsimile Signature)
City Manager

(MANUAL OR FACSIMILE SEAL)

Attested:

(Manual or Facsimile Signature)
City Clerk

(End of Form of Bonds)

(Form of Registrar's Certificate of Authentication)

Date of Registration: _____, 2015

This is one of the Bonds described in the above mentioned Ordinance and this Bond has been duly registered in the registration records kept by the undersigned as Registrar for the Bonds.

UMB BANK, N.A., as Registrar

By: (Manual Signature)
Authorized Officer

(End of Form of Registrar's Certificate of Authentication)

(Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Registered Owner</u>

(End of Form of Prepayment Panel)

(Form of Assignment Provision)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR § 240.17 ad-15(a)(2).

Signature Guaranteed by a Member:
of the Medallion Signature Program

Address of Transferee:

Social Security or other
identification number of transferee:

(End of Form of Assignment)

**CITY OF LOVELAND, COLORADO
SPECIAL ASSESSMENT REFUNDING BONDS
(SPECIAL ASSESSMENT DISTRICT NO. 1)
SERIES 2015**

REGISTRAR AND PAYING AGENT AGREEMENT

THIS AGREEMENT, dated as of December __, 2015 (this Agreement”), is by and between the City of Loveland, Colorado (the “City”), a political subdivision of the State of Colorado, and UMB Bank, n.a., in Denver, Colorado (the “Bank”), a national banking association.

WITNESSETH:

WHEREAS, by an Ordinance of the City Council of the City duly adopted on second reading on November 17, 2015 (the “Bond Ordinance”), the City has authorized the issuance of its City of Loveland, Colorado, Special Assessment Refunding Bonds (Special Improvement District No. 1), Series 2015 (the “Bonds”); and

WHEREAS, all capitalized terms used herein and not otherwise defined herein shall have the meanings given to them in the Bond Ordinance; and

WHEREAS, it is mutually desirable to the City and the Bank that the Bank, through its Corporate Trust Department, located in Denver, Colorado, act as Registrar and Paying Agent (as defined in the Bond Ordinance) for the Bonds; and

WHEREAS, it is mutually desirable that this Agreement be entered into between the City and the Bank to provide for certain aspects of such Registrar and Paying Agent services.

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

1. The Bank hereby accepts all duties and responsibilities of the Registrar and Paying Agent as provided in the Bond Ordinance and in this Agreement. The Bank shall cause the Bonds to be honored in accordance with their terms, provided that the City causes to be made available to the Bank all funds necessary in order to so honor the Bonds. Nothing in this Agreement shall require the Bank to pay or disburse any funds in excess of the amount then on deposit in the “Principal and Interest Payment Account” provided for in Section 2 of this Agreement. Nothing in this Agreement shall require the City to pay or disburse any funds for

payment of the Bonds or interest thereon except at the times and in the manner provided in the Bond Ordinance. In addition, the Bank hereby accepts the duties and responsibilities pertaining to the authentication, registration, transfer, exchange and replacement of Bonds, and the duties and responsibilities pertaining to calling the Bonds for prior redemption, all as provided in the Bond Ordinance.

2. Not less than (a) one business day prior to each payment date, if funds are delivered by wire transfer, or (b) three business days prior to each payment date if funds are delivered by another method of payment, funds for the payment of the Bonds and interest thereon are to be deposited by the City with the Bank in an account designated "Principal and Interest Payment Account" (the "Payment Account"). The funds so deposited shall be held and applied by the Bank through its Corporate Trust Department solely for the payment of principal of and interest on the Bonds. From such funds, the Bank agrees to pay at the times and in the manner provided in the Bond Ordinance, the principal of and interest on the Bonds. In the event a payment date is not a business day, the Bank shall make the principal and/or interest payment on the following business day with the same effect as if it had been made on the date scheduled for such payment.

If so directed by the City's Finance Director (the "Finance Director") the funds so deposited in the Payment Account shall be invested by the Bank, at the written direction of the Finance Director, in investments that are consistent with the City's investment policies. All such investments in the Payment Account shall be held by or under the control of the Bank. The Bank shall sell and reduce to cash such investments as needed to pay the principal of and interest on the Bonds whether upon maturity or upon prior redemption. Any interest or other gain realized as a result of any investment of moneys in the Payment Account, to the extent not used to pay the principal of or interest on the Bonds, shall promptly be remitted to the City. If the Bank does not receive written instructions from the Finance Director with respect to investing moneys on deposit in the Payment Account, such moneys shall remain uninvested.

3. The Bank agrees that any duly authorized representative of the City shall, until the expiration of two (2) years after final termination of this Agreement, have access to and the right to examine any directly pertinent books, documents, schedules, papers, charts, and records of the Bank, including all cost accounting records, involving matters or transactions in any way, related to this Agreement and the services provided hereunder.

4. The City shall pay to the Bank fees in accordance with its then existing fee schedule. The Bank's current fee schedule is attached to this Agreement as Exhibit A. No new fee schedule shall become effective until 30 days after the Bank has given the City written notice thereof.

5. Unless waived by the Bank, the City agrees to provide the Bank with not less than 20 days notice of any prior optional redemption of the Bonds. The City shall not be required to provide the Bank with notice of mandatory sinking fund redemption.

6. At least 30 but not more than 60 days prior to December __, 2020, December __, 2025 and on the date on which the last Bond is discharged, the Bank shall send written notice to the City stating that the City must: (i) compute the amount of rebatable arbitrage, if any, which is due to the federal government pursuant to Sections 103 and 148(f) of the Internal Revenue Code of 1986, as amended, and (ii) pay such amount no later than sixty days from December __, 2020, December __, 2025, and on the date on which the last Bond is discharged.

7. If requested by the Bank, the City agrees to provide the Bank with a supply of blank Bonds for use in the transfer, exchange and replacement of Bonds.

8. Any moneys held by the Bank for the owners of the Bonds remaining unclaimed for two years after principal and/or interest of the respective Bonds with respect to which such moneys has been set aside has become due and payable shall without further request by the City be paid to the City.

9. This Agreement may be terminated as hereinafter provided. The Paying Agent may resign as Paying Agent at any time upon thirty (30) days written notice to the City. The City may remove the Paying Agent as Paying Agent upon thirty (30) days written notice to the Paying Agent. No resignation or removal of the Paying Agent may take effect until a successor is appointed. If an instrument of acceptance of a successor Paying Agent shall not have been delivered to the Paying Agent within thirty (30) days of the giving of such notice of resignation, the Paying Agent may petition any court of competent jurisdiction for the appointment of a successor Paying Agent. Upon any resignation or removal of the Paying Agent as Paying Agent, the Paying Agent shall deliver to the City or its designee all funds held by the Paying Agent as Paying Agent and the registration records of the Paying Agent, as registrar and transfer agent for the Bonds.

10. Any company or national banking association into which the Paying Agent may be merged or converted or with which it may be consolidated or any company or national banking association resulting from any merger, conversion or consolidation to which it shall be a party or any company or national banking association to which the Paying Agent may sell or transfer all or substantially all of its corporate trust business, provided such company shall be eligible, shall be the successor to such Paying Agent without execution or filing of any paper or further act, anything herein to the contrary notwithstanding.

11. This Agreement may be assigned by the Bank to any successor Registrar and Paying Agent if in accordance with the provisions of the Bond Ordinance.

12. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

13. In the event of any conflict between the provisions of this Agreement and the provisions of the Bond Ordinance, the provisions of the Bond Ordinance shall be controlling.

IN WITNESS WHEREOF, the Bank and the City have caused this Agreement to be duly executed and delivered as of the day and year first above written.

CITY OF LOVELAND, COLORADO

By _____
Mayor

(SEAL)

Attest:

City Clerk

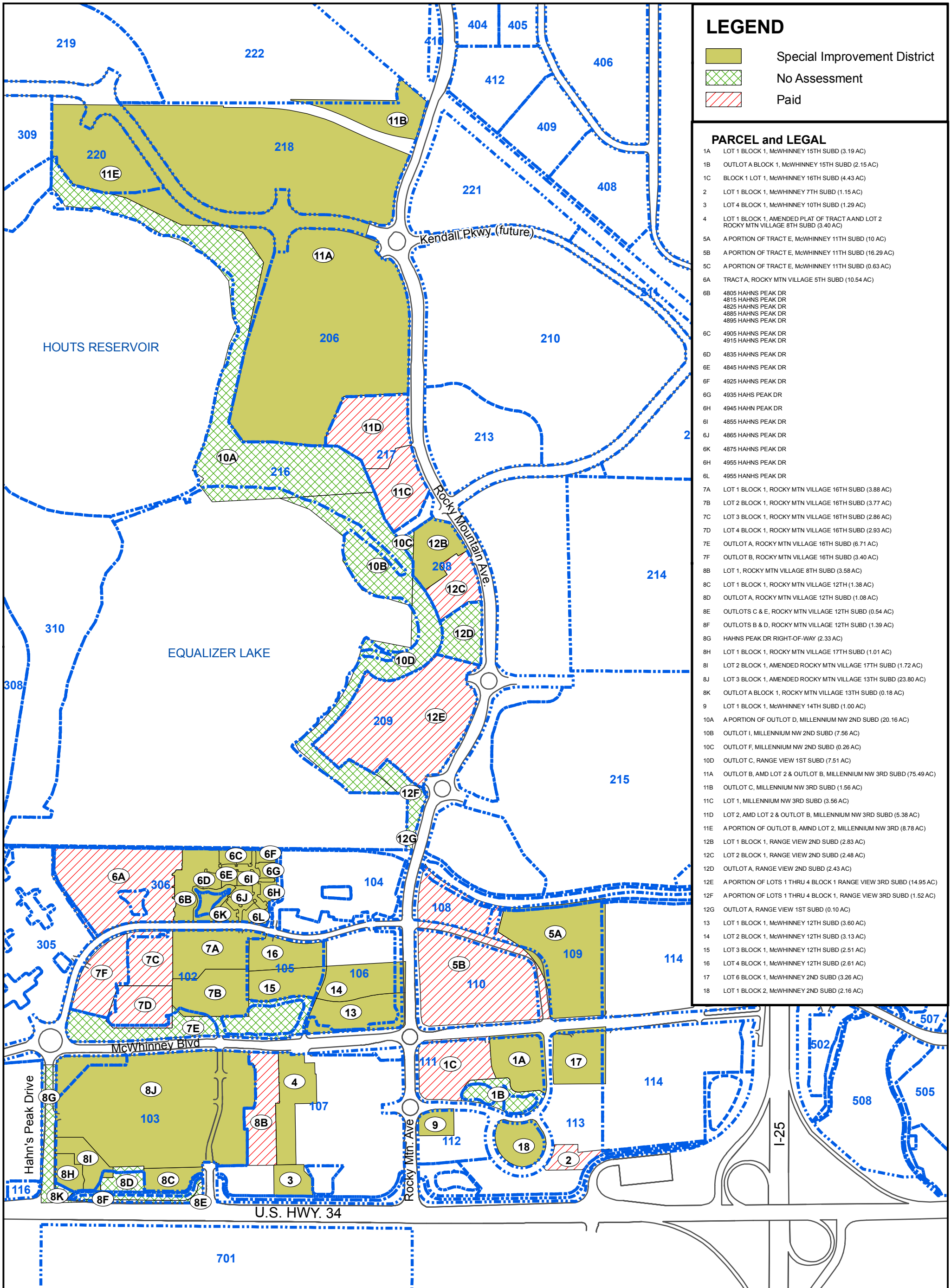
UMB BANK, N.A.
Registrar and Paying Agent

By _____
Title:

EXHIBIT A

(Attach Registrar's Fee Schedule)

MAP OF LOVELAND SPECIAL IMPROVEMENT DISTRICT NO. 1 OCTOBER 2009 (SID Information as of March 2015)



LEGEND

- Special Improvement District
- No Assessment
- Paid

PARCEL and LEGAL

1A	LOT 1 BLOCK 1, McWHINNEY 15TH SUBD (3.19 AC)
1B	OUTLOT A BLOCK 1, McWHINNEY 15TH SUBD (2.15 AC)
1C	BLOCK 1 LOT 1, McWHINNEY 16TH SUBD (4.43 AC)
2	LOT 1 BLOCK 1, McWHINNEY 7TH SUBD (1.15 AC)
3	LOT 4 BLOCK 1, McWHINNEY 10TH SUBD (1.29 AC)
4	LOT 1 BLOCK 1, AMENDED PLAT OF TRACT A AND LOT 2 ROCKY MTN VILLAGE 8TH SUBD (3.40 AC)
5A	A PORTION OF TRACT E, McWHINNEY 11TH SUBD (10 AC)
5B	A PORTION OF TRACT E, McWHINNEY 11TH SUBD (16.29 AC)
5C	A PORTION OF TRACT E, McWHINNEY 11TH SUBD (0.63 AC)
6A	TRACT A, ROCKY MTN VILLAGE 5TH SUBD (10.54 AC)
6B	4805 HAHNS PEAK DR 4815 HAHNS PEAK DR 4825 HAHNS PEAK DR 4885 HAHNS PEAK DR 4895 HAHNS PEAK DR
6C	4905 HAHNS PEAK DR 4915 HAHNS PEAK DR
6D	4835 HAHNS PEAK DR
6E	4845 HAHNS PEAK DR
6F	4925 HAHNS PEAK DR
6G	4935 HAHNS PEAK DR
6H	4945 HAHNS PEAK DR
6I	4855 HAHNS PEAK DR
6J	4865 HAHNS PEAK DR
6K	4875 HAHNS PEAK DR
6H	4955 HAHNS PEAK DR
6L	4955 HAHNS PEAK DR
7A	LOT 1 BLOCK 1, ROCKY MTN VILLAGE 16TH SUBD (3.88 AC)
7B	LOT 2 BLOCK 1, ROCKY MTN VILLAGE 16TH SUBD (3.77 AC)
7C	LOT 3 BLOCK 1, ROCKY MTN VILLAGE 16TH SUBD (2.86 AC)
7D	LOT 4 BLOCK 1, ROCKY MTN VILLAGE 16TH SUBD (2.93 AC)
7E	OUTLOT A, ROCKY MTN VILLAGE 16TH SUBD (6.71 AC)
7F	OUTLOT B, ROCKY MTN VILLAGE 16TH SUBD (3.40 AC)
8B	LOT 1, ROCKY MTN VILLAGE 8TH SUBD (3.58 AC)
8C	LOT 1 BLOCK 1, ROCKY MTN VILLAGE 12TH (1.38 AC)
8D	OUTLOT A, ROCKY MTN VILLAGE 12TH SUBD (1.08 AC)
8E	OUTLOTS C & E, ROCKY MTN VILLAGE 12TH SUBD (0.54 AC)
8F	OUTLOTS B & D, ROCKY MTN VILLAGE 12TH SUBD (1.39 AC)
8G	HAHNS PEAK DR RIGHT-OF-WAY (2.33 AC)
8H	LOT 1 BLOCK 1, ROCKY MTN VILLAGE 17TH SUBD (1.01 AC)
8I	LOT 2 BLOCK 1, AMENDED ROCKY MTN VILLAGE 17TH SUBD (1.72 AC)
8J	LOT 3 BLOCK 1, AMENDED ROCKY MTN VILLAGE 13TH SUBD (23.80 AC)
8K	OUTLOT A BLOCK 1, ROCKY MTN VILLAGE 13TH SUBD (0.18 AC)
9	LOT 1 BLOCK 1, McWHINNEY 14TH SUBD (1.00 AC)
10A	A PORTION OF OUTLOT D, MILLENNIUM NW 2ND SUBD (20.16 AC)
10B	OUTLOT I, MILLENNIUM NW 2ND SUBD (7.56 AC)
10C	OUTLOT F, MILLENNIUM NW 2ND SUBD (0.26 AC)
10D	OUTLOT C, RANGE VIEW 1ST SUBD (7.51 AC)
11A	OUTLOT B, AMD LOT 2 & OUTLOT B, MILLENNIUM NW 3RD SUBD (75.49 AC)
11B	OUTLOT C, MILLENNIUM NW 3RD SUBD (1.56 AC)
11C	LOT 1, MILLENNIUM NW 3RD SUBD (3.56 AC)
11D	LOT 2, AMD LOT 2 & OUTLOT B, MILLENNIUM NW 3RD SUBD (5.38 AC)
11E	A PORTION OF OUTLOT B, AMND LOT 2, MILLENNIUM NW 3RD (8.78 AC)
12B	LOT 1 BLOCK 1, RANGE VIEW 2ND SUBD (2.83 AC)
12C	LOT 2 BLOCK 1, RANGE VIEW 2ND SUBD (2.48 AC)
12D	OUTLOT A, RANGE VIEW 2ND SUBD (2.43 AC)
12E	A PORTION OF LOTS 1 THRU 4 BLOCK 1 RANGE VIEW 3RD SUBD (14.95 AC)
12F	A PORTION OF LOTS 1 THRU 4 BLOCK 1, RANGE VIEW 3RD SUBD (1.52 AC)
12G	OUTLOT A, RANGE VIEW 1ST SUBD (0.10 AC)
13	LOT 1 BLOCK 1, McWHINNEY 12TH SUBD (3.60 AC)
14	LOT 2 BLOCK 1, McWHINNEY 12TH SUBD (3.13 AC)
15	LOT 3 BLOCK 1, McWHINNEY 12TH SUBD (2.51 AC)
16	LOT 4 BLOCK 1, McWHINNEY 12TH SUBD (2.61 AC)
17	LOT 6 BLOCK 1, McWHINNEY 2ND SUBD (3.26 AC)
18	LOT 1 BLOCK 2, McWHINNEY 2ND SUBD (2.16 AC)



CITY OF LOVELAND
MUNICIPAL COURT

810 East 10th Street • Loveland, Colorado 80537
(970) 962-2341 • FAX (970) 962-2938 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 11/17/2015
TO: City Council
FROM: Municipal Court
PRESENTER: Geri R. Joneson, Municipal Court Judge

TITLE:

An Ordinance Amending the Loveland Municipal Code at Section 1.12.020 to Authorize Expungement of Juvenile Records and Establish Expungement Procedures

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Ordinance on Second Reading.

OPTIONS:

1. Adopt the action as recommended. Adoption of the Ordinance will provide juvenile offenders the immediate benefit of having their arrest and criminal records expunged upon successful completion of a diversion program, deferred prosecution or deferred sentence.
2. Deny the action. Denial of the Ordinance will require juvenile offenders to petition the District Court for expungement of their Loveland Municipal Court arrest and criminal records.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action. This is a proposed Ordinance that will grant the Municipal Court the authority to expunge arrest and criminal records for Loveland Municipal Court juvenile offenders who successfully complete a diversion program, deferred prosecution or deferred sentence. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The adoption of Loveland Teen Court and the Restorative Justice Program provide juvenile offenders the opportunity to participate in and successfully complete a diversion program, deferred prosecution and/or deferred sentence. One of the benefits of completing an alternative sentence is expungement of the associated arrest and criminal record. This ordinance grants the Municipal Court the authority to expunge the juvenile offender's record immediately upon the

offender's successful completion of their sentence as opposed to requiring the offender to file a petition for expungement in the District Court.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING: November 3, 2015

SECOND READING: November 17, 2015

ORDINANCE NO. 5978

AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 1.12.020 TO AUTHORIZE EXPUNGEMENT OF JUVENILE RECORDS AND ESTABLISH EXPUNGEMENT PROCEDURES

WHEREAS, the City of Loveland, in the County of Larimer and State of Colorado, (the “City”) is a home-rule municipality duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the City of Loveland Charter (the “Charter”); and

WHEREAS, the Municipal Court has exclusive jurisdiction over matters arising under the Charter and ordinances pursuant to Section 9-2 of the City Charter.; and

WHEREAS, the Colorado Supreme Court has recognized a right to privacy in arrest records due to the harm that an arrest record may cause in *Davidson v. Dill*, 503 P.2d 157 (Colo. 1972); and

WHEREAS, the Loveland Municipal Code limits penalties for juveniles, defined as anyone who has not attained the age of eighteen, to be punished only by issuance of a fine and not imprisonment, Municipal Code, § 1.12.020; and

WHEREAS, the Municipal Court has authority to issue local rules of procedure pursuant to C.R.S. §13-10-112 which has been recognized to include rules and orders regarding the procedural process for minors, *R.E.N. et al v. City of Colorado Springs*, 823 P.2d 1359 (Colo. 1992); and

WHEREAS, it is in the best interests of the community, the juveniles, and the City to have the Municipal Court issue rules of procedure and codify a process for the expungement of juvenile records; and

WHEREAS, City Council is authorizing the expungement of juvenile records by the Municipal Court in Loveland.

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

Section 1. That a new Code Section 1.12.021 is hereby added to Code Chapter 1.12 to read in full as follows:

1.12.021 Expungement of Juvenile Records

The Court, juvenile, parent or guardian, or guardian ad litem may petition the Municipal Court for expungement of a juvenile's records. Expungement is defined as physically sealing of a record or conspicuously marking on a record to indicate a records has been expunged and is not open to the public.

The Municipal Court may enter an Order of Expungement of all records in the custody of the court or any other agency or official if all of the following findings can be made:

1. The juvenile who is the subject of the hearing has not been convicted of, or adjudicated a juvenile delinquent, for any felony offense or misdemeanor offense involving domestic violence, unlawful sexual behavior, or possession of a weapon since the termination of the court's jurisdiction or unconditional release from parole supervision.
2. No proceeding concerning any felony, misdemeanor, or delinquency action is pending or being instituted against the juvenile.
3. The rehabilitation of the juvenile has been attained to the satisfaction of the court.
4. The expungement is in the best interest of the petitioner and the community.

The Municipal Court shall establish such further local procedures for the expungement process as may be necessary to include, but not limited to, an advisement of the right to file for expungement of records, notification to all custodians of records, a hearing, and identification of who may have access to the records after expungement enters.

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

Section 3. That this Ordinance shall be in full force and effect ten (10) days after its final publication as provided in City Charter Section 4-8(b).

ADOPTED this 17th day of November, 2015.

CITY OF LOVELAND, COLORADO

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Ordinance # 5978

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the city Council, held on November 3, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on November 7, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on November 21, 2015.

City Clerk

Effective Date: November 27, 2015



CITY OF LOVELAND
 CULTURAL SERVICES /MUSEUM •ART IN PUBLIC PLACES
 503 N. Lincoln Avenue • Loveland, Colorado 80537
 (970) 962-2410 • FAX (970) 962-2910 • TDD (970) 962-2833

AGENDA ITEM: 4
MEETING DATE: 11/17/2015
TO: City Council
FROM: Susan Ison, Cultural Services Department
PRESENTER: Susan Ison

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For The Christo And Jeanne-Claude Exhibit, Architectural Fees For A Museum Conceptual Design, A Memorial Bench For The Main Gallery And A Colorado Creative Industries Grant For 2016 Art Exhibits

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

SUMMARY:

This is an administrative item. The following donations were recently received to support activities in the Cultural Services Department:

- \$10,000 from the Erion Foundation for the Christo and Jeanne-Claude Exhibit.
- \$15,000 from the Erion Foundation to secure the services of Olson Kundig Architects, Seattle, Washington, to provide conceptual design support for a future Museum expansion.
- \$10,000 grant from Colorado Creative Industries for art exhibits in 2016.
- \$2,580 from the estate of Stephen Beale for a memorial bench in the gallery.

On November 3, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

These activities would not be possible without the support of the donors.

BACKGROUND:

These activities would not be possible without support from the Erion Foundation, Colorado Creative Industries and the Stephen Beale Estate. We are grateful to them for providing the resources for us to offer amenities to the citizens of Loveland.

REVIEWED BY CITY MANAGER:

William D. Cabill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING November 3, 2015

SECOND READING November 17, 2015

ORDINANCE NO. 5979

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR THE CHRISTO & JEANNE-CLAUDE EXHIBIT, ARCHITECTURAL FEES FOR A MUSEUM CONCEPTUAL DESIGN, A MEMORIAL BENCH FOR THE MAIN GALLERY AND A COLORADO CREATIVE INDUSTRIES GRANT FOR 2016 ART EXHIBITS

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the Christo & Jeanne-Claude exhibit, architectural fees for a museum conceptual design, a memorial bench for the main gallery and a Colorado Creative Industries grant for 2016 art exhibits; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for the Christo & Jeanne-Claude exhibit, architectural fees for a museum conceptual design, a memorial bench for the main gallery and a Colorado Creative Industries grant for 2016 art exhibits, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$27,850 from donations in the General Fund are available for appropriation. That revenues in the amount of \$10,000 from a state grant in the General Fund are available for appropriation. Revenues in the total amount of \$37,850 are hereby appropriated to the 2015 City budget for funding of the Christo & Jeanne-Claude exhibit, architectural fees for a museum conceptual design, a memorial bench for the main gallery and a Colorado Creative Industries grant for 2016 art exhibits. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

100-52-720-0000-35305	Gifts/Donations	27,850
100-52-720-0000-32100	State Grant	10,000
Total Revenue		37,850

Appropriations

100-52-720-8004-42328	Exhibits	20,000
100-52-720-0000-43450	Professional Services	15,000
100-52-720-0000-42899	Other Supplies	2,580
Total Appropriations		37,580

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

ADOPTED this 17th day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

Ordinance # 5979

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the city Council, held on November 3, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on November 7, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on November 21, 2015.

City Clerk

Effective Date: November 17, 2015



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

AGENDA ITEM: 5
MEETING DATE: 11/17/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Brian Burson, Current Planning

TITLE:

An Ordinance Vacating A Portion Of A Public Street Right-Of-Way Within Silver Glen 1st Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

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. If not vacated, the right-of-way would remain in place, and could interfere with a development proposal currently in the review process. As part of the proposal, the lot that is currently accessed by this right-of-way is to be re-platted, with new access provided by a private access, emergency access and utility easement making the current right-of-way no longer necessary. This will alleviate City maintenance and liability responsibility for this access.
3. Refer back to staff for further development review and consideration. If referred back to staff, the re-platting and pending development of the project would be delayed.

SUMMARY:

This is a legislative action to consider adoption of an ordinance, on first reading, to vacate a short segment an unused public street right-of-way that was never constructed as a public street and provides access to only one residential lot. Pursuant to state statutes, ownership of the vacated right-of-way will be returned to the owner of the adjacent property to the south, and will be incorporated into a replat of several lots along the west edge of Silver Lake. The replacement access will be a private access, emergency access and utility easement making the current right-of-way no longer necessary.

The Planning Commission recommended approval of the vacation as part of their Consent Agenda on October 26, 2015. Since the action was taken on the Consent Agenda, the Planning Commission minutes have not been included in the attached staff memorandum.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

This is a public hearing item to consider vacation of an unused segment of the Silver Shores Drive public street right-of-way. It was originally dedicated by the plat of Silver Glen 1st Subdivision, but the street was never constructed or opened for use as a public street. The right-of-way extended south from Mugho Place to provide access to platted lots. Upon vacation, the Applicant proposes to incorporate it into the adjacent lots in Silver Glen 1st Subdivision as an initial step in a replat of several lots located along the western shoreline of Silver Lake. One existing lot in Silver Lake 9th Subdivision still needs this access, but the new easements to be dedicated on the amended plat will replace it in a manner that is fully satisfactory to the City. Transportation, Fire and utility staff support the application, with the recommended conditions.

Vacation requests are legislative actions by the City Council, The appropriate findings, along with staff analysis, are provided in Section V. of the October 26, 2015 Planning Commission staff report, and are also incorporated into the vacation ordinance. City staff fully support the vacation because, with approval and recording of the pending amended plat, the right-of-way is no longer needed and all applicable City codes and standards will be met without the right-of-way.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memorandum, dated November 17, 2015.

FIRST READING: November 17, 2015
SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET RIGHT-OF-WAY
WITHIN SILVER GLEN 1st SUBDIVISION, CITY OF LOVELAND, COUNTY OF
LARIMER, STATE OF COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a public street right-of-way located in the Silver Glen 1st Subdivision, City of Loveland, County of Larimer, Sate of Colorado; and

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

WHEREAS, the City Council finds and determines that the portion of the right-of-way or easement to be vacated is no longer necessary for the public use and convenience; and

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

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

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

Section 2. That, based on such findings, the following described portion of a shared access easement be and the same is hereby vacated:

“That portion of Silver Shores Drive Right-of-Way as platted and dedicated with the Final Plat of SILVER GLEN FIRST SUBDIVISION (according to the Final Plat thereof as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980), being situate on the Northeast Quarter of Section 12, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of said Final Plat of SILVER GLEN FIRST SUBDIVISION as bearing South 01°22’02” West; said West line also being the West line of the Northeast Quarter of said Section 12 and with all bearings contained herein relative thereto:

BEGINNING at the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; thence along said West line of said SILVER GLEN FIRST SUBDIVISION and along said West line of the Northeast Quarter of said Section 12 South 01°22’02” West 131.39 feet, more or less, to the Southwest corner of said Silver Shores Drive Right-of-Way; thence departing said West line of said SILVER GLEN

FIRST SUBDIVISION said West line of the Northeast Quarter of said Section 12 and along the Southeasterly and Easterly lines of said Silver Shores Drive Right-of-Way North 29°52'35" East 62.85 feet and again North 01°22'02" East 76.16 feet, more or less, to the Northeast corner of said Silver Shores Drive Right-of-Way; said Northeast corner also being a point on the Southerly Right-of-Way line of Mugho Place; thence departing said Easterly line of said Silver Shores Drive Right-of-Way and along said Southerly Right-of-Way line of Mugho Place North 88°37'58" West 30.00 feet, more or less, to the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; said Northwest corner also being a point on the West line of said SILVER GLEN FIRST SUBDIVISION and said West line of the Northeast Quarter of said Section 12 and the TRUE POINT OF BEGINNING.

Containing 3,113.05 Square Feet, more or less, and being subject to all easements and/or rights-of-way now in use or of record.”

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 4. That ownership of the vacated right-of-way shall vest in the current owners of record of Lot 1, Block 1, Silver Glen 1st Subdivision, City of Loveland, Larimer County, Colorado pursuant to Loveland Municipal Code Section 16.36.090 and C.R.S. §43-2-302.

Section 5. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes, only after the following condition has been satisfied: an Amended Plat of Lot 1, Block 1, Silver Glen 1st Subdivision and of Lots 1 and 2, and Outlot A, Block 1, Silver Lake 9th Subdivision is approved by the City and recorded with the Larimer County Clerk and Recorder.

ADOPTED this 1st day of December, 2015.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET RIGHT-OF-WAY WITHIN SILVER GLEN 1st SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



DEVELOPMENT SERVICES
Current Planning

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

M E M O R A N D U M

TO: City Council

FROM: Brian Burson, City Planner II, Current Planning Division

DATE: November 17, 2015

SUBJECT: Vacation of a section of unused public street right-of-way in Silver Glen 1st Subdivision

I. EXHIBITS

- A. Vicinity map
- B. Planning Commission staff report, dated October 26, 2015, including Attachments 1-8:
1. Draft ordinance for vacation of Silver Shores Drive right-of-way.
 2. Vicinity map.
 3. Applicant's Vacation request.
 4. Vacation exhibit and legal description.
 5. Silver Glen 1st Subdivision (for information only).
 6. Stephenson 2nd Subdivision (for information only).
 7. Silver Lake 9th Subdivision (for information only).
 8. Draft amended plat for portions of Silver Glen 1st Subdivision and Silver Lake 9th Subdivision (for information only).

II. KEY ISSUES

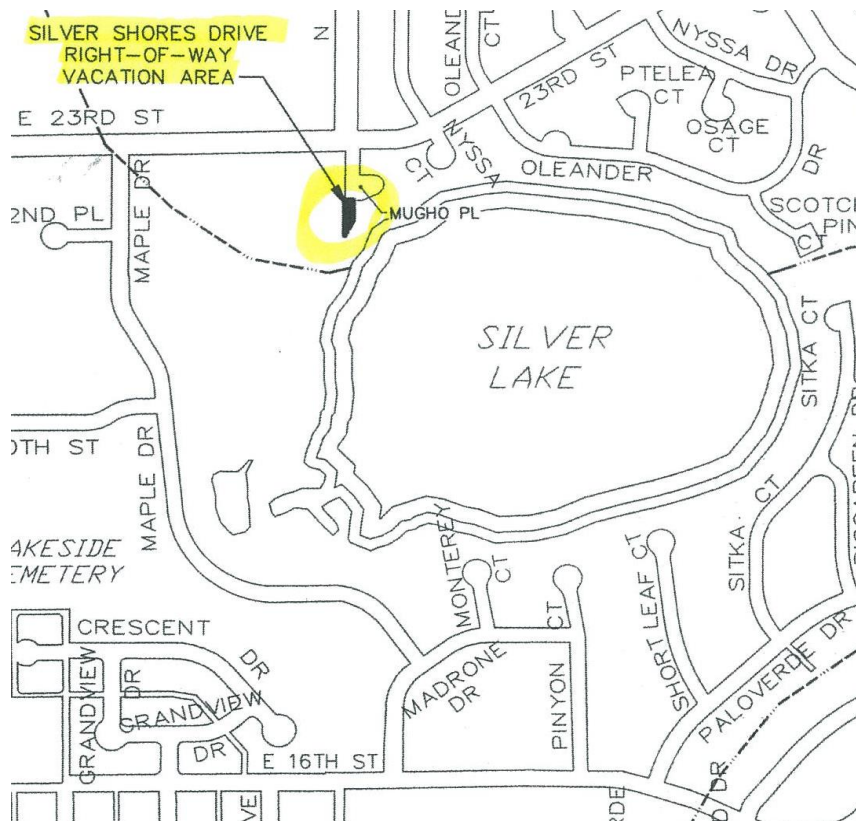
Staff believes that all key issues regarding the vacation have been resolved through the staff review process. Staff fully supports vacation of the unused right-of-way, since it is no longer needed, and because all applicable City codes and standards will be met without this right-of-way. Staff has received no inquiry or concern from adjacent property owners or the general public. The Planning

Commission recommended approval as part of their October 27, 2015 consent agenda. The item has also been placed on the City Council consent agenda.

III. SUMMARY

This is a public hearing item to consider vacation of an unused segment of the Silver Shores Drive public street right-of-way. It was originally dedicated by the plat of Silver Glen 1st Subdivision, but the street was never constructed or opened for use as a public street.

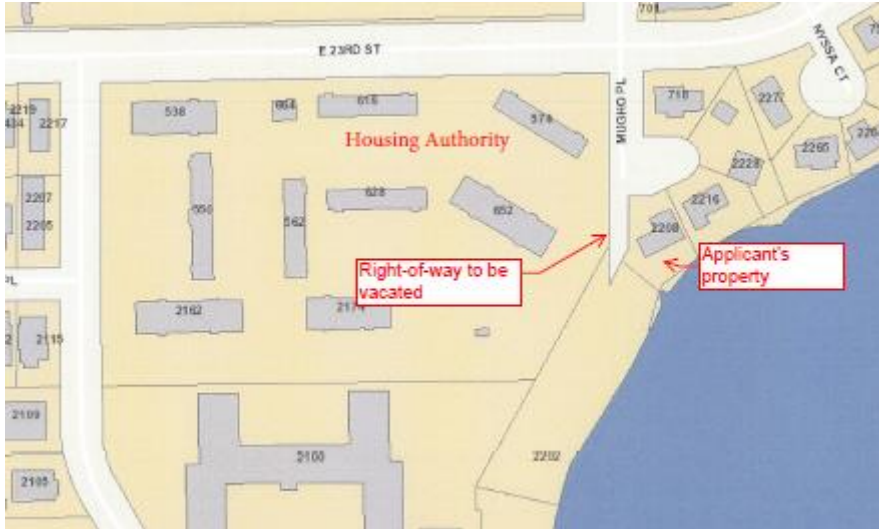
Figure No 1 - Vicinity map:



The right-of-way to be vacated extends south from Mugho Place and currently provides access only to Lot 1, Block 1, Silver Lake 9th Subdivision, aka 2202 Mugho Place. However, no development of this lot has ever been proposed, and construction of the street was never prompted.

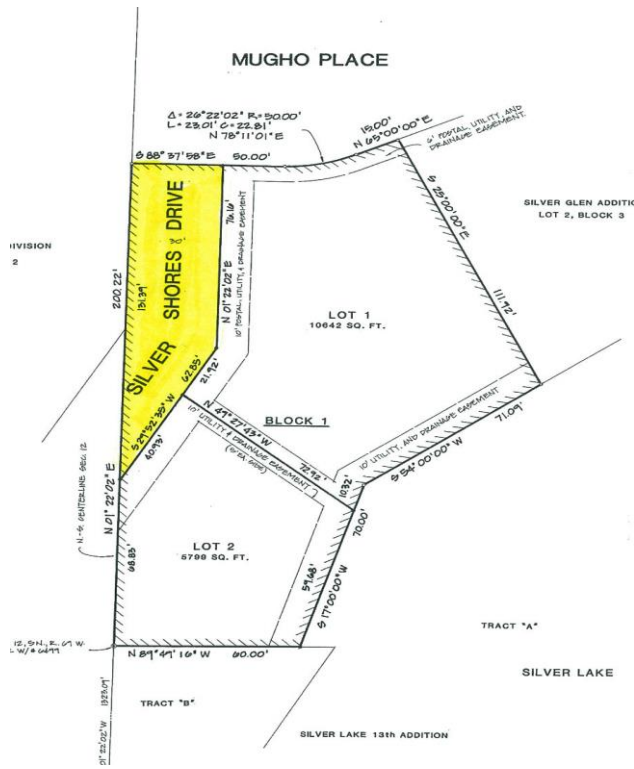
Even though the depiction of the right-of-way on the plat of Silver Glen 1st Subdivision implies that it would extend further south/southwest, there is no record indicating that the additional future street was ever dedicated or designed or to fulfill this. The property to the west is now a multi-family development for the Housing Authority, accessed from Maple Drive.

Figure No. 2 - Neighborhood context map:



Since this right-of-way was originally dedicated entirely as part of the Silver Glen 1st Subdivision, private ownership of the entire vacated area will be returned to the adjacent property owner in that subdivision, rather than being equally divided between adjacent owners on both sides of the right-of-way.

Figure No. 3 – Silver Glen 1st Subdivision:



Upon vacation of this right-of-way, the adjacent owner in Silver Glen 1st Subdivision (the Applicant) proposes to incorporate the vacated area into the adjacent lot in Silver Glen 1st Subdivision, as an initial step in replatting several of the lots along the western shoreline of Silver Lake, from Mugho Place to Maple Drive. To replace the vacated street, the amended plat will dedicate a private access easement, emergency access easement and utility easement southward from Mugho Place to the replatted lot that is not directly adjacent to Mugho Place. (See **Attachment # 8 of Exhibit B.**) In order to assure that the findings for a vacation of right-of-way can be made, the approved plat must be recorded concurrently with the vacation ordinance, as described in **Condition #1**, below.

A separate short segment of Silver Shores Drive was originally platted to provide access from Maple Drive to the southwest end of Silver Lake. This segment of Silver Shores Drive has also been vacated previously by the City in 1998 and replaced with private access easements. (See **Attachment # 6 of Exhibit B.**)

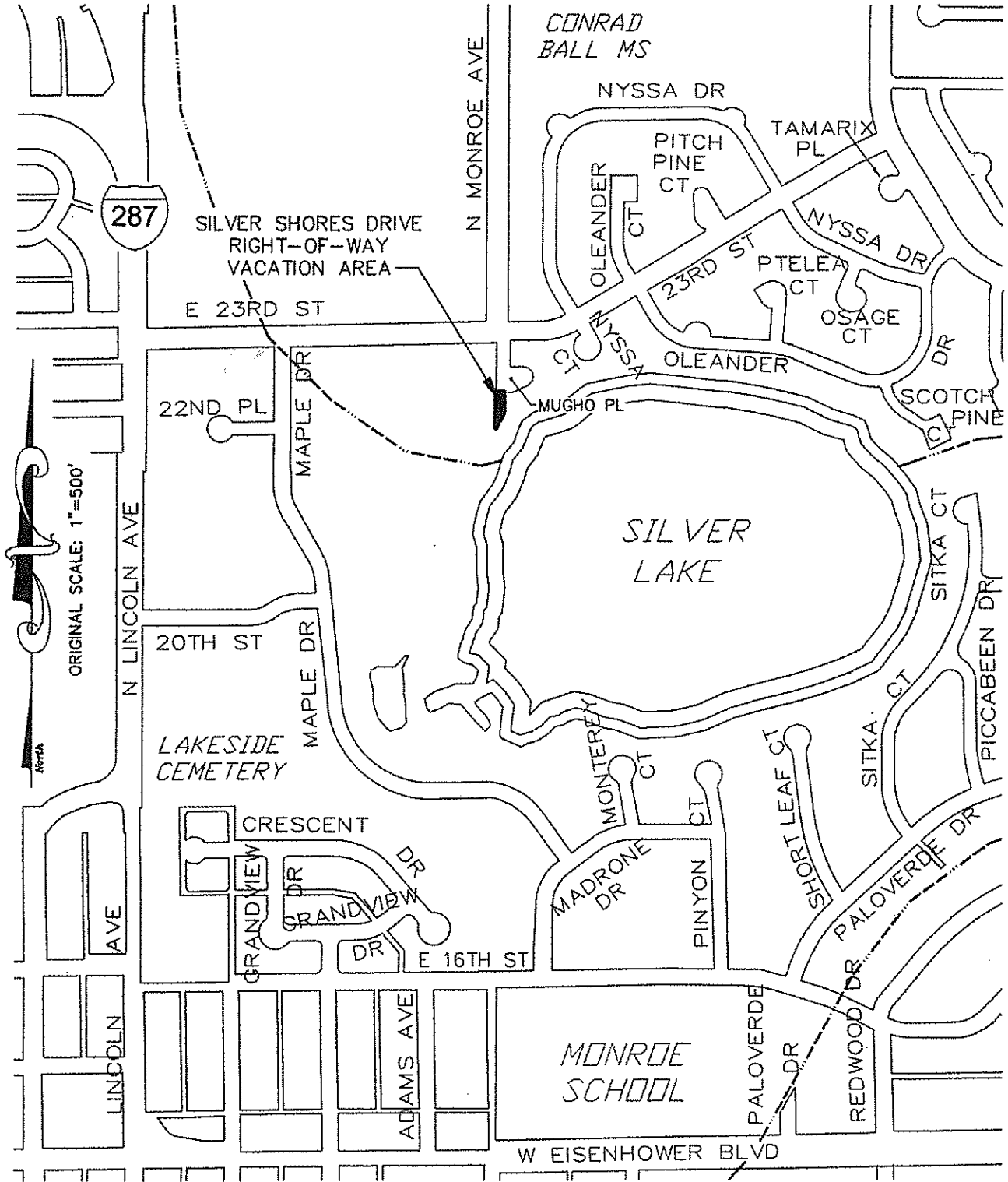
IV. CONDITIONS

The following conditions are recommended by City staff and the Planning Commission. These are included as provisions in the vacation ordinance. Adopting the ordinance will automatically implement these conditions. Condition #2 was adjusted slightly after the Planning Commission hearing to reference both existing lots that lie adjacent to the right-of-way to be vacated. Both lots are owned by the Applicant for this vacation.

1. The ordinance vacating the right-of-way for Silver Shores Drive in the Silver Glen 1st Subdivision shall not be recorded until the amended plat for portions of Silver Glen 1st Subdivision and Silver Lake 9th Subdivision, included in this staff memorandum as **Attachment #8 of Exhibit B**, has also been approved by the City and recorded.
2. The ordinance vacating the right-of-way shall vest sole ownership of the vacated right-of-way in the current record owner of Lot 1, Block 1, Silver Glen 1st Subdivision; and Lot 1, Block 1, Silver Lake 9th Subdivision.

SILVER SHORES DRIVE RIGHT-OF-WAY VACATION VICINITY MAP

BEING A PORTION OF THE PLAT OF SILVER GLEN FIRST SUBDIVISION AND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



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.

\\Hal\Prj\P-7629-Watry\Dwg\Vicinity.dwg

Project No.: P-14-7629 Drawn: RGP

EXHIBIT A



Development Services Current Planning

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

Planning Commission Staff Report October 26, 2015

Agenda #: Consent Agenda - #1

Title: Silver Shores Drive, Right-of-way Vacation

Applicant: Bill Watry

Request: Public Street Right-of-way Vacation

Location: Extending south from Mugho Place approximately 120 feet south from East 23rd Street.

Existing Zoning: R1 - Developing Low-density Residential District

Proposed Zoning: No change

Staff Planner: Brian Burson

Staff Recommendation:

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

Recommended Motion:

1. Move to make the findings listed in Section V. of this report dated October 26, 2015; and, based on those findings, recommend that the City Council adopt the ordinance to vacate the Silver Shores Drive public street right-of-way located in the Silver Glen 1st Subdivision, as described in **Attachment #1** of this staff report.

Summary of Analysis:

This is a public hearing item to consider vacation of an unused segment of the Silver Shores Drive public street right-of-way. It was originally dedicated by the plat of Silver Glen 1st Subdivision, but the street was never constructed or opened for use as a public street. The right-of-way extended south from Mugho Place to provide access to future lots. Upon vacation, the Applicant proposes to incorporate it into the adjacent lot in Silver Glen 1st Subdivision as an initial step in a replat of several lots located along the western shoreline of Silver Lake. One existing lot in Silver Lake 9th Subdivision still needs this access, but the new easements to be dedicated on the amended plat will replace it in a manner that is fully satisfactory to the City. Transportation, Fire and utility staff support the application, with the recommended conditions.

Vacation requests are legislative actions by the Planning Commission, meaning that the Planning Commission can make a reasonable determination, not limited to any adopted City codes, standards or policies. The appropriate criteria/findings, along with staff analysis, are provided in Section VI. of this staff report. Planning Commission must evaluate whether the application meets the appropriate criteria/findings and formulate a recommendation to the City Council. The City Council is scheduled to consider the application at a public hearing on November 17, 2015.

I. PROJECT DESCRIPTION:

A. Summary:

This is a public hearing item to consider vacation of an unused segment of the Silver Shores Drive public street right-of-way. It was originally dedicated by the plat of Silver Glen 1st Subdivision, but the street was never constructed or opened for use as a public street.

Figure No 1 - Vicinity map:

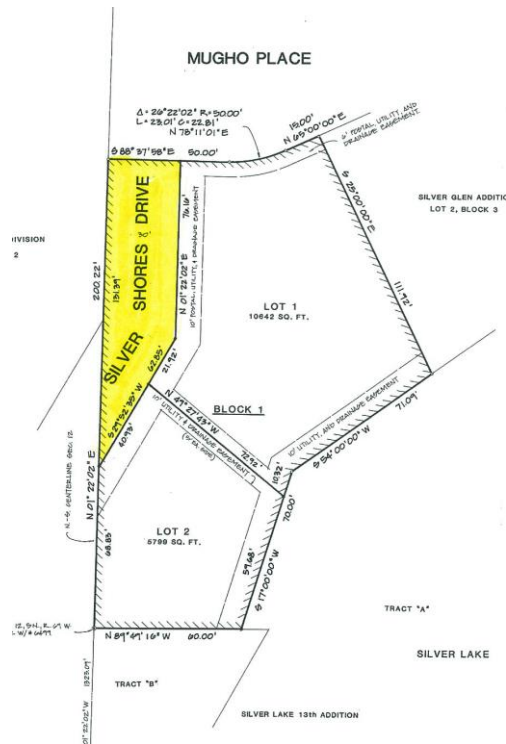


The right-of-way to be vacated extends south from Mugho Place and currently provides access only to Lot 1, Block 1, Silver Lake 9th Subdivision, aka 2202 Mugho Place. However, no development of this lot has ever been proposed, and construction of the street was never prompted. Even though the depiction of the right-of-way on the plat of Silver Glen 1st Subdivision implies that it would extend further south/southwest, there is no record indicating that the additional future street was ever dedicated or designed or to fulfill this. The property to the west is now a multi-family development for the Housing Authority, accessed from Maple Drive.

Figure No. 2 - Neighborhood context map:



Figure No. 3 – Silver Glen 1st Subdivision:



Since this right-of-way was originally dedicated entirely as part of the Silver Glen 1st Subdivision, private ownership of the entire vacated area will be returned to the adjacent property owner in that subdivision, rather than being equally divided between adjacent owners on both sides of the right-of-way. Upon vacation of this right-of-way, the adjacent owner proposes to incorporate the vacated area into the adjacent lot in Silver Glen 1st Subdivision, as an initial step in replatting several of the lots along the western shoreline of Silver Lake, from Mugho Place to Maple Drive. To replace the vacated street, the amended plat will dedicate a private access easement, emergency access easement and utility easement southward from Mugho Place to the replatted lot that is not directly adjacent to Mugho Place. (See **Attachment # 8**). In order to assure that the findings for a vacation of right-of-way can be made, the approved plat must be recorded concurrently with the vacation ordinance, as described in **Condition #1**, below.

Another short segment of Silver Shores Drive was originally platted to provide access from Maple Drive to the southwest end of Silver Lake. This southwest segment of Silver Shores Drive has also been vacated previously by the City in 1998 and replaced with private access easements.

B. Action to be taken by the Planning Commission:

Planning Commission must conduct a public hearing on the application and formulate a recommendation which will be forwarded to the City Council, to be considered as part of their subsequent public hearing, currently scheduled for November 17, 2015. Planning Commission's consideration is legislative, meaning that the Planning Commission can make a reasonable determination, not limited to any adopted City codes, standards or policies. Action on a vacation application can include conditions of approval. Therefore Planning Commission can recommend conditions for the application, which will be passed on to the City Council for the subsequent public hearing and final decision. Staff has recommended the condition in **Section IX**. of this staff report.

II. KEY ISSUES:

City staff have reviewed the application on the basis of all applicable City policies, codes and standards, including the findings necessary for approval of a public alley right-of-way vacation. Staff believes that all key issues have been resolved through the review process. No neighborhood meeting is required for the application, and none has been held.

III. ATTACHMENTS:

1. Draft ordinance for vacation of Silver Shores Drive right-of-way.
2. Vicinity map.
3. Applicant's Vacation request.
4. Vacation exhibit and legal description.
5. Silver Glen 1st Subdivision (for information only).
6. Stephenson 2nd Subdivision (for information only).
7. Silver Lake 9th Subdivision (for information only).

8. Draft amended plat for portions of Silver Glen 1st Subdivision and Silver Lake 9th Subdivision (for information only).

IV. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION:

- A. Notification:** An affidavit was received from Rob Persichitte of Intermill Surveying, certifying that on October 9, 2015, written notice was mailed to all owners of property abutting the right-of-way to be vacated; and a sign was posted in a prominent location on the edge of the right-of-way at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on October 10, 2015. All notices stated that the Planning Commission would hold a public hearing on October 26, 2015.
- B. Neighborhood Response:** No neighborhood meeting is required for this application, and none has been held. Since establishing the public notices, staff has received no inquiries or concerns from the neighborhood or general public.

V. FINDINGS AND ANALYSIS:

In reviewing the application, the Planning Commission must determine if the findings specified in the Municipal Code can be met. These findings are listed in italicized font below, along with a summary analysis provided by City staff. If, based on the submitted application, the Planning Commission determines that the findings can be met, the Planning Commission may recommend approval of the vacation application. If the Planning Commission determines that the findings cannot be met, the Planning Commission must make different findings and recommend disapproval of the vacation application.

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

PW-Transportation: Access for Lot 1, Block 1, Silver Lake 9th Subdivision is currently provided by the Silver Shores Drive right-of-way. With the proposed amended plat, this right-of-way will be replaced by a private access easement which will continue to assure access to the public street system for the affected lot. Therefore, vacation of the right-of-way for Silver Shores Drive will not leave any property without access to the public street network. **Staff believes that this finding can be met.**

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

PW-Transportation: Access to Lot 1, Block 1, Silver Lake 9th Subdivision is currently provided by the Silver Shores Drive right-of-way. With the proposed amended plat, this right-of-way will be replaced by a private access easement which will continue to assure access to the public street system for the affected lot. Therefore the right-of-way is no longer needed for the public use and convenience. **Staff believes that this finding can be met.**

Fire: Access to Lot 1, Block 1, Silver Lake 9th Subdivision is currently provided by the Silver Shores Drive right-of-way. With the proposed amended plat, this right-of-way will be replaced by an emergency access easement which will continue to assure emergency access to the affected lots, and assure that the properties will still comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company. Therefore, the right-of-way for Silver Shores Drive in Silver Gen 1st Subdivision is no longer needed for the public use and convenience. **Staff believes that this finding can be met.**

Water/Wastewater: The affected properties are within the City's current service area for both water and wastewater. Currently, there are no existing water or wastewater mains or appurtenances in the right-of-way; however, future utility services would normally be installed in this right-of-way. With the proposed amended plat, this right-of-way will be replaced by a public utility easement which will assure that water and wastewater service can be provided to the affected lot. Therefore the right-of-way is no longer needed for the public use and convenience. **Staff believes that this finding can be met.**

PW-Stormwater: The existing street right-of-way is being used to convey Stormwater runoff through an existing underground storm sewer pipe. With the proposed amended plat, this right-of-way will be replaced by a public utility easement which will assure that necessary Stormwater services and facilities can be provided. Therefore the right-of-way is no longer needed for the public use and convenience for stormwater purposes. **Staff believes that this finding can be met.**

Power: Currently, there are no electric facilities located in the right-of-way to be vacated. With the proposed amended plat, this right-of-way will be replaced by a public utility easement which will assure that electric service can be provided to the affected lot. Therefore the right-of-way is no longer needed for the public use and convenience. **Staff believes that this finding can be met.**

VI. RECOMMENDED CONDITIONS:

City staff recommends the following conditions for vacation of Silver Shores Drive. These conditions are incorporated into the recommended ordinance included in this staff report as **Attachment #1**.

1. The ordinance vacating the right-of-way for Silver Shores Drive in the Silver Glen 1st Subdivision shall not be recorded until the amended plat for portions of Silver Glen 1st Subdivision and Silver Lake 9th Subdivision, included in this staff report as **Attachment #8**, has also been approved by the City and recorded.
2. Upon recordation of the ordinance vacating the right-of-way, sole ownership of the vacated right-of-way shall vest in the current owners of record of Lot 1, Block 1, Silver Glen 1st Subdivision.

FIRST READING: November 17, 2015
SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET RIGHT-OF-WAY
WITHIN SILVER GLEN 1st SUBDIVISION, CITY OF LOVELAND, COUNTY OF
LARIMER, STATE OF COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a public street right-of-way located in the Silver Glen 1st Subdivision, City of Loveland, County of Larimer, Sate of Colorado; and

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

WHEREAS, the City Council finds and determines that the portion of the right-of-way or easement to be vacated is no longer necessary for the public use and convenience; and

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

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

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

Section 2. That, based on such findings, the following described portion of a shared access easement be and the same is hereby vacated:

“That portion of Silver Shores Drive Right-of-Way as platted and dedicated with the Final Plat of SILVER GLEN FIRST SUBDIVISION (according to the Final Plat thereof as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980), being situate on the Northeast Quarter of Section 12, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of said Final Plat of SILVER GLEN FIRST SUBDIVISION as bearing South 01°22’02” West; said West line also being the West line of the Northeast Quarter of said Section 12 and with all bearings contained herein relative thereto:

BEGINNING at the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; thence along said West line of said SILVER GLEN FIRST SUBDIVISION and along said West line of the Northeast Quarter of said Section 12 South 01°22’02” West 131.39 feet, more or less, to the Southwest corner of said Silver Shores Drive Right-of-Way; thence departing said West line of said SILVER GLEN

FIRST SUBDIVISION said West line of the Northeast Quarter of said Section 12 and along the Southeasterly and Easterly lines of said Silver Shores Drive Right-of-Way North 29°52'35" East 62.85 feet and again North 01°22'02" East 76.16 feet, more or less, to the Northeast corner of said Silver Shores Drive Right-of-Way; said Northeast corner also being a point on the Southerly Right-of-Way line of Mugho Place; thence departing said Easterly line of said Silver Shores Drive Right-of-Way and along said Southerly Right-of-Way line of Mugho Place North 88°37'58" West 30.00 feet, more or less, to the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; said Northwest corner also being a point on the West line of said SILVER GLEN FIRST SUBDIVISION and said West line of the Northeast Quarter of said Section 12 and the TRUE POINT OF BEGINNING.

Containing 3,113.05 Square Feet, more or less, and being subject to all easements and/or rights-of-way now in use or of record.”

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 4. That ownership of the vacated right-of-way shall vest in the current owners of record of Lot 1, Block 1, Silver Glen 1st Subdivision, City of Loveland, Larimer County, Colorado pursuant to Loveland Municipal Code Section 16.36.090 and C.R.S. §43-2-302.

Section 5. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes, only after the following condition has been satisfied: an Amended Plat of Lot 1, Block 1, Silver Glen 1st Subdivision and of Lots 1 and 2, and Outlot A, Block 1, Silver Lake 9th Subdivision is approved by the City and recorded with the Larimer County Clerk and Recorder.

ADOPTED this ____ day of November 17, 2015.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

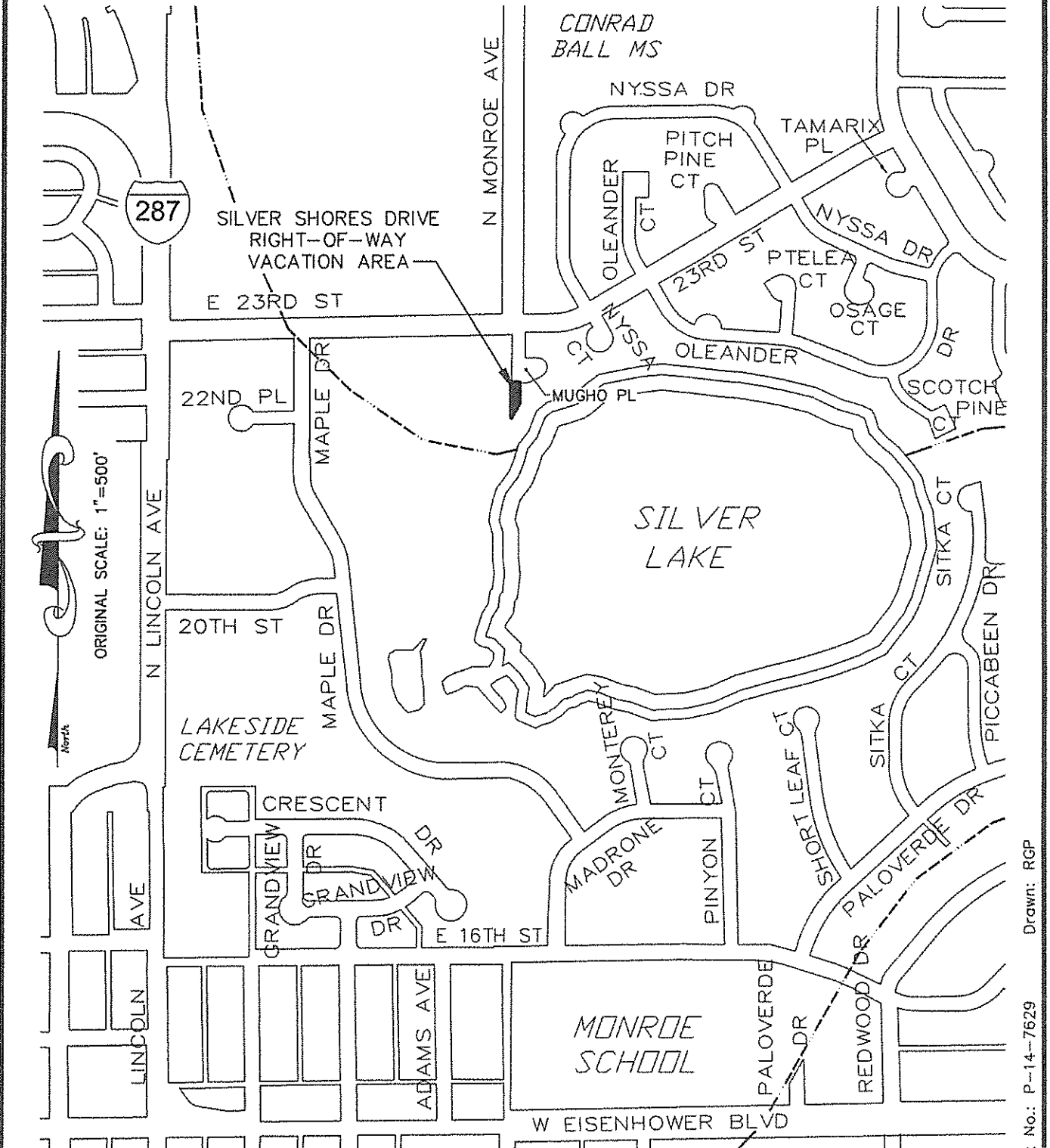
APPROVED AS TO FORM:

—

Assistant City Attorney

SILVER SHORES DRIVE RIGHT-OF-WAY VACATION VICINITY MAP

BEING A PORTION OF THE PLAT OF SILVER GLEN FIRST SUBDIVISION AND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



Project No.: P-14-7629 Drawn: RGP

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.

\\Hal\Prj\P-7629-Watry\Dwg\Vicinity.dwg

Intermill Land Surveying



1301 N. Cleveland Ave.
 Loveland, Colorado 80537

 (970) 669-0516
 Fax: (970) 635-9775
 E-mail: intermill@qwestoffice.net



P-14-7629

February 27, 2015

SILVER SHORES RIGHT-OF-WAY VACATION VACATION REQUEST

This letter is being prepared on behalf of William and Linda Watry, property owners adjacent to the Silver Shores Drive Right-of-Way as platted and dedicated to the public with the Final Plat of Silver Glen First Subdivision to the City of Loveland, County of Larimer, State of Colorado. The Watry's are requesting to vacate the Silver Shores Drive Right-of-Way and incorporate into an Amended Plat for Boundary Line Adjustment.

The Silver Shores Drive Right-of-Way was platted and dedicated to the public with the Final Plat of Silver Glen First Subdivision in 1985 and has never been opened as a public street, yet has been utilized and maintained by the Watry's to access property they own in Silver Lake Ninth Subdivision to the City of Loveland, County of Larimer, State of Colorado. A Access Easement over and across a portion of the vacated Silver Shores Drive Right-of-Way will be dedicated with the Amended Plat for Boundary Line Adjustment to allow for access to the Watry properties located in Silver Lake Ninth Subdivision along with access for the Silver Lake Homeowners Association to access Silver Lake for maintenance reasons . An easement for any existing utilities may also be preserved within the area proposed for vacation, should this be the case and desired by the City of Loveland. The easement locations shall be further discussed upon review of this Vacation Request and also during the review of the proposed Amended Plat for Boundary Line Adjustment.

Prepared On Behalf Of:
 William E Watry
 Linda L. Watry
 2208 Mugho Place
 Loveland, Colorado 80538

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

Intermill Land Surveying



1301 N. Cleveland Ave.
 Loveland, Colorado 80537

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Fax: (970) 635-9775

E-mail: intermill@qwestoffice.net



P-14-7629

July 15, 2015

EXHIBIT 'A'

PROPERTY DESCRIPTION FOR RIGHT-OF-WAY VACATION PURPOSES (SILVER SHORES DRIVE)

That portion of Silver Shores Drive Right-of-Way as platted and dedicated with the Final Plat of SILVER GLEN FIRST SUBDIVISION (according to the Final Plat thereof as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980), being situate on the Northeast Quarter of Section 12, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of said Final Plat of SILVER GLEN FIRST SUBDIVISION as bearing South 01°22'02" West; said West line also being the West line of the Northeast Quarter of said Section 12 and with all bearings contained herein relative thereto:

BEGINNING at the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; thence along said West line of said SILVER GLEN FIRST SUBDIVISION and along said West line of the Northeast Quarter of said Section 12 South 01°22'02" West 131.39 feet, more or less, to the Southwest corner of said Silver Shores Drive Right-of-Way; thence departing said West line of said SILVER GLEN FIRST SUBDIVISION said West line of the Northeast Quarter of said Section 12 and along the Southeasterly and Easterly lines of said Silver Shores Drive Right-of-Way North 29°52'35" East 62.85 feet and again North 01°22'02" East 76.16 feet, more or less, to the Northeast corner of said Silver Shores Drive Right-of-Way; said Northeast corner also being a point on the Southerly Right-of-Way line of Mugho Place; thence departing said Easterly line of said Silver Shores Drive Right-of-Way and along said Southerly Right-of-Way line of Mugho Place North 88°37'58" West 30.00 feet, more or less, to the Northwest corner of said Final Plat of SILVER GLEN FIRST SUBDIVISION; said Northwest corner also being a point on the West line of said SILVER GLEN FIRST SUBDIVISION and said West line of the Northeast Quarter of said Section 12 and the TRUE POINT OF BEGINNING.

Containing 3,113.05 Square Feet, more or less, and being subject to all easements and/or rights-of-way now in use or of record.

PREPARED BY AND ON BEHALF OF:
 INTERMILL LAND SURVEYING, INC.
 1301 North Cleveland Avenue
 Loveland, Colorado 80537
 P: 970-669-0516
 F: 970-635-9775
 E: intermill@qwestoffice.net
 Robert George Persichitte
 Colorado PLS No. 34174

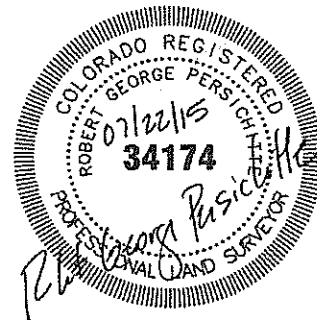
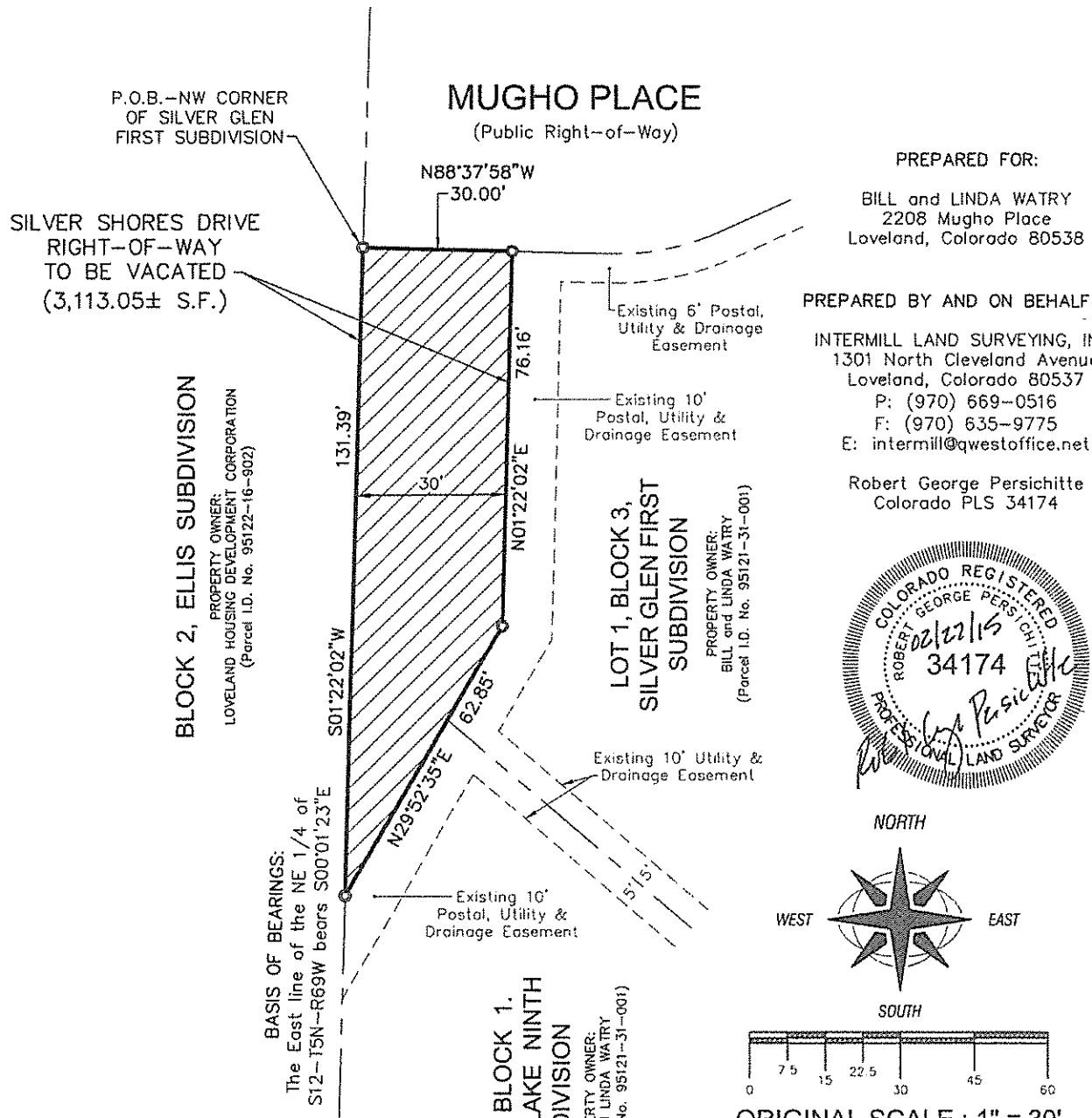


EXHIBIT 'B' SILVER SHORES DRIVE RIGHT-OF-WAY VACATION EXHIBIT MAP

BEING A PORTION OF THE PLAT OF SILVER GLEN FIRST SUBDIVISION AND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



NOTE: THIS DRAWING DOES NOT REPRESENT MONUMENTED FIELD SURVEY OF THE SUBJECT PROPERTY FOR THE SILVER SHORES DRIVE RIGHT-OF-WAY VACATION AREA. IT IS INTENDED TO ONLY DEPICT THE SUBJECT PROPERTY DESCRIPTION FOR THE SILVER SHORES DRIVE RIGHT-OF-WAY VACATION AREA.

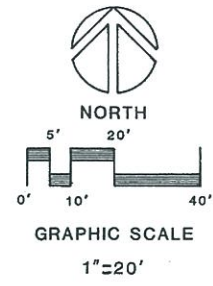
Date of Initial Preparation: January 14, 2015

STATEMENT OF LINEAR UNITS USED:
Linear Units Used for this survey - U.S. Survey Feet
Project No.: P-14-7629 Drawn: RGP

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

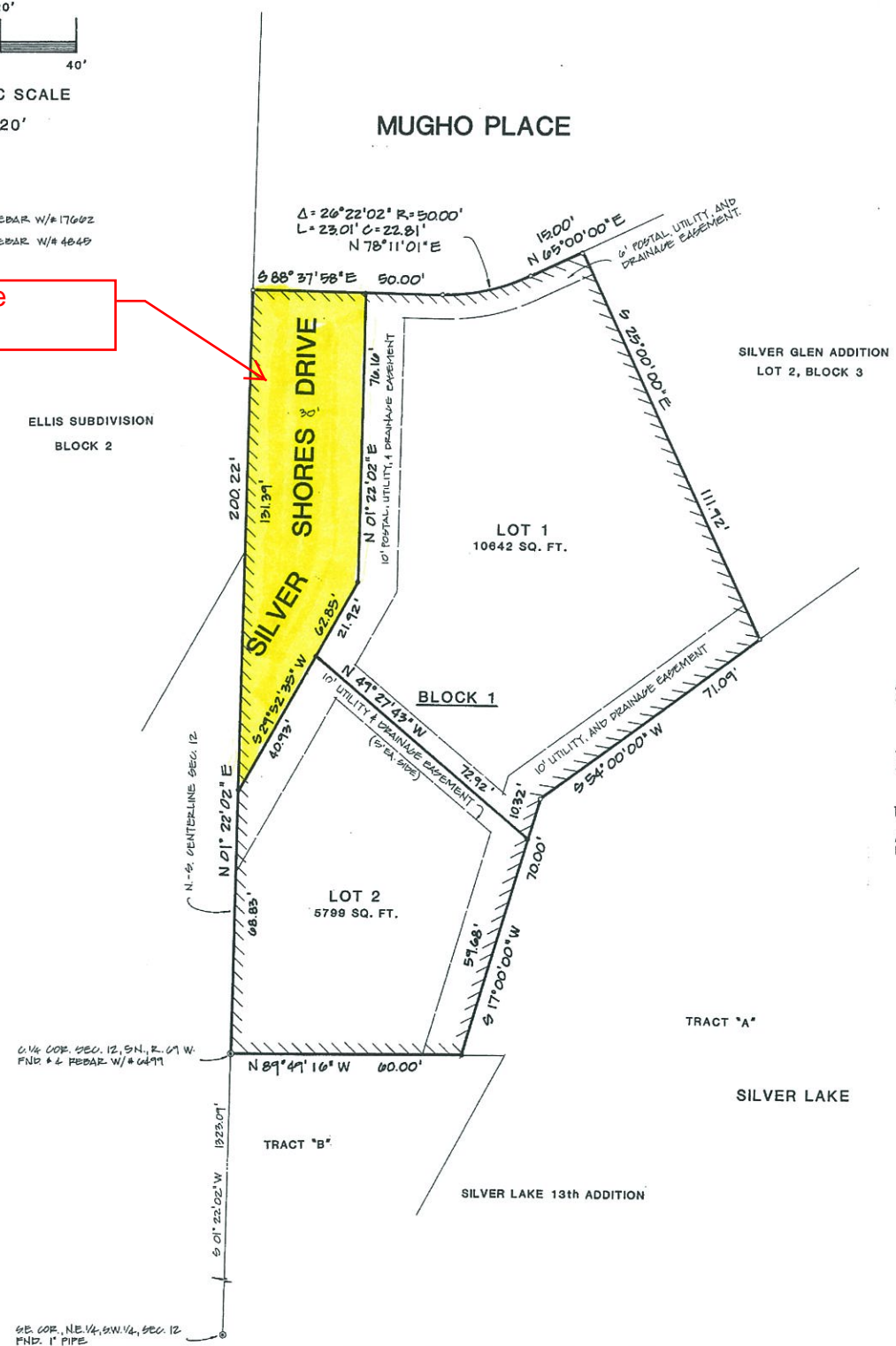
SILVER GLEN FIRST SUBDIVISION

BEING A REPLAT OF LOT 1, BLOCK 3, AND OUTLOT "A" OF SILVER GLEN ADDITION TO THE CITY OF LOVELAND, COLORADO.



• SET # 4 REBAR W/ #17602
• FND # 4 REBAR W/ # 4049

ROW to be vacated



NOTES

- The developer agrees to participate in providing drainage plans and improvements and payment of a unit drainage fee as may be required by the City for the area.
- Elevations of foundation and the lot grades shall be designed to provide for adequate surface water removal.
- Any existing utilities that must be redesigned, rearranged, relocated, upgraded or extended will be done at the developer's expense unless otherwise agreed upon by the utility in questions.
- No building permits may be issued until all public improvements have been completed and approved by the City of Loveland, or a satisfactory guarantee has been made to the City of Loveland, for all incomplete public improvements as per the Municipal Code 16.40.
- Public improvements shall be designed and approved prior to the development of this subdivision. . . public improvements pertaining to streets, water, wastewater, drainage report, master grading plan.

KNOW ALL MEN BY THESE PRESENTS that the under-signed, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, located in Section 12, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Lot 1, Block 3, and Outlot "A" of Silver Glen Addition to the City of Loveland, County of Larimer, State of Colorado

do hereby subdivide the same into lots, blocks, recreation areas, passageways, streets, future streets, utility and other easements as shown on this map, and do hereby designate and dedicate all such recreation areas, parks, passageways, streets, future streets and easement other than utility easements, to and for public use, all such utility easements to and for public use for the installation and maintenance of utility, irrigation, and drainage facilities and do hereby designate the same as **SILVER GLEN FIRST SUBDIVISION** to the City of Loveland, County of Larimer, State of Colorado.

All expenses involving necessary improvements for a water system, sanitary sewer system, storm sewer system, curb and gutter, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric service, grading and landscaping shall be paid by D. R. Pulliam.

D. R. Pulliam
STATE OF COLORADO, }
COUNTY OF LARIMER, } ss.
The foregoing agreement was acknowledged before me this 10th day of May, 1985, by D. R. Pulliam.
Witness my hand and official seal.
My commission expires _____
Notary Public
Address _____

Richard L. Coulson
STATE OF COLORADO, }
COUNTY OF LARIMER, } ss.
The foregoing agreement was acknowledged before me this 10th day of May, 1985, by Richard Coulson and Clinton H. Coulson.
Witness my hand and official seal.
My commission expires February 26, 1986.
Notary Public
Address _____

APPROVED this 11th day of June, 1985, by the City Engineer of the City of Loveland, Colorado.
City Engineer
This Plat is approved and all public areas dedicated to the public are accepted this 4th day of June, 1985, by the City Council of the City of Loveland, Colorado.
Mayor
Attest
APPROVED this 11th day of June, 1985, by the Chief Planner of the City of Loveland, Colorado.
Chief Planner

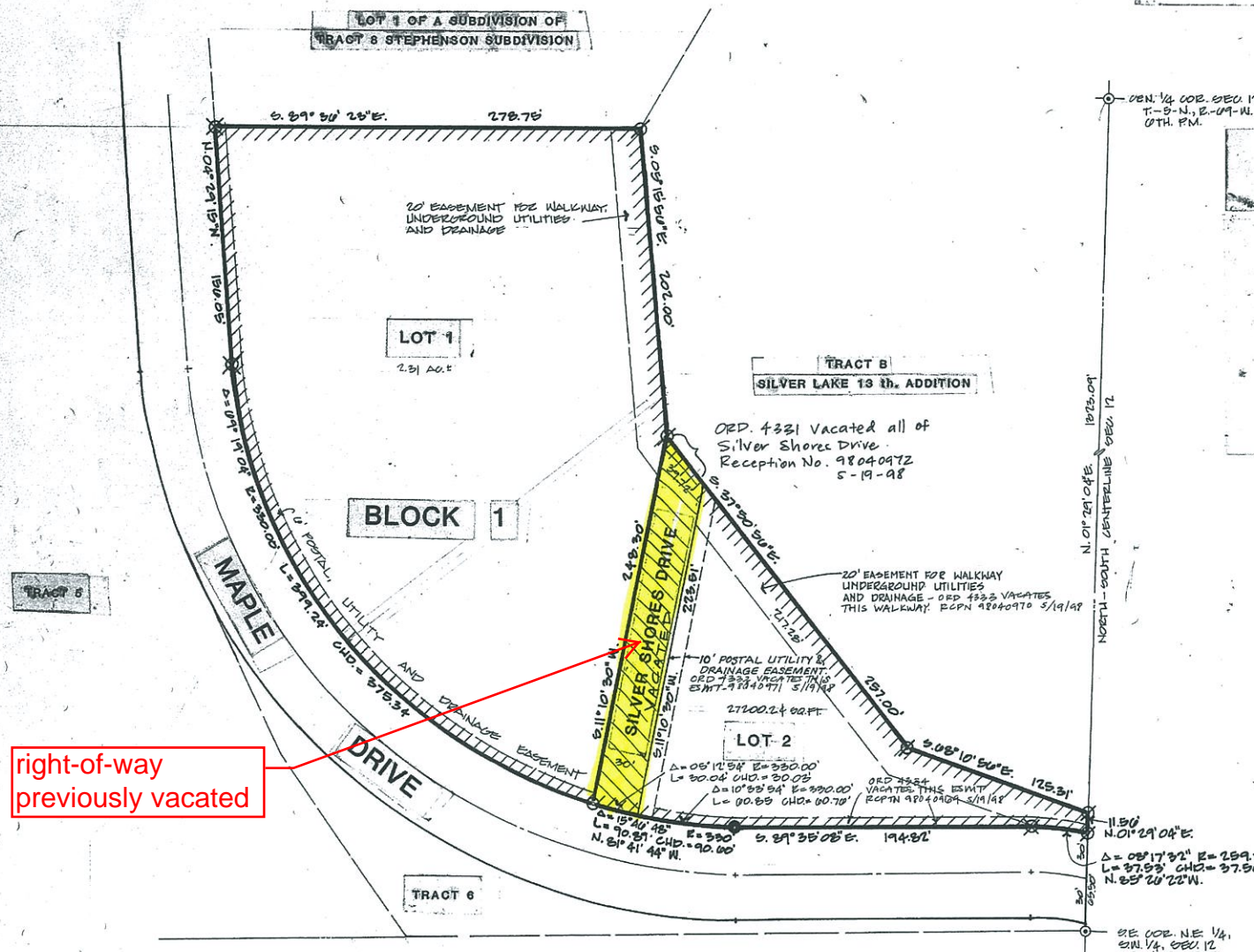


SURVEYOR'S CERTIFICATE
David M. Poeschl, being first duly sworn on his oath, deposes and says: that he is a Registered Land Surveyor under the Laws of the State of Colorado; that the survey of **SILVER GLEN FIRST SUBDIVISION** to the City of Loveland, County of Larimer, State of Colorado was made by him or under his supervision, that the survey is accurately represented on this map, and that the statements contained thereon were read by him and the same are true of his own knowledge.
David M. Poeschl, Colorado L.S. #17662

STATE OF COLORADO, }
COUNTY OF LARIMER, } ss.
The foregoing instrument was subscribed and sworn to before me this 10th day of May, 1985 by David M. Poeschl.
Witness my hand and official seal.
My commission expires 10-25-86.
Notary Public
Address _____

DATE	REV.	RECORD OF ISSUE	BY	CK.	APP.	DESIGNED:	Kruback Engineering Associates, inc. "Engineers with Construction Experience" 903 CLEVELAND AVENUE, LOVELAND, COLORADO 80537 LOVELAND FT. COLLINS (303) 667-8010 (303) 493-8010	CLIENT:	PROJECT TITLE:	PROJECT NO:
						DRAWN: PEP		D.R. PULLIAM	SILVER SHORES P.U.D.	4461
						CHECKED: DMF				DRAWING NO:
						APPROVED: DMF				REVISION NO:
						DATE: MAY 10, 1985				1 SHEET OF 1
						FIELD BOOK:	KRUBACK ENGINEERING ASSOCIATES, INC. Consulting Engineers and Professional Construction Managers CIVIL / STRUCTURAL ENGINEERING, GEOTECHNICAL AND FOUNDATION ENGINEERS, DAMS AND RESERVOIRS, LAND AND MUNICIPAL PLANNING, LAND AND CONSTRUCTION SURVEYS, SOILS / CONCRETE / ASPHALT TESTING AND FIELD INSPECTION	SHEET TITLE: REPLAT OF LOT 1, BLOCK 3 AND OUTLOT "A" OF SILVER GLEN ADDITION TO THE CITY OF LOVELAND, COLORADO.		

STEPHENSON SECOND SUBDIVISION
BEING A REPLAT OF TRACT 7 AND A SUBDIVISION OF TRACT 8
OF STEPHENSON SUBDIVISION TO THE CITY OF LOVELAND,
COUNTY OF LARIMER STATE OF COLORADO



right-of-way
previously vacated

APPROVED this 28 day of January, 1987 by the City Engineer of the City of Loveland, Colorado.

This plat is approved and all public areas dedicated to the public are accepted this 30 day of January, 1987, by the City Council of the City of Loveland, Colorado.

Mayor _____ Attest _____

APPROVED this 29 day of January, 1987 by the Chief Planner of the City of Loveland, Colorado.

Chief Planner _____

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways located in Section 12, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Tract 7 of Stephenson Subdivision and Lot 2, Block 1 of the Replat of Tract 8 of Stephenson Subdivision to the City of Loveland, County of Larimer, State of Colorado

do hereby subdivide the same into lots, blocks, recreation areas, passageways, streets, future streets, utility and other easements as shown on this map, and do hereby designate and dedicate all such recreation areas, parks, passageways, streets, future streets and easements other than utility easements, to and for public use, all such utility easements to and for public use for the installation and maintenance of utility, irrigation, and drainage facilities and do hereby designate the same as STEPHENSON SECOND SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado.

All expenses involving necessary improvements for a water system, sanitary sewer system, storm sewer system, curb and gutter, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric service, grading and landscaping shall be paid by Dick Johnston.

Dick Johnston
 STATE OF COLORADO, }
 COUNTY OF LARIMER, } ss.

The foregoing instrument was acknowledged before me this 28 day of January, 1987, by Dick Johnston.
 Witness my hand and official seal.
 My commission expires 10-25-88.

Notary Public

 Address _____

LOVELAND HOUSING AUTHORITY OF CITY OF LOVELAND

 Sam Betters, President
 STATE OF COLORADO, }
 COUNTY OF LARIMER, } ss.

The foregoing instrument was acknowledged before me this 28 day of January, 1987, by Sam Betters as President of Loveland Housing Authority of City of Loveland.
 Witness my hand and official seal.
 My commission expires 10-25-88.

Notary Public

 Address _____

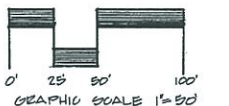
SURVEYOR'S CERTIFICATE
 David M. Poeschl, being first duly sworn on his oath, deposes and says: that he is a Registered Land Surveyor under the laws of the State of Colorado; that the survey of Stephenson Second Subdivision to the City of Loveland, County of Larimer, State of Colorado was made by him or under his supervision, that the survey is accurately represented on this map and that the statements contained thereon were read by him and he knows they are true of his own knowledge.

STATE OF COLORADO, }
 COUNTY OF LARIMER, } ss.

The foregoing instrument was subscribed and sworn to before me this 28 day of January, 1987, by David M. Poeschl.
 Witness my hand and official seal.
 My commission expires 10-25-88.

Notary Public

 Address _____



- ⊗ - FOUND # 4 REBAR W/# 11989
- ⊙ - FOUND 3/4" PIPE W/# 4112
- ⊖ - SET # 4 REBAR W/# 17662
- - FOUND # 4 REBAR W/# 4112

NOTE: ALL PUBLIC IMPROVEMENTS TO BE DESIGNED AND APPROVED BY THE CITY ENGINEER PRIOR TO DEVELOPMENT.

<table border="1"> <thead> <tr> <th>DATE</th> <th>REV.</th> <th>RECORD OF ISSUE</th> <th>BY</th> <th>CK.</th> <th>APP.</th> </tr> </thead> <tbody> <tr> <td>1-28-87</td> <td></td> <td>REBAR DEDICATION STATEMENTS FOR CITY</td> <td>EP</td> <td></td> <td></td> </tr> </tbody> </table>	DATE	REV.	RECORD OF ISSUE	BY	CK.	APP.	1-28-87		REBAR DEDICATION STATEMENTS FOR CITY	EP			DESIGNED: _____ DRAWN: EW CHECKED: _____ APPROVED: _____ DATE: 8-21-85 FIELD BOOK: _____ SCALE: 1"=50'	Kruback Engineering Associates, inc. "Engineers with Construction Experience" 903 CLEVELAND AVENUE, LOVELAND, COLORADO 80637 LOVELAND FT. COLLINS (303) 667-8010 (303) 493-8010	CLIENT: DICK JOHNSTON	PROJECT TITLE: SILVER SHORES P.U.D.	PROJECT NO: 4914 DRAWING NO: REVISION NO: SHEET 1 OF 1
DATE	REV.	RECORD OF ISSUE	BY	CK.	APP.												
1-28-87		REBAR DEDICATION STATEMENTS FOR CITY	EP														

SILVER LAKE NINTH SUBDIVISION

A SUBDIVISION OF LOT 2 BLOCK 1 AND SILVER SHORES DRIVE, SILVER GLEN FIRST SUBDIVISION, LOT 2 BLOCK 1 STEPHENSON SECOND SUBDIVISION AND TRACT 'B' SILVER LAKE 13TH ADDITION ALL TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

I, Lynn A. Hammond, an attorney licensed to practice law in the State of Colorado, certify that I have examined the title to the above described land dedicated to the City of Loveland, Colorado, and that the parties executing the dedication are the owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances.

So sworn this 20 day of OCTOBER, 1998

Attorney at Law

This map was filed for record in the office of the Clerk and Recorder at _____ o'clock _____ M., 1998, and is duly recorded in Book _____ at Page No. _____ or at Reception No. _____

Clerk and Recorder, County of Larimer, State of Colorado

By _____ Deputy

Chairman

APPROVED this 26th day of October, 1998, by the Current Planning Manager of the City of Loveland, Colorado

APPROVED this 29th day of October, 1998, by the City Engineer of the City of Loveland, Colorado

SURVEYOR'S STATEMENT
I, M. Byron Short, being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of SILVER LAKE NINTH SUBDIVISION was made by me or under my supervision and that the survey is accurately represented on this map and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this 5th day of October, 1998

STATE OF COLORADO
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 5th day of October, 1998, by M. Byron Short

Witness my hand and official seal.
My Commission expires 4/27/2001

Karen Kittel
Notary Public



KNOW ALL PERSONS BY THESE PRESENTS that M. Stephen McMillan and Housing Authority of the City of Loveland, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, which property is located in Section 12, Township 5 North, Range 69 West of the 6th P.M., containing 5.7 acres more or less, being more particularly described as follows:

Lot 2 Block 1 SILVER GLEN FIRST SUBDIVISION, Lot 2 Block 1 STEPHENSON SECOND SUBDIVISION and Tract "B" SILVER LAKE THIRTEENTH ADDITION all to the City of Loveland, County of Larimer, State of Colorado.

Do hereby subdivide the same into lots, blocks, tracts, outlets, rights-of-way, and easements, as shown on this plat; and do hereby designate and dedicate: (1) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (2) all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as SILVER LAKE NINTH SUBDIVISION to the City of Loveland, Colorado.

All expenses involving necessary improvements for water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric system, grading and landscaping shall be paid by the developer.

M. Stephen McMillan
M. Stephen McMillan

STATE OF COLORADO
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 30th day of October, 1998, by M. Stephen McMillan

Witness my hand and official seal.
My Commission expires 8-31-2000

James A. Clayton
Notary Public



HOUSING AUTHORITY OF THE CITY OF LOVELAND

Samuel G. Betters
Secretary

STATE OF COLORADO
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 12th day of October, 1998, by Samuel G. Betters, Secretary, Housing Authority of the City of Loveland

Witness my hand and official seal.
My Commission expires 1-10-01

Suzanne M. Schmidt
Notary Public



This plat is approved by the Director of Community Services of the City of Loveland, Larimer County, Colorado, this 30th day of October, 1998, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown hereon, which are accepted; subject to the provision that approval in no way obligates the City of Loveland, for the financing or constructing of improvements on land, streets or easements dedicated to the public except as specifically agreed to by the Director of Community Services.

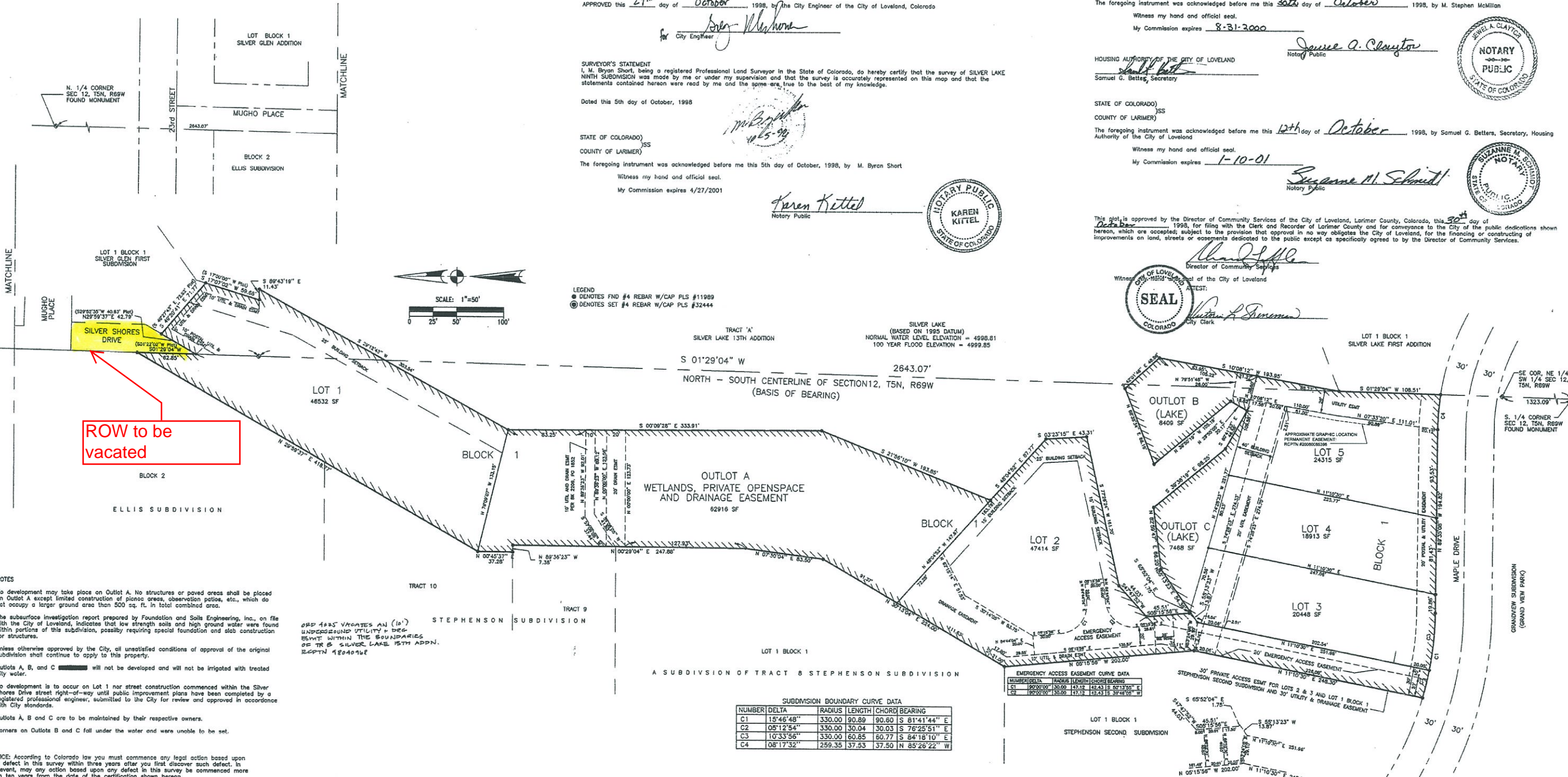
William J. Dorman
Director of Community Services

Witness my hand and official seal of the City of Loveland

SEAL



William J. Dorman
City Clerk



LEGEND
● DENOTES FND #4 REBAR W/CAP PLS #11989
○ DENOTES SET #4 REBAR W/CAP PLS #32444

SILVER LAKE
(BASED ON 1995 DATUM)
NORMAL WATER LEVEL ELEVATION = 4998.81
100 YEAR FLOOD ELEVATION = 4999.85

TRACT 'A'
SILVER LAKE 13TH ADDITION
S 01'29'04" W 2643.07'
NORTH - SOUTH CENTERLINE OF SECTION 12, T5N, R69W
(BASIS OF BEARING)

NUMBER	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	15'46'48"	330.00	90.89	90.60	S 81°41'44" E
C2	05'12'54"	330.00	30.04	30.03	S 76°25'51" E
C3	10'33'56"	330.00	60.85	60.77	S 84°18'10" E
C4	08'17'32"	259.35	37.53	37.50	N 85°26'22" W

NOTES

No development may take place on Outlot A. No structures or paved areas shall be placed on Outlot A except limited construction of picnic areas, observation patios, etc., which do not occupy a larger ground area than 500 sq. ft. in total combined area.

The subsurface investigation report prepared by Foundation and Soils Engineering, Inc., on file with the City of Loveland, indicates that low strength soils and high ground water were found within portions of this subdivision, possibly requiring special foundation and slab construction for structures.

Unless otherwise approved by the City, all unmet conditions of approval of the original subdivision shall continue to apply to this property.

Outlots A, B, and C will not be developed and will not be irrigated with treated City water.

No development is to occur on Lot 1 nor street construction commenced within the Silver Shores Drive street right-of-way until public improvement plans have been completed by a registered professional engineer, submitted to the City for review and approved in accordance with City standards.

Outlots A, B and C are to be maintained by their respective owners.

Corners on Outlots B and C fall under the water and were unable to be set.

REVISIONS Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date _____ By _____ Description _____	Date <u>OCTOBER, 1998</u> Drawn <u>KAK</u> Field Book <u>84</u> Checked <u>MBS</u> Scale <u>1" = 50'</u> Approved <u>MBS</u>	CLIENT FOUNTAINHEAD II	Frederick Land Surveying 1528 North Lincoln Avenue Suite 2 Loveland, Colorado 80538 Phone: (970) 669-2100 FAX: (970) 669-3725	TITLE SILVER LAKE NINTH SUBDIVISION TO THE CITY OF LOVELAND, COLORADO	PROJECT NO. 97-06-1056	SHEET NO. 1	NO. OF SHEETS 1
--	--	----------------------------------	---	--	----------------------------------	-----------------------	---------------------------

PC ATTACHMENT 7

GENERAL NOTES:

- 1. Unless otherwise approved by the City, all unsatisfied conditions of approval for the original Additions or Subdivisions shall continue to apply to this property. These certain properties previously platted with the Plat of Silver Lake Ninth Subdivision are subject to a Development Agreement as recorded at Reception No. 98104774.
2. This plat is subject to all conditions, covenants, restrictions and conditions as set forth by the Final Plat of SILVER GLEN FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980 and the Final Plat of SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado as filed for record December 1, 1998 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 98104773.
3. Recorded easements and rights of way within the subject property, if shown on this plat, researched and provided to InterMill Land Surveying, Inc. by Land Title Guarantee Company Property Information Binder as listed below.
- Property Information Binder Order No. FCC25118656 (Dated August 23, 2013)
- Property Information Binder Order No. FCC25118655 (Dated August 23, 2013)

- 4. Public Easement(s)/Right-of-Way(s) Area Tabulation
* Total area in square feet of easements dedicated to the public or the City by this Plat: Total area in square feet: 87,397.7± Sq. Ft. / 2.006± Ac (Excludes easements dedicated exclusively to outside entities or agencies and/or private drainage easements).
* Total area in square feet of easement(s) dedicated to the public or the City that are being vacated by this Plat: Total area in square feet: 2,410.2± Sq. Ft. / 0.055± Ac.
5. BASIS OF BEARINGS STATEMENT: Basis of Bearings for this Plat are based on an assumed bearing of South 00°12'3" East on the West line of the Northeast Quarter of Section 12, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado. Note: Monumentation of said line as shown on Map.

- 6. Control monumentation and external boundary monumentation as shown on Plat and within the Monumentation Legend.
(Meas.): Indicates Measured Bearing and/or Distance from field survey.
(Rec.): Indicates Record Bearing and/or Distance per the Final Plat of SILVER GLEN FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980.
(Rec.**): Indicates Record Bearing and/or Distance per the and the Final Plat of SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado as filed for record December 1, 1998 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 98104773.
(Calc.): Indicates Calculated Bearing and/or Distance.
7. FLOOD ZONE NOTE: Per the Flood Insurance Rate Map (FIRM) Community Panel No. 05069C1187F, Panel 1187 of 1420 (Effective Date of December 19, 2006) as prepared by the Federal Emergency Management Agency (FEMA) for this area, the subject property(s) appears to lie in a Flood Zone "X". As FEMA regulated flood areas do not appear to affect the subject property, it is always in one's best interest to consult with the City of Loveland, Colorado and/or Larimer County, Colorado to discuss the possibility of additional "locally" regulated flood hazard areas affecting the subject property.

AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION

BEING A BOUNDARY LINE ADJUSTMENT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TOGETHER WITH THE VACATED PORTION OF SILVER SHORES DRIVE RIGHT-OF-WAY VACATED BY ORDINANCE NO. 2015 AS RECEPTION NO. 2015 ALL BEING SITUATE IN SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

(SHEET 1 OF 3)

KNOW ALL PERSONS BY THESE PRESENTS that the undersigned, being all the owners and lien holders of the following described property, except any existing public streets, roads or highways, which property is located in Section 12, Township 5 North, Range 69 West of the 6th P.M., being more particularly described as follows:

Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION (according to the Final Plat thereof as filed for record July 2, 1985 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 85031980) to the City of Loveland, County of Larimer, State of Colorado AND Lots 1 and 2, Block 1, and Outlot A, SILVER LAKE NINTH SUBDIVISION (according to the Final Plat thereof as filed for record December 1, 1998 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado at Reception No. 98104773) to the City of Loveland, County of Larimer, State of Colorado AND Together with the Vacated portion of Silver Shores Drive Right-of-Way as Vacated by Ordinance No. 2014 recorded at Reception No. 2014 in the real property records of the Office of the Clerk and Recorder of Larimer County, Colorado the entire property being more particularly described as follows:

Considering the West line of the Northeast Quarter of Section 12, Township 5 North, Range 69 West of the 6th P.M. as bearing South 00°12'3" East and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of the Northeast Quarter of said Section 12; thence along the West line of the Northeast Quarter of said Section 12 South 00°12'3" East 2442.63 feet, more or less, to the Northwest corner of said portion of the Vacated Silver Shores Drive Right-of-Way as Vacated by Ordinance No. 2014 and the TRUE POINT OF BEGINNING; thence departing said West line of the Northeast Quarter of said Section 12 and along the Northerly line of said portion of the Vacated Silver Shores Drive Right-of-Way as Vacated by Ordinance No. 2014, and along the Northerly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION the following three (3) courses and distances: North 89°58'37" East 50.00 feet to the beginning of a curve concave to the North having a central angle of 28°22'02" and a radius of 50.00 feet, the long chord of which bears North 76°47'36" East a distance of 22.81 feet; thence Easterly along the arc of said curve 23.01 feet; thence departing said curve North 63°36'35" East 15.00 feet, more or less, to the Northeast corner of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION; thence departing said Northerly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION and along the Northeastly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION South 28°23'25" East 111.92 feet, more or less, to the Southeast corner of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION; thence departing said Northeastly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION and along the Southwesterly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION South 52°36'35" West 71.03 feet; thence continuing along said Southwesterly line of said Lot 1, Block 1, SILVER GLEN FIRST SUBDIVISION and along the Southwesterly and Easterly lines of the Plat of said SILVER LAKE NINTH SUBDIVISION the following five (5) courses and distances: South 15°36'35" West 70.21 feet; North 88°46'14" East 11.43 feet; South 27°42'16" West 303.54 feet; South 01°39'55" East 333.91 feet; South 20°25'43" West 194.29 feet, more or less, to a point on the Northerly line of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION; thence departing said Southwesterly line of the Plat of said SILVER LAKE NINTH SUBDIVISION and along the Northerly, Southerly and Easterly lines of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION the following eight (8) courses and distances: South 49°26'47" East 87.77 feet; South 04°45'10" East 43.31 feet; South 76°04'29" West 161.70 feet; South 46°25'57" West 43.50 feet; South 08°47'19" East 45.84 feet; South 71°08'51" East 1.75 feet; South 53°42'34" West 13.87 feet; South 09°39'41" West 251.96 feet, more or less, to the Southeast corner of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION; said Southeast corner of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION being a point on the Southerly line of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION and the Northerly right-of-way line for Maple Drive and being the beginning of a non-tangent curve concave to the North having a central angle of 05°12'53" and a radius of 330.00 feet, the long chord of which bears North 77°39'40" West a distance of 30.02 feet; thence departing said Easterly line of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION and along said Southerly line of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION and along said Southerly line of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION; thence departing said curve and along the arc of said curve 30.03 feet, more or less, to the Southwest corner of said Lot 2, Block 1, SILVER LAKE NINTH SUBDIVISION; thence departing said curve and along the Westerly line of said Plat of SILVER LAKE NINTH SUBDIVISION the following eight (8) courses and distances: North 09°38'29" East 248.23 feet; North 06°47'19" West 202.37 feet; North 28°51'09" East 224.00 feet; North 05°56'45" East 83.47 feet; North 01°04'15" West 247.79 feet; South 88°53'51" West 7.38 feet; North 00°44'09" West 37.28 feet; North 28°29'51" East 418.71 feet, more or less, to a point on the Westerly line of said portion of the Vacated Silver Shores Drive right-of-way as Vacated by Ordinance No. 2014 said point also being a point on the West line of the Northeast Quarter of said Section 12; thence departing said Westerly line of said Plat of SILVER LAKE NINTH SUBDIVISION and along said Westerly line of said portion of the Vacated Silver Shores Drive right-of-way as Vacated by Ordinance No. 2014 and along said West line of the Northeast Quarter of said Section 12 North 00°12'3" West 71.08 feet, more or less, to the Northwest corner of said portion of the Vacated Silver Shores Drive Right-of-Way as Vacated by Ordinance No. 2014 and the TRUE POINT OF BEGINNING.

Containing 3.92 Acres (170,718.2 Square Feet), more or less, and is subject to all easements and rights-of-way on record or existing, and do hereby designate and dedicate: (1) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (2) all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado.

DIRECTOR OF DEVELOPMENT SERVICES' APPROVAL:

This plat is approved by the Director of Development Services of the City of Loveland, Larimer County, Colorado, this ___ day of ___, 20___, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown hereon, which are accepted; subject to the provision that approval in no way obligates the City of Loveland, for financing or constructing of improvements on land, streets, or easements dedicated to the public except as specifically agreed to by the Director of Development Services.

Director of Development Services
Witness my hand and seal of the City of Loveland.

ATTEST:
City Clerk

ATTORNEY'S CERTIFICATE:

I, _____, an Attorney licensed to practice law in the State of _____, certify that I have examined title to the above described land dedicated to the City of Loveland, Colorado, and that the parties executing the dedication are the owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances, except as set forth herein.

So sworn this ___ day of ___, 20___
Attorney at Law:
Address:
Registration No.:

SURVEYOR'S CERTIFICATE

I, Robert George Perschitte, being a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION was made by me or under my supervision and that the survey is accurately represented on this map and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this ___ day of ___, 2015.
PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 669-0516
F: (970) 635-9775
E: intermill@westoffice.net
Robert George Perschitte
Colorado PLS 34174



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.

PRIVATE SHARED ACCESS EASEMENT DEDICATION (LOTS 1 & 3, BLOCK 1 OF THIS AMENDED PLAT)
The owner(s) hereby dedicate the Private Shared Access Easement located within Lots 1 & 3, Block 1 of this Plat (subdivision) to the owner(s), patrons, business invitees, and guests of the owner(s) and the owner's successors and assigns for their reciprocal and mutual use and enjoyment. This dedication shall run with the land, be binding and enforceable upon the owner(s), future owner(s), the owner's successors and assigns and it shall ensure the benefit of all current and future owner(s), patrons, business invitees, and guests of LOTS 1 AND 3, BLOCK 1, AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado.
This Private Access Easement dedication shall be maintained equally, or by separate treaty, by the owner(s), future owner(s), the owner's successors and assigns.
OWNER(S): WILLIAM E. WATRY and LINDA L. WATRY
By: William E. Watry and Linda L. Watry
STATE OF COLORADO)
COUNTY OF LARIMER)
The foregoing instrument was acknowledged before me this ___ day of ___, 20___, by William E. Watry and Linda L. Watry.
Witness my hand and official seal.
My commission expires _____.
Notary Public

PRIVATE SHARED ACCESS EASEMENT DEDICATION (LOT 2, BLOCK 1 OF THIS AMENDED PLAT)
The owner(s) hereby dedicate the Private Shared Access Easement located within Lot 2, Block 1 of this Plat (subdivision) to the owner(s), patrons, business invitees, and guests of the owner(s) and the owner's successors and assigns for their reciprocal and mutual use and enjoyment. This dedication shall run with the land, be binding and enforceable upon the owner(s), future owner(s), the owner's successors and assigns and it shall ensure the benefit of all current and future owner(s), patrons, business invitees, and guests of LOT 2, BLOCK 1, AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; LOT 3, BLOCK 1, SILVER LAKE NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; and LOT 1, BLOCK 1, STEPHENSON SECOND SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado.
This Private Access Easement dedication shall be maintained equally, or by separate treaty, by the owner(s), future owner(s), the owner's successors and assigns.
OWNER(S): EUGENE A. MIKSCH
By: Eugene A. Miksch
STATE OF COLORADO)
COUNTY OF LARIMER)
The foregoing instrument was acknowledged before me this ___ day of ___, 20___, by Eugene A. Miksch.
Witness my hand and official seal.
My commission expires _____.
Notary Public

Table with columns for REVISIONS, DATE, and BY.

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE
LOVELAND, COLORADO 80537
BUS: (970) 669-0516 / FAX: (970) 635-9775
CLIENT: WILLIAM and LINDA WATRY EUGENE MIKSCH

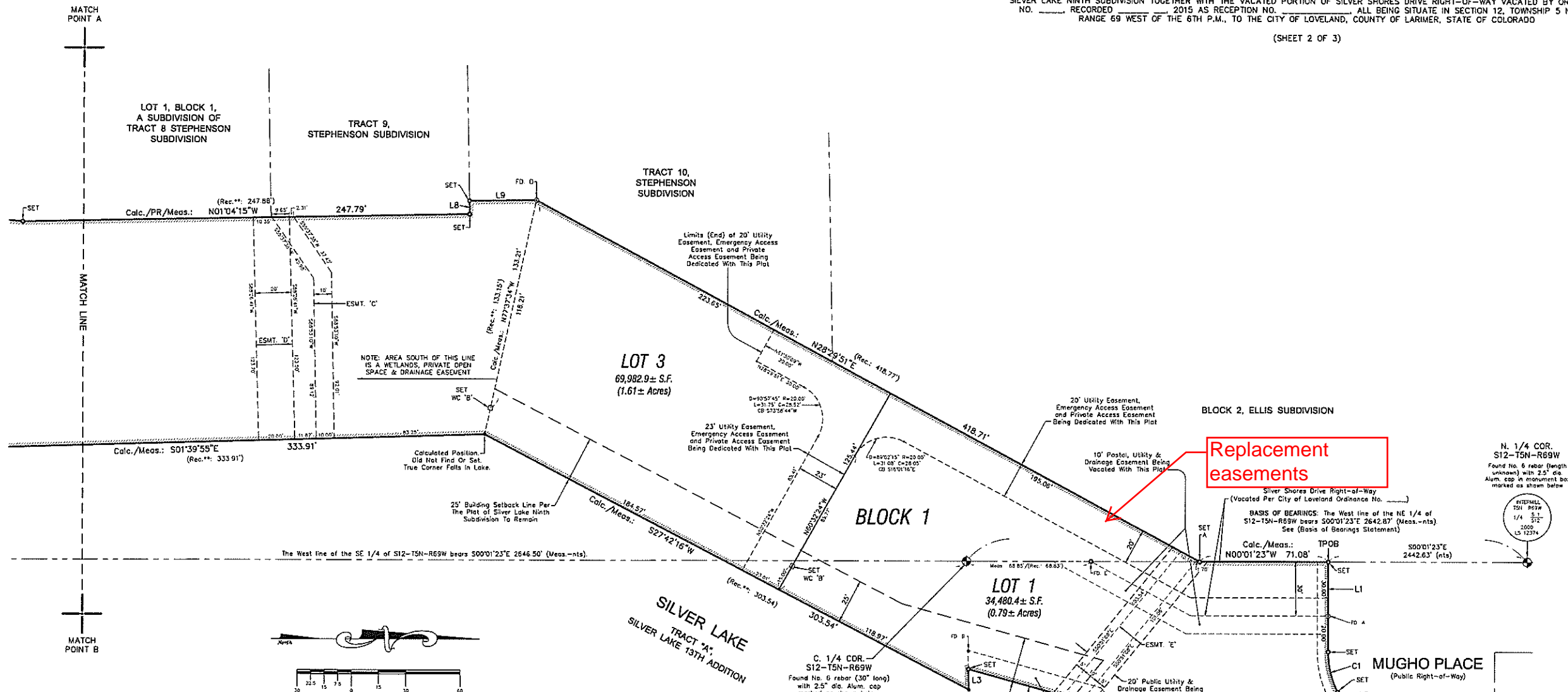
TITLE: AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Table with columns for DRAWN BY, CHECKED BY, APPROVED BY, DATE, SCALE, PROJECT NO., SHEET, and OF.

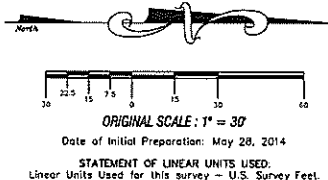
AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION

BEING A BOUNDARY LINE ADJUSTMENT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TOGETHER WITH THE VACATED PORTION OF SILVER SHORES DRIVE RIGHT-OF-WAY VACATED BY ORDINANCE NO. _____ RECORDED _____ 2015 AS RECEPTION NO. _____ ALL BEING SITUATE IN SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

(SHEET 2 OF 3)



L1 LINE DATA: Calc./Meas.: N89°58'37"E 50.00' (Rec. #: 50.00')	L8 LINE DATA: Calc./Meas.: S88°53'51"W 7.38' (Rec. #: 7.38')
L2 LINE DATA: Calc./Meas.: N63°36'35"E 15.00' (Rec. #: 15.00')	L9 LINE DATA: Calc./Meas.: N00°44'09"W 37.28' (Rec. #: 37.28')
L3 LINE DATA: Calc./Meas.: N88°46'14"E 11.43' (Rec. #: 11.43')	C1 CURVE DATA: Calc./Meas.: D=26°22'02" R=50.00' L=23.01' C=22.81' CB: N76°47'36"E (Rec. #: 44.63')
L4 LINE DATA: Calc./Meas.: S46°25'57"W 43.50' (Rec. #: 44.63')	C2 CURVE DATA: Meas.: D=05°12'53" R=330.00' L=30.03' C=30.02' CB: N77°39'40"W (Rec. #: 45.51')
L5 LINE DATA: Calc./Meas.: S05°47'19"E 45.84' (Rec. #: 45.51')	L6 LINE DATA: Calc./Meas.: S71°08'51"E 1.75' (Rec. #: 1.75')
L7 LINE DATA: Calc./Meas.: S53°42'34"W 13.87' (Rec. #: 13.87')	



MONUMENTATION LEGEND

- SET: Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174.
- SET 'A': Indicates Set 1" long concrete nail with 1" dia. brass shiner marked LS 34174.
- FD. A: Indicates Found No. 4 rebar (length unknown). No cap or markings.
- FD. B: Indicates Found No. 4 rebar (length unknown) with 1" dia. red plastic cap marked LS 17662. Found No. 4 rebar (LS 17662) bears S89°37'40"E 10.10' from true boundary corner position.
- FD. C: Indicates Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 32444.
- FD. D: Indicates Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 11883.
- FD. E: Indicates Found No. 4 rebar (length unknown) with 1" dia. red plastic cap marked LS 17662.
- SET WC: Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174 as a Witness Corner to the true boundary corner position.
- SET WC 'A': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 180° SE LS 34174" as a Witness Corner to the true boundary corner position.
- SET WC 'B': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 150° SE LS 34174" as a Witness Corner to the true boundary corner position.
- SET WC 'C': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 25.0° SE LS 34174" as a Witness Corner to the true boundary corner position.

EASEMENT DESCRIPTION LEGEND

- ESMT. 'A': 20' Utility Easement Per The Plat Of Silver Lake Ninth Subdivision To Remain. (See Detail This Sheet)
- ESMT. 'B': 20' Utility Easement Per The Plat Of Silver Lake Ninth Subdivision and Reception No. 98092918 To Remain (See Detail This Sheet)
- ESMT. 'C': 10' Utility & Drainage Easement per Book 2206-Page 1852 and the Plat of Silver Lake Ninth Subdivision To Remain
- ESMT. 'D': 20' Drainage Easement Per The Plat Of Silver Lake Ninth Subdivision To Remain
- ESMT. 'E': 20' Utility & Drainage Easement Per The Plat Of Silver Glen First Subdivision and The Plat Of Silver Lake Ninth Subdivision To Remain
- ESMT. 'A' through 'E' as depicted on the Plats of Silver Glen First Subdivision and Silver Lake Ninth Subdivision appear to be public easements as no designation to private easements is contained on the aforesaid Plats.

DATE: _____
BY: _____
REVISIONS:

INTERMILL LAND SURVEYING, INC.
BUS. (970)-688-0516 / FAX (970)-635-9775
LOVELAND, COLORADO 80537

CLIENT: **WILLIAM and LINDA WATRY EUGENE MIKSCHE**

TITLE: AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

DATE: 05-28-2014
SCALE: 1" = 30'
PROJECT NO.: P-14-7629
SHEET 2 OF 3

PDF CREATED FOR SUBMITTAL: DATE: 07-21-2015 BY: RGP

REVIEWED AND APPROVED UNTIL MAP IS FILED AND SIGNED BY THE COUNTY AND STATE ENGINEERS.

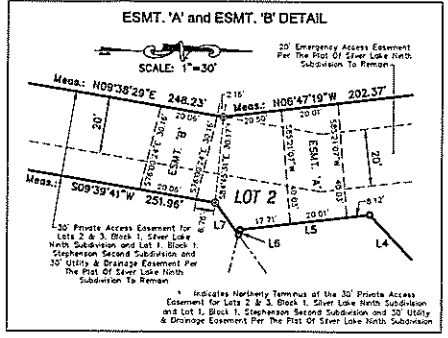
PC ATTACHMENT 8

AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION

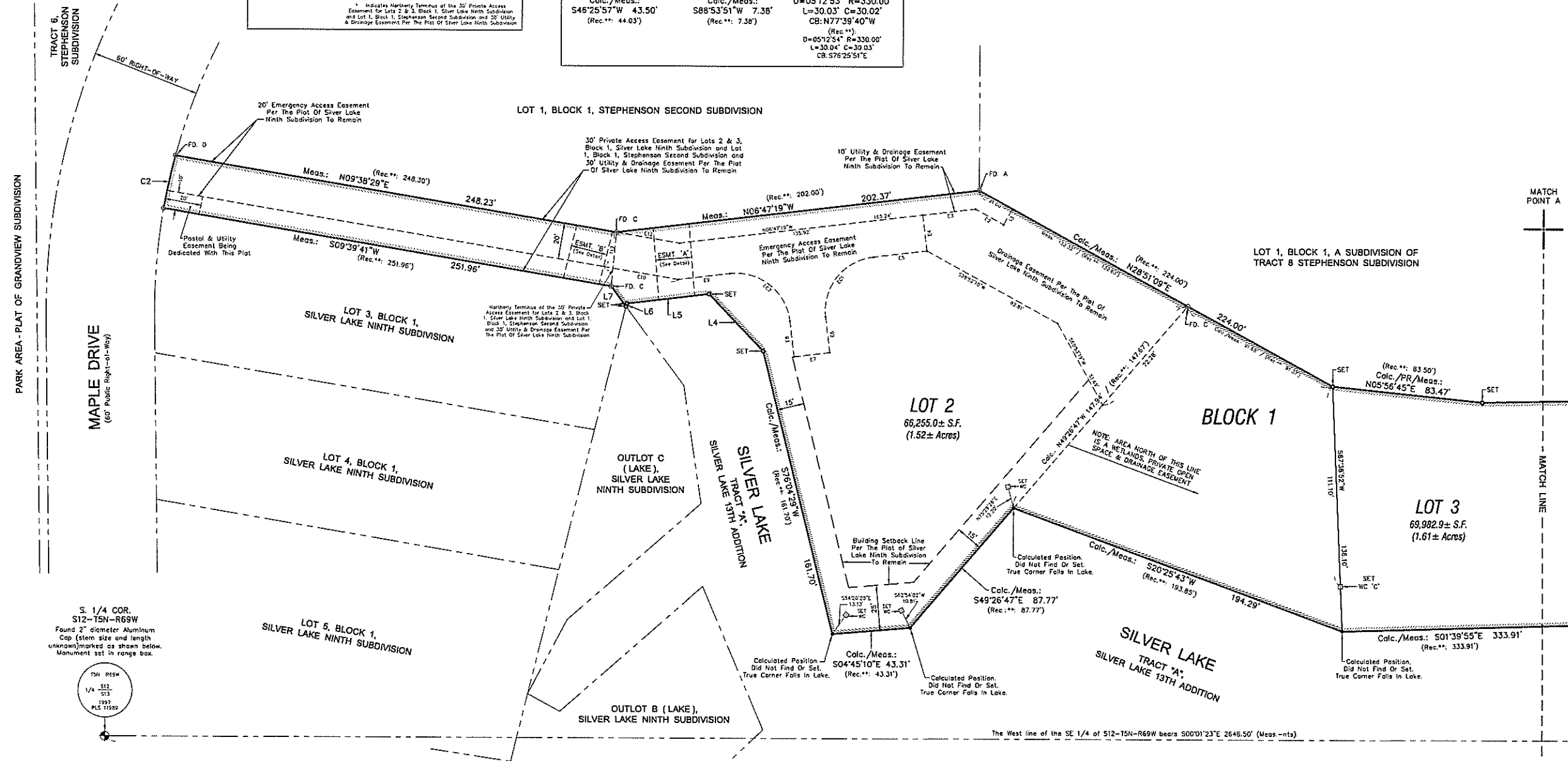
BEING A BOUNDARY LINE ADJUSTMENT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TOGETHER WITH THE VACATED PORTION OF SILVER SHORES DRIVE RIGHT-OF-WAY VACATED BY ORDINANCE NO. _____, RECORDED _____, 2015 AS RECEPTION NO. _____, ALL BEING SITUATE IN SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

(SHEET 3 OF 3)

E1: LINE DATA S81°08'51"E 10.00'	E7: LINE DATA S06°47'19"E 20.00'	EC1 CURVE DATA D=90°00'00" R=30.00' L=47.12' C=42.43' CB=S51°47'19"E
E2: LINE DATA S28°51'09"W 17.79'	E8: LINE DATA S83°12'41"W 20.00'	EC2 CURVE DATA D=90°00'00" R=30.00' L=47.12' C=42.43' CB=S58°12'41"W
E3: LINE DATA S06°47'19"E 29.32'	E9: LINE DATA S06°47'19"E 28.81'	
E4: LINE DATA N83°12'41"E 20.00'	E10: LINE DATA S08°42'27"W 33.35'	
E5: LINE DATA S06°47'19"E 30.00'	E11: LINE DATA N76°00'24"W 20.06'	
E6: LINE DATA N83°12'41"E 20.00'	E12: LINE DATA N09°38'29"E 35.36'	



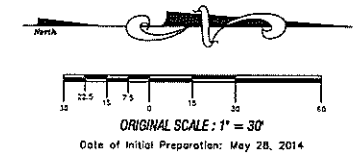
L1 LINE DATA: Calc./Meas.: N89°58'37"E 50.00' (Rec.** 50.00')	L5 LINE DATA: Calc./Meas.: S06°47'19"E 45.84' (Rec.** 45.84')	L9 LINE DATA: Calc./Meas.: N00°44'09"W 37.28' (Rec.** 37.28')
L2 LINE DATA: Calc./Meas.: N63°36'35"E 15.00' (Rec.** 15.00')	L6 LINE DATA: Calc./Meas.: S71°08'51"E 1.75' (Rec.** 1.75')	C1 CURVE DATA: (Rec.**): D=26°22'02" R=50.00' L=23.01' C=22.81' CB:N76°47'36"E
L3 LINE DATA: Calc./Meas.: N88°46'14"E 11.43' (Rec.** 11.43')	L7 LINE DATA: Calc./Meas.: S53°42'34"W 13.87' (Rec.** 13.87')	C2 CURVE DATA: (Rec.**): D=05°12'53" R=330.00' L=30.03' C=30.02' CB:N77°39'40"W
L4 LINE DATA: Calc./Meas.: S46°25'57"W 43.50' (Rec.** 44.03')	L8 LINE DATA: Calc./Meas.: S88°53'51"W 7.38' (Rec.** 7.38')	



MONUMENTATION LEGEND	
SET: Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174.	FD, E: Indicates Found No. 4 rebar (length unknown) with 1" dia. red plastic cap marked LS 17662.
SET 'A': Indicates Set 1" long concrete nail with 1" dia. brass shiner marked LS 34174	SET WC: Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174 as a Witness Corner to the true boundary corner position.
FD, A: Indicates Found No. 4 rebar (length unknown). No cap or markings.	SET WC 'A': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 10.0' SE LS 34174" as a Witness Corner to the true boundary corner position.
FD, B: Indicates Found No. 4 rebar (length unknown) with 1" dia. red plastic cap marked LS 17662. Found No. 4 rebar (LS 17662) bears S89°37'40"E 10.10' from true boundary corner position.	SET WC 'B': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 15.0' SE LS 34174" as a Witness Corner to the true boundary corner position.
FD, C: Indicates Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 32444.	SET WC 'C': Indicates Set No. 4 rebar (16" long) with 1.5" dia. Aluminum cap marked "WC True Corner 25.0' SE LS 34174" as a Witness Corner to the true boundary corner position.
FD, D: Indicates Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 11989.	

EASEMENT DESCRIPTION LEGEND	
ESMT 'A': 20' Utility Easement Per The Plot Of Silver Lake Ninth Subdivision To Remain. (See Detail This Sheet)	ESMT 'E': 20' Utility & Drainage Easement Per The Plot Of Silver Glen First Subdivision and Reception No. 96922918 To Remain
ESMT 'B': 20' Utility Easement Per The Plot Of Silver Lake Ninth Subdivision and Reception No. 96922918 To Remain. (See Detail This Sheet)	
ESMT 'C': 10' Utility & Drainage Easement per Block 2206-Page 1852 and the Plot of Silver Lake Ninth Subdivision To Remain	
ESMT 'D': 20' Drainage Easement Per The Plot Of Silver Lake Ninth Subdivision To Remain	

ESMT 'A' through ESMT 'E' as depicted on the Plats of Silver Glen First Subdivision and Silver Lake Ninth Subdivision appear to be public easements as no designation to private easements is contained on the aforesaid Plats.



STATEMENT OF LINEAR UNITS USED:
Linear Units Used for this survey - U.S. Survey Feet.

BASIS OF BEARINGS STATEMENT: Basis of Bearings for this Plat are based on an assumed bearing of South 00°01'23" East on the West line of the Northeast Quarter of Section 12, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado. Note: Monumentation of said line as shown on Map.

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.

PREPARED BY AND ON BEHALF OF:
INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 659-0516
F: (970) 635-9775
E: intermill@westoffice.net
Robert George Perschitte
Colorado PLS 34174
Date: _____



PDF CREATED FOR SUBMITTAL:
DATE: 07-21-2015 BY: RGP

DRAWN BY: RGP
CHECKED BY: _____
APPROVED BY: _____
DATE: 05-28-2014
SCALE: 1" = 30'
PROJECT NO: P-14-7629
SHEET 3 OF 3

DATE: _____
BY: _____
REVISIONS: _____

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE LOVELAND, COLORADO 80537
BUS. (970)-659-0516 / FAX (970)-635-9775

CLIENT: WILLIAM and LINDA WATRY
EUGENE MIKSCHE

TITLE: AMENDED PLAT OF LOT 1, BLOCK 1, SILVER GLEN FIRST SUBDIVISION AND LOTS 1 AND 2, AND OUTLOT A, BLOCK 1, SILVER LAKE NINTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO


CITY OF LOVELAND

BUDGET OFFICE

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

AGENDA ITEM: 6
MEETING DATE: 11/17/2015
TO: City Council
FROM: Finance Department
PRESENTER: Brent Worthington, Finance Director

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget

RECOMMENDED CITY COUNCIL ACTION:

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

Options:

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

SUMMARY:

This is an administrative item. The ordinance appropriates funding for year-end issues and finalizing the 2015 budget.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The ordinance is funded by fund balance and unanticipated outside revenue.

BACKGROUND:

Each year in November, staff brings a “wrap-up” ordinance to address any remaining issues and insure there are sufficient appropriations to meet projected expenditures. The ordinance is necessary to resolve several year-end issues and finalize the 2015 budget. Most issues we have been following throughout the year and have waited until now to provide the best forecast for the cost to the end of the year.

New items in the ordinance include (by funding source):

GENERAL FUND - \$323,249

- **\$90,000 – Asphalt, Sand & Gravel**
 - Numerous unanticipated road failures have occurred within the last few months due to a high groundwater table from heavy spring rainfall and the Big Thompson flooding. Currently, the appropriated budget is overspent by \$30,000 and an estimated \$60,000 more will be needed for repair work to continue into late fall.
- **\$77,000 – Credit Card Fees**
 - Since the elimination of the convenience fee, the City has experienced dramatic growth in electronic (Credit/Debit card) payments. The anticipated amount was \$207,610 based on projections of \$16,820 per month. The current 2015 TD amount averages \$23,900.
- **\$55,000 – Snow & Ice Chemicals**
 - Due to higher than anticipated amounts of snow and ice in the beginning of 2015, the budget for chemicals have been spent. The estimated funding required to purchase liquid deicers for November and December is \$27,500 per month.
- **\$40,000 – Audit Fees**
 - Due to the timing of increase.
- **\$27,630 – Contribution to Fire Authority**
 - Insurance benefits were underestimated at the time of budget development. The Fire Authority is bringing forth a Resolution for the increase and this is the City's portion.
- **\$14,000 – Insurance Benefits**
 - Due to the uncertainty of the total impact of the Affordable Health Care Act due to HIPAA, insurance benefits were underestimated for seasonal workers.
- **\$9,772 – Operation Muni Court**
 - Upgrades to the Municipal Court office that were not budgeted for including bullet-proof glass, keyless entry pad and transformation of the Jury room into an office for the Court Administrator.
- **\$5,075 – YAC Travel Expenses**
 - Expenses for the Youth Advisory Commission's trip to the NLC Conference exceeded the initial \$11,430 projected.
- **\$3,000 – Teen Court**
 - Council approved the addition of Teen Court in early 2015 and the City's portion was not budgeted for.
- **\$1,772 – Municipal Judge Transition**
 - This includes \$583 for an interim Spanish translator, \$288 for new letter head and printing for the new Judge, \$651 for new robes and \$250 for increased bank courier fees.

Stormwater Fund - \$62,840

- **\$31,980 – Insurance Benefits**
 - Due to the uncertainty of the total impact of the Affordable Health Care Act due to HIPPA, insurance benefits have been higher than anticipated in 2015.
- **\$19,100 – Vehicle Equipment Maintenance**
 - Expenses associated with vehicles and equipment internal maintenance and repair have been higher than anticipated.
- **\$11,760 – Interest on Loan to Solid Waste**
 - The interest portion of the early repayment of the loan to Solid Waste was not appropriated in the 2015 Budget.

Continuation of previously approved funding in the ordinance include (Re-appropriations):

- **\$952,175 – Flood Recovery – Railroad Ave Reconstruction (Rollover)**
 - This is the City's matching portion to the IGA for flood recovery approved in 2013. Design work on the Railroad Avenue Reconstruction project commenced in 2015 and construction is anticipated to be underway by the summer of 2016. In order to receive federal funding, the City's full match has to be appropriated in 2015.
- **\$246,000 – Flood Recovery – Engineering Costs (Rollover)**
 - Approximately \$112,000 is already encumbered for the alternative analysis and conceptual design and \$134,000 is needed for final design and construction administration work for replacement of the Wilson Avenue pedestrian bridge, trail realignment, storm sewer outfall replacement, utility protection, bank protection and flood mitigation. The original appropriation was on 3/2/2014.
- **\$200,000 – Bridge Rehabilitation Program (Rollover)**
 - In 2013, \$100,000 per year for five years was adopted in the budget to jump-start the bridge rehabilitation program. The program has completed significant work this year, and the funding requested is from the first two years of the original appropriation.
- **\$55,952 – Flood Recovery – Salary Costs (Rollover)**
 - The original supplemental appropriation from 3/2/2014 appropriated salary costs in the General Fund for enterprise personnel involved in river management flood recovery work because river management was not currently a function of the enterprises (i.e. Stormwater). These expenses have continued through 2015.
- **\$15,063 – Flood Recovery – Fire Training Grounds Phase II (Rollover)**
 - 97% of construction from the original appropriation was completed in 2014. The project was completed in March 2015 and the requested funding is to address the final expenses.

New appropriations with offsetting revenue:

- **\$92,205 – Police Overtime**
 - Funding for police overtime funded by federal and state grant revenues as well as intergovernmental reimbursements. \$29,526 was received from the State for DUI, Click It or Ticket, holiday enforcement overtime, \$13,979 was received from the Federal JAG Grant for SIU overtime, \$36,937 was received for the City's portion of reimbursements for overtime associated with the Northern Colorado Drug Task Force, and \$11,763 was received through reimbursements for DEA SIU overtime.
- **\$66,224 – Flood Recovery – Transportation Projects**
 - Federal Grant revenues received in 2015 to reimburse flood recovery expenses.
- **\$14,485 – Traffic Signals & Signs**
 - Intergovernmental revenue for traffic signals and signs. \$4,806 was received from the Centerra Metro District, \$4,175 from insurance claim monies, & \$5,504 from the City of Windsor.
- **\$7,525 – New Street Inspection Fee (revenue only)**
 - Appropriation for revenue generated by the new street inspection fee. There is not a correlating expenditure.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: November 17, 2015

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR YEAR-END APPROPRIATIONS

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for year-end appropriations; 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 year-end appropriations, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$1,784,913 from fund balance in the General Fund are available for appropriation. That revenues in the amount of \$13,979 from Federal grants in the General Fund are available for appropriation. That revenues in the amount of \$11,763 from other government agencies in the General Fund are available for appropriation. That revenues in the amount of \$29,526 from State grants in the General Fund are available for appropriation. That revenues in the amount of \$36,937 from other government agencies in the Police Seizures & Forfeitures Fund are available for appropriation. That revenues in the amount of \$60,186 from Federal grants in the Transportation Fund are available for appropriation. That revenues in the amount of \$6,039 from State grants in the Transportation Fund are available for appropriation. That revenues in the amount of \$7,525 from street inspection fees in the Transportation Fund are available for appropriation. That revenues in the amount of \$14,485 from other government agencies in the Transportation Fund are available for appropriation. That reserves in the amount of \$62,840 from fund balance in the Stormwater Fund are available for appropriation. Such revenues in the total amount of \$2,028,193 are hereby appropriated to the 2015 City budget for year-end appropriations and the spending agencies and funds that shall be spending such monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

Fund Balance		1,784,913
100-21-202-2102-32000	PDJAG14 Federal Grants	13,979
100-21-202-2102-32301	Overtime Reimbursement	11,763
100-21-202-2113-32100	State Grants	29,526
Total Revenue		1,840,181

Appropriations

100-13-115-0000-43569	Repair & Maintenance	9,772
100-14-115-0000-42899	Other Supplies	322
100-14-115-0000-43021	Printing	288
100-14-115-0000-43450	Professional Services	4,162
100-15-125-0010-43450	Professional Services	40,000
100-15-135-0014-43899	Other Services	77,000
100-21-202-2113-41021	Overtime-Benefitted Employee	29,526
100-21-204-2112-41021	Overtime-Benefitted Employee	11,763
100-21-204-2112-41021	PDJAG14 Overtime-Benefitted Employee	13,979
100-23-280-0000-41011	Salaries-Benefitted Employee	44,508
100-23-280-0000-41543	Insurance Benefits	5,052
100-23-280-0000-41544	F.I.C.A. Taxes	3,276
100-23-280-0000-41545	General Pension & Retirement	3,116
100-53-756-0000-43270	Travel/Meetings/Schooling	5,075
100-91-902-0002-43714	Payment to Outside Agencies	27,630
100-91-999-0000-47120	Transfer to Capital Projects Fund	261,063
100-91-999-0000-47211	Transfer to Transportation Fund	1,303,649
Total Appropriations		1,840,181

**Supplemental Budget
Capital Projects Fund 120**

Revenues

120-00-000-0000-37100	Transfers from General Fund	261,063
Total Revenue		261,063

Appropriations

120-23-280-0000-49352	Engineering	246,000
120-23-280-0000-49360	Construction	15,063
Total Appropriations		261,063

**Supplemental Budget
Police Seizures & Forfeitures Fund 207**

Revenues

207-00-000-0000-32300	Other Government Agency	36,937
Total Revenue		36,937

Appropriations

207-21-204-2112-41021	Overtime-Benefitted Employee	36,937
Total Appropriations		36,937

**Supplemental Budget
Transportation Fund 211**

Revenues

211-23-232-0000-32000	Federal Grants	58,099
211-23-232-0000-32100	State Grants	6,039
211-23-232-0000-32602	New Street Inspection Fee	7,525
211-23-232-0000-37100	Transfers from General Fund	952,175
211-23-232-1700-32000	Federal Grants	2,087
211-23-232-1708-37100	Transfers from General Fund	192,474
211-23-233-0000-37100	Transfers from General Fund	145,000
211-23-235-0000-35200	Miscellaneous Revenue	14,485
211-23-235-0000-37100	Transfers from General Fund	14,000
Total Revenue		1,391,884

Appropriations

211-23-232-1700-49360	ENSR 14	Construction	952,175
211-23-232-1701-43450		Professional Services	66,224
211-23-232-1708-49360		Construction	200,000
211-23-233-0000-42044		Sand, Gravel & Asphalt	90,000
211-23-233-1750-42047		Snow & Ice Chemicals/Salt	55,000
211-23-235-0000-41543		Insurance Benefits	14,000
211-23-235-0000-42317		Traffic Signals	5,504
211-23-235-0000-42042		Signs	8,981
Total Appropriations			1,391,884

**Supplemental Budget
Stormwater Fund 345**

Revenues

Fund Balance	62,840
Total Revenue	62,840

Appropriations

345-23-280-0000-46220	Interest Payments	11,760
345-23-281-0000-41543	Insurance Benefits	5,200
345-23-281-0000-43534	Vehicle & Equipment Maint - Internal Service	19,100
345-23-282-0000-41543	Insurance Benefits	26,780
Total Appropriations		62,840

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).

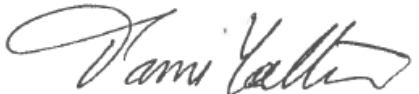
ADOPTED this 1st day of December, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney


CITY OF LOVELAND

BUDGET OFFICE

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

AGENDA ITEM: 7
MEETING DATE: 11/17/2015
TO: City Council
FROM: Finance Department
PRESENTER: Brent Worthington, Finance Director

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Transfer And Administrative Corrections

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

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

SUMMARY:

This is an administrative item. The ordinance appropriates funding for transfer and administrative corrections.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The ordinance is funded by fund balance and existing appropriations.

BACKGROUND:

Each year in November, staff brings a “wrap-up” ordinance to address any remaining issues. The ordinance is necessary to finalize the 2015 budget. This ordinance ensures that the 2015 budget remains balanced. The projects included in the ordinance have already been approved and appropriated however, the revenue via transfers has not been appropriated. The funding sources and appropriations for these projects were included in the 2016 budget development process and were built into the calculations. This is simply an administrative action but the City Charter requires staff to bring forward movement of funding between funds. Additionally, this ordinance will change appropriations of (4) Parks & Recreation projects from the General Fund to the Capital Projects Fund. This does not require any additional funding. The following lists identify the project, funding source, and fund in which the projects are appropriated:

Capital Projects Fund - \$3,244,165

- \$925,094 - Fire Platform Truck**
 - 925,094 - General Fund
- \$610,440 - Mehaffey Park**
 - 610,440 - Parks CEF
- \$607,200 - Barnes Park Field Lighting**
 - 607,200 - General Fund
- \$287,316 - Service Center Expansion Project**
 - 287,316 - Solid Waste
- \$226,380 - VOIP Phone System**
 - 84,690 - General Fund
 - 3,400 - Solid Waste Fund
 - 49,030 - Water Fund
 - 28,910 - Wastewater Fund
 - 47,770 - Power Fund
 - 5,940 - Storm Water Fund
 - 6,640 - Golf Fund
- \$146,950 - Police RMS System (Consulting)**
 - 146,950 - General Fund
- \$107,350 - City Works Project**
 - 107,350 - General Government CEF
- \$100,000 - Overhead Doors Project**
 - 100,000 - General Fund
- \$103,435 - Fiber Optic Cable**
 - 68,267 - General Fund
 - 35,168 - Golf Fund
- \$ 70,000 - Bay Door Project**
 - 70,000 - General Fund

Transportation Fund - \$5,707,982

<p>\$966,142 - Boise & 37th Intersection 193,228 - General Fund 772,914 - Streets CEF</p> <p>\$903,005 - Miscellaneous Repairs 903,005 - General Fund</p> <p>\$682,040 - Madison at Greeley-Loveland Canal 136,408 - General Fund 545,632 - Streets CEF</p> <p>\$458,475 - Boyd Lake & 34 Intersection 91,695 - General Fund 366,780 - Streets CEF</p> <p>\$330,000 - ROW Acquisition 330,000 - Streets CEF</p> <p>\$304,000 - Roadway Weather Information System 60,800 - General Fund 243,200 - Streets CEF</p> <p>\$255,138 - Taft/Eisenhower Intersection 51,028 - General Fund 204,110 - Streets CEF</p> <p>\$205,000 - 2014 Traffic Operations Project 41,000 - General Fund 164,000 - Streets CEF</p> <p>\$200,000 - Anti-Icing System at I-25 & Crossroads 40,000 - General Fund 160,000 - Streets CEF</p> <p>\$199,475 - 2014 Sidewalk Gap Projects 199,475 - General Fund</p> <p>\$191,021 - I-25 Area VMS 38,204 - General Fund 152,817 - Streets CEF</p> <p>\$183,586 - Bike Lane Construction/ Pedestrian Walkway 91,793 - General Fund 91,793 - Streets CEF</p> <p>\$150,000 - Boyd at Greeley-Loveland Canal 30,000 - General Fund 120,000 - Streets CEF</p> <p>\$113,000 - Garfield Elementary Sidewalk Improvements 22,600 - General Fund 90,400 - Streets CEF</p>	<p>\$105,204 - Fiber Network to Signals & Other Facilities 21,041 - General Fund 84,163 - Streets CEF</p> <p>\$ 91,953 - Signal System Interconnection 18,391 - General Fund 73,562 - Streets CEF</p> <p>\$ 64,193 - 2013 Flood Recovery 64,193 - General Fund</p> <p>\$ 61,123 - Boyd Route Study 15,281 - General Fund 45,842 - Streets CEF</p> <p>\$ 59,460 - Bike Route Signs/Striping 29,730 - General Fund 29,730 - Streets CEF</p> <p>\$ 56,215 - Traffic Signal Updates 11,243 - General Fund 44,972 - Streets CEF</p> <p>\$ 43,590 - School Flasher Units 8,718 - General Fund 34,872 - Streets CEF</p> <p>\$ 30,000 - 10th Street Sidewalk Gaps 30,000 - General Fund</p> <p>\$ 23,796 - Crossroads Blvd Corridor Access Mgmt Plan 4,759 - General Fund 19,037 - Streets CEF</p> <p>\$ 15,067 - Garfield Street Design (10th to 22nd) 15,067 - General Fund</p> <p>\$ 7,880 - Maple Drive Sidewalk 7,880 - General Fund</p> <p>\$ 4,619 - Boyd Lake - Kauffman Property 1,155 - General Fund 3,464 - Streets CEF</p> <p>\$ 4,000 - 1st Street Sidewalk Gaps 2,000 - General Fund 2,000 - Streets CEF</p>
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Parks & Recreation Projects - \$1,335,540

(Moving from General Fund to Capital Projects Fund)

\$88,200 – North Lake Train Depot

\$278,340 – North Lake Tennis Court Project

\$510,000 – Viestenz-Smith Mountain Park

\$459,000 – Flood Repairs – Wilson to Taft Avenue Recreation Trail & Bridge

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING: November 17, 2015

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR TRANSFERS AND ADMINISTRATIVE CORRECTIONS

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for transfers and administrative corrections; 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 transfers and administrative corrections, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$4,190,895 from fund balance in the General Fund are available for appropriation. That reserves in the amount of \$91,513 from fund balance in the Parks Capital Expansion Fee Fund are available for appropriation. That reserves in the amount of \$107,350 from fund balance in the General Government Capital Expansion Fee Fund are available for appropriation. That reserves in the amount of \$3,579,288 from fund balance in the Streets Capital Expansion Fee Fund are available for appropriation. That reserves in the amount of \$49,030 from fund balance in the Water Fund are available for appropriation. That reserves in the amount of \$28,910 from fund balance in the Wastewater Fund are available for appropriation. That reserves in the amount of \$47,770 from fund balance in the Power Fund are available for appropriation. That reserves in the amount of \$5,940 from fund balance in the Stormwater Fund are available for appropriation. That reserves in the amount of \$290,716 from fund balance in the Solid Waste Fund are available for appropriation. That reserves in the amount of \$41,808 from fund balance in the Golf Fund are available for appropriation. Such revenues in the total amount of \$8,433,220 are hereby appropriated to the 2015 City Budget for transfers and administrative corrections. 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	4,190,895
Total Revenue	4,190,895

Appropriations

100-91-999-0000-47302	Transfer to Raw Water	0.50
100-91-999-0000-47330	Transfer to Power	0.50
100-91-999-0000-47331	Transfer to Power PIF	(0.28)
100-91-999-0000-47300	Trf To Water	(0.13)
100-91-999-0000-47301	Trf To Water SIF	(0.14)
100-91-999-0000-47316	Trf To Wastewater SIF	(0.33)
100-91-999-0000-47345	Trf To Stormwater	(0.33)
100-91-999-0000-47120	Trf to Capital Projects	3,397,741
100-91-999-1701-47211	Transfer to Transportation Fund	2,128,694
100-51-501-0000-49399	Other Capital	(366,540)
100-51-560-0000-43450	Perfessional Services	(510,000)
100-51-562-0000-49399	Other Capital	(459,000)
Total Appropriations		4,190,895

**Supplemental Budget
Capital Projects Fund 120**

Revenues

120-00-000-0000-37100	Transfers From General Fund	3,397,741
120-00-000-0000-37360	Transfers From Solid Waste	290,716
120-00-000-0000-37268	Transfers From General Gov'T CEF	107,350
120-00-000-0000-37300	Transfers From Water	49,030
120-00-000-0000-37315	Transfers From Wastewater	28,910
120-00-000-0000-37330	Transfers From Power	47,770
120-00-000-0000-37345	Transfers From Stormwater	5,940
120-00-000-0000-37375	Transfers From Golf	41,808
120-00-000-0000-37260	Transfer From Parks CEF	610,440
Total Revenue		4,579,705

Appropriations

120-51-501-0000-49399	Other Capital	88,200
120-51-501-0000-49360	Construciton	278,340
120-51-565-0000-43450	Perfessional Services	510,000
120-51-567-0000-49399	Other Capital	459,000
Total Appropriations		1,335,540

**Supplemental Budget
Transportation Fund 211**

Revenues

211-23-232-1701-37100	Transfers From General Fund	2,128,694
211-23-232-1701-37269	Transfers From Streets CEF	3,579,288
Total Revenue		5,707,982

Appropriations

Total Appropriations		-
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**Supplemental Budget
Parks Capital Expansion Fee Fund 260**

Revenues

Fund Balance		91,513
Total Revenue		91,513

Appropriations

260-51-562-0000-47120	Trf To Capital Projects	91,513
Total Appropriations		91,513

**Supplemental Budget
General Government Capital Expansion Fee Fund 268**

Revenues

Fund Balance		107,350
Total Revenue		107,350

Appropriations

268-91-902-0000-47120	Trf To Capital Projects	14,130
268-91-902-0000-47120	Trf To Capital Projects	10,570
268-91-902-0000-47120	Trf To Capital Projects	82,650
Total Appropriations		107,350

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

Revenues

Fund Balance		3,579,288
Total Revenue		3,579,288

Appropriations

269-23-232-1701-47211	Transfer to Transportation Fund	3,579,288
Total Appropriations		3,579,288

**Supplemental Budget
Water Fund 300**

Revenues

Fund Balance		49,030.13
300-00-000-0000-37100	Transfers From General Fund	(0.13)
Total Revenue		49,030

Appropriations

300-45-301-0000-47120	Trf to Capital Projects	49,030
Total Appropriations		49,030

**Supplemental Budget
Water SIF Fund 301**

Revenues

300-00-000-0000-37100	Transfers From General Fund	(0.14)
Total Revenue		(0.14)

Appropriations

Total Appropriations		-
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**Supplemental Budget
Wastewater Fund 315**

Revenues

Fund Balance		28,910
Total Revenue		28,910

Appropriations

315-45-301-0000-47120	Trf to Capital Projects	28,910
Total Appropriations		28,910

**Supplemental Budget
Wastewater SIF Fund 316**

Revenues

316-00-000-0000-37100	Transfers From General Fund	(0.33)
Total Revenue		(0.33)

Appropriations

Total Appropriations		-
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**Supplemental Budget
Power Fund 330**

Revenues

Fund Balance		47,770
Total Revenue		47,770

Appropriations

120-00-000-0000-37330	Trf to Capital Projects	47,770
Total Appropriations		47,770

**Supplemental Budget
Stormwater Fund 345**

Revenues

Fund Balance		5,940.32
316-00-000-0000-37100	Transfers From General Fund	(0.32)
Total Revenue		5,940

Appropriations

345-23-280-0000-47120	Trf to Capital Projects	5,940
Total Appropriations		5,940

**Supplemental Budget
Solid Waste Fund 360**

Revenues

Fund Balance	290,716
Total Revenue	290,716

Appropriations

360-23-270-0000-47120	Trf To Capital Projects	147,058
360-23-271-0000-47120	Trf To Capital Projects	86,195
360-23-272-0000-47120	Trf To Capital Projects	57,463
Total Appropriations		290,716

**Supplemental Budget
Golf Fund 375**

Revenues

Fund Balance	41,808
Total Revenue	41,808

Appropriations

375-51-510-0000-47120	Trf To Capital Projects	41,808
Total Appropriations		41,808

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).

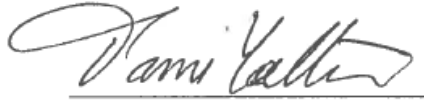
ADOPTED this 1st day of December, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

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

AGENDA ITEM: 8
MEETING DATE: 11/17/2015
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Brent Worthington, Finance Director

TITLE:

Resolution Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-57 To Appropriate Additional Funding For Expenditures Associated With Benefits Expenditures

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Action as Recommended.

SUMMARY:

This is an administrative action to consider approval of a \$77,600 supplemental appropriation by the Loveland Fire Rescue Authority (LFRA), with a City share of \$27,630. The LFRA Board approved the supplemental budget on October 28, 2015 and the Loveland Rural Fire Protection District approved it November 4, leaving only the City Council approval so that the LFRA Board can appropriate it. This is consistent with the procedures required in the intergovernmental agreement for budget appropriations.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The City contribution is \$27,630, related to 82% additional funding employee benefit insurance estimated to exceed the original budget.

BACKGROUND:

The supplemental budget is related to appropriating employee benefit funding consistent with actual allocations throughout the year, the heart and circulatory trust premium that has been covered by the State's Division of Local Affairs, and up to \$25,000 that the Loveland Rural Fire Protection District has committed to pay of the additional legal fees related to the employee conversion.

REVIEWED BY CITY MANAGER:

William D. Cavill

LIST OF ATTACHMENTS:

1. Resolution
2. Loveland Fire Rescue Authority Resolution

RESOLUTION #R-79-2015

**A RESOLUTION APPROVING THE LOVELAND FIRE RESCUE
AUTHORITY'S SUPPLEMENTAL BUDGET AND APPROPRIATION
RESOLUTION NO. R-57 TO APPROPRIATE ADDITIONAL FUNDING FOR
EXPENDITURES ASSOCIATED WITH BENEFITS EXPENDITURES**

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

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

WHEREAS, the Fire Authority, by adoption of Resolution #R-057, approved a supplemental budget and appropriation to its 2015 budget to appropriate additional funding for expenditures associated with benefits expenditures; and

WHEREAS, the Fire Authority Board of Directors has submitted the Fire Authority's Resolution #R-57, which is attached hereto and **Exhibit "A"** and incorporated herein by reference, to the City and the District for approval as required by Section 1.9(f) of the Authority IGA; and

WHEREAS, the City Council desires to approve the Fire Authority's Resolution #R-57.

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

Section 1. That supplemental budget and appropriation to its 2015 budget to appropriate additional funding for expenditures associated with benefits expenditures as reflected in the Fire Authority's Resolution #R-57, attached hereto as **Exhibit "A"** and incorporated herein by reference, is hereby approved.

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

ADOPTED this 17th day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

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

City Attorney

RESOLUTION NO. R-057**A RESOLUTION ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 LOVELAND FIRE RESCUE AUTHORITY BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR EXPENDITURES ASSOCIATED WITH BENEFITS EXPENDITURES**

WHEREAS, the City of Loveland provides estimates for employee benefit insurance allocations during the budget development process based on their estimate of the cost to provide coverage and the best information that was available in June/July 2014; and

WHEREAS, the Authority has estimated that cost through the end of the 2015 fiscal year to be an additional \$33,700 for health, dental and life insurance benefits based on actual City allocation charges through 20 pay periods in 2015; and

WHEREAS, the Loveland Rural Fire Protection District Board voted to pay additional legal fees for the outside special legal counsel in excess of the \$50,000 already appropriated for this purpose up to \$25,000 at their board meeting on October 7, 2015; and

WHEREAS, the Authority approved the participation in the Health and Circulatory Benefits Trust in December, 2014 after the 2015 budget had been adopted, provided that the State of Colorado Division of Local Affairs reimburses 100% of the premiums due the Trust; and

WHEREAS, the Health and Circulatory Trust changed its coverage year to align with the State of Colorado's fiscal year in the middle of 2015 causing both the 2015 premium of \$8,925 and the 2016 premium of \$9,975 to be due in the same calendar year; and

WHEREAS, the State of Colorado Division of Local Affairs has reimbursed the Authority for 100% of both premiums or \$18,900; and

WHEREAS, the Authority received reimbursement the heart and circulatory premiums in the amount of \$18,900, the Authority requests that City of Loveland ("City") and Loveland Rural Fire Protection District ("District") reserve funds be appropriated to the Authority in the amount of **\$33,700** to fund the operations expenditures identified below, according to the provisions of the Intergovernmental Agreement creating the Authority, which provides for allocating the payment of costs and expenses of the Authority between the City at 82% and the District at 18%, and the District has contingency funds appropriated to cover up to \$25,000 for legal fees; and

WHEREAS, the Authority Board desires to authorize the expenditure of **\$77,600** by enacting a supplemental budget and appropriation to the budget for 2015; and

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

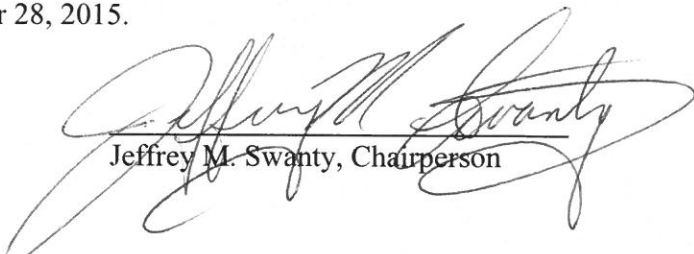
Section 1. That upon appropriation of \$18,900 reimbursements from the State, **\$27,630** by the City and of **\$31,070** by the Rural District, the Authority shall supplementally budget and appropriate said monies as part of the 2015 Authority budget as follows:

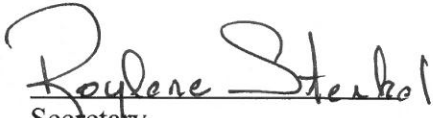
Account Title	Account Number	Amount	Description
Sources of Funds:			
Contribution from Rural District	604-22-227-1601-32402	\$31,070	18% of the estimated additional employee benefit insurance costs and up to \$25,000 for legal fees
Contribution from City	604-22-227-1601-38600	27,630	82% of the estimated additional employee benefit insurance costs
State DOLA Trust Reimbursement	604-22-224-0000-32111	18,900	100% reimbursement for two years of premiums for the legislatively required firefighter Heart and Circulatory coverage
Total Sources of Funds		\$77,600	
Uses of Funds:			
Operations Insurance Benefits	604-22-224-0000-41543	33,700	Estimated additional Health, dental and life insurance costs based actual allocations through 20 pay periods
Heart & Circulatory Benefits	604-22-224-0000-41548	18,900	Heart and Circulatory coverage paid to the Trust
Legal Fees	604-22-227-1601-43899	25,000	Legal fees for employee conversion from District
Total Uses:		\$77,600	

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

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

ADOPTED this 28th day of October 28, 2015.


 Jeffrey M. Swanty, Chairperson

ATTEST:

 Secretary



CITY OF LOVELAND
HUMAN RESOURCES DEPARTMENT
 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 11/17/2015
TO: City Council
FROM: Julia Holland, Human Resources Director
PRESENTER: Karen Rees, Human Resources Manager

TITLE:

A Resolution Adopting a Pay Plan for City Employees and Superseding All Prior Ordinances and Resolutions Adopting Such a Pay Plan

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolution as recommended.

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 for Council to adopt the City's 2016 Pay Plan. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the City utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with the identified labor market, while also providing a financially sustainable plan.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Costs associated with personnel have been approved through the adoption of the 2016 Budget.

BACKGROUND:

The City strives to remain competitive in providing employees with a total compensation plan of pay, benefits, and opportunities for development, in order to attract and retain high performing employees to serve our community. The City uses a merit-based pay plan. Our intent is to maintain competitive pay practices and to ensure a system that is sustainable for the future. The City uses both external market survey data and internal equity to determine appropriate pay levels for the pay plan. Our compensation system does not include guidelines for specific placement of employee compensation within an assigned range other than to ensure employees are within the range of their position (not below the minimum nor above the maximum). The range structures are set based on the market, and the individual pay rates are based on performance skills, and experience.

REVIEWED BY CITY MANAGER:

William D. Cavill

LIST OF ATTACHMENTS:

1. Resolution
2. 2016 Proposed Pay Plan

RESOLUTION #R-80-2015

**A RESOLUTION ADOPTING A PAY PLAN FOR CITY EMPLOYEES,
AND SUPERSEDING ALL PRIOR ORDINANCES AND RESOLUTIONS
ADOPTING SUCH A PAY PLAN**

WHEREAS, Chapter 2.68 of the Loveland Municipal Code provides that the City Council shall from time to time adopt, by resolution, an employee pay plan setting forth pay grades and compensation ranges for city employees; and

WHEREAS, prior to the adoption of Ordinance 5806, Chapter 2.68 of the Loveland Municipal Code required that the City Council adopt an employee pay plan setting forth pay grades and compensation ranges for city employees by ordinance; and

WHEREAS, the City Council last adopted a pay plan by Ordinance No. 5709 for calendar year 2013; and

WHEREAS, the City Council last adopted a pay plan by Resolution #R-91-2014 for calendar year 2015; and

WHEREAS, City staff has presented to City Council a revised pay plan setting forth pay grades and compensation ranges for calendar year 2016, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference (the “**2016 Pay Plan**”).

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

Section 1. That the pay grades and compensation ranges for employees of the City of Loveland for 2016 shall be as set forth in the 2016 Pay Plan, which shall take effect for the first pay period of 2016.

Section 2. That the City Manager shall maintain an administrative regulation regarding the use of employee performance bonuses.

Section 3. That eleven paid holidays for 2016 shall be designated by the City Manager.

Section 4. That this Resolution shall supersede in all respects all previous ordinances and resolutions of the City Council which adopt an employee pay plan, including Ordinance 5709 and Resolution #R-91-2014, as of the first pay period of 2016.

Section 5. That notwithstanding the foregoing, the employee pay plan as set forth in Resolution #R-91-2014 shall continue in full force and effect from the date of this Resolution until it is superseded on or after January 1, 2016 as provided herein.

Section 6. This Resolution shall take effect as of the date of its adoption.

Adopted this 17th day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

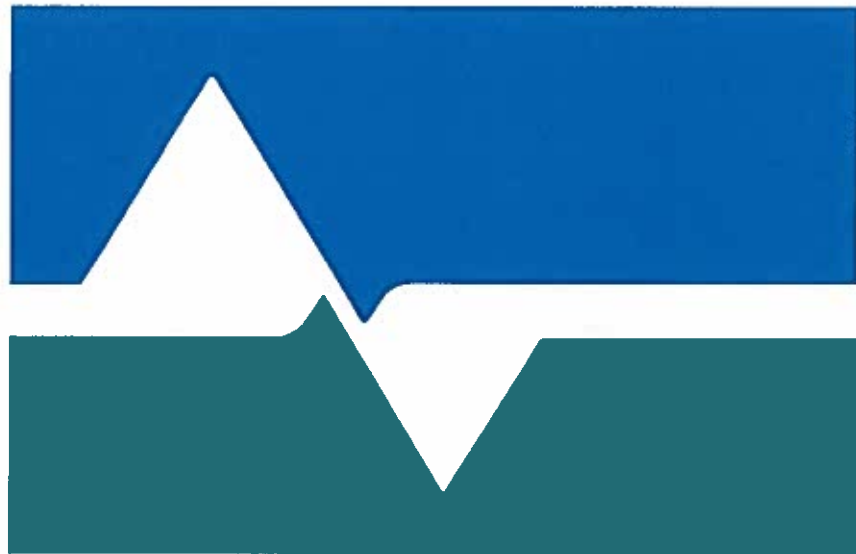
City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

2016 Proposed Pay Plan



City of Loveland

2016 Proposed Pay Plan

City of Loveland Compensation Philosophy

The City's total compensation system is designed to support the organization's mission, goals and objectives. We strive to offer competitive and performance-driven compensation through a comprehensive pay and benefits package to help attract, retain and motivate competent employees.

As a public employer, the City aims to provide a competitive, market-based, and fiscally responsible compensation program.

The compensation system for City of Loveland employees is a market based pay plan that strictly adheres to operational and budgetary constraints. This market based compensation system compares an employee's actual salary to other comparable positions found at both public and private employers in the region. Two main salary survey resources are utilized for this process: Mountain States Employers Council and the Colorado Municipal League. Our goal is to annually review and when necessary, adjust the pay plan according to market fluctuations.

The City's pay plan is broken out into three sections; exempt; non-exempt and part time; with a separate step plan for eight (8) positions in the Police Department. Positions in all three sections are placed within a pay grade level based upon the individual position's market salary or internal equity. Examining actual pay ensures that the salaries paid to employees are competitive with salaries paid in the market.

When market salary information is not available, the City uses internal equity by analyzing factors such as the degree of knowledge, skills, job family progression, span of control, reporting relationships, scope of decision-making authority, types of decisions made, and impact on the organization of such decisions, and autonomy. Positions are placed together into salary grades according to like skills, responsibilities, and qualifications as well as relative market rates.

City of Loveland employee salaries are not automatically adjusted or raised to reflect range movement unless the position falls outside of the range. Employees may receive a merit increase at the end of each year based on their evaluated work performance. Supervisors have the ability to reward work performance through the City's performance management system within the following guidelines: actual employee performance plus the department budget must not exceed total dollars allowed for salaries and an employee must be paid a dollar amount within the range of their pay level classification. The performance management system is intended to ensure the City is paying and rewarding employees based on performance.

2016 Proposed Pay Plan

City of Loveland Salary/Merit Increases

New Hires

New employees are typically hired within the minimum to the midpoint of the pay level for their position. The hiring salary depends upon:

- ❖ Experience and education
- ❖ Market demand
- ❖ Internal equity with others in the same position or pay level
- ❖ Department budget

End of Probation

Employees who successfully complete their initial 6-month probationary period (12 months for Police Officers) are eligible for a salary increase. This increase will depend on:

- ❖ How well the employee is performing in the position
- ❖ Internal equity with others in the same position
- ❖ Department budget

End of Year Evaluations

All employees shall receive a year-end evaluation using the City's performance management system (unless within their probationary period) and may be eligible for a salary increase based upon:

- ❖ How well the employee met the performance expectations of the position
- ❖ Internal equity with others in the same position
- ❖ Department budget
- ❖ Range movement within the respective position pay level

If an employee is at the maximum of their pay range they are not eligible for a base pay increase with merit; however, they may be eligible for a lump sum payment based on performance. All year-end increases must coincide with a completed evaluation signed by the employee and supervisor.

2016 Proposed Pay Plan

2016 Holiday Schedule

Friday, January 1	New Year's Day
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Friday, November 11	Veteran's Day
Thursday, November 24	Thanksgiving Day
Friday, November 25	Day after Thanksgiving
Monday, December 26	Day after Christmas Day

Employees will also receive 3 floating holidays in 2016

PROPOSED 2016 Exempt Pay Plan

Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum
Salary Grade E01 (Vac Level C)	\$41,100	\$52,350	\$63,600
Hourly Rate	\$19.76	\$25.17	\$30.58
Athletics Coordinator			
Facility Coordinator			
Marketing Coordinator			
Museum Curator			
Recreation Coordinator			
Visitor Center Manager			
Salary Grade E02 (Vac Level C)	\$47,100	\$60,000	\$72,900
Hourly Rate	\$22.65	\$28.85	\$35.05
Accountant			
Benefits Administrator			
Budget Analyst			
Business Development Specialist			
Court Administrator			
Human Resources Generalist			
Program Supervisor			
Purchasing Administrator			
Sales Tax Auditor			
Senior City Planner			
Stormwater Quality Specialist			
Transit Operations Supervisor			
Visitor Services Coordinator			
Salary Grade E03 (Vac Level C)	\$54,700	\$69,800	\$84,900
Hourly Rate	\$26.30	\$33.56	\$40.82
Airport Op. Maintenance Supervisor			
Community Partnership Administrator			
Construction Coordinator			
Crew Supervisor			
Customer Relations Business Specialist			
Customer Relations Specialist			
Development Administrator			
Economic Development Manager			
Facilities Management Planner			
Financial Rate Analyst			
Golf Course Professional			
Golf Services Superintendent			
Librarian III			
Recreation Facility Manager			
Senior Accountant			
Senior Human Resources Generalist			
Staff Engineer			
Theater Manager			
Utility Financial Rate Analyst			
Salary Grade E04 (Vac Level B)	\$61,200	\$78,000	\$94,800
Hourly Rate	\$29.43	\$37.50	\$45.58
Civil Engineer I			
Construction Project Manager			
Industrial Pretreatment Coordinator			
Library Technology Manager			
Principal City Planner			
Public Information Officer			
Technical Services Superintendent			
Water Operations Supervisor			
Water Quality Lab Supervisor			

Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum

Salary Grade E05 (Vac Level B)	\$69,600	\$88,800	\$108,000
Hourly Rate	\$33.47	\$42.69	\$51.92

- Administrative Business Manager
- Assistant City Attorney I
- Civil Engineer II
- Customer Relations Manager
- Electrical Engineer
- Environmental Compliance Administrator
- Facility Maintenance Superintendent
- Field Engineering Supervisor
- Fleet Services Manager
- Open Lands Manager
- Police Records Manager
- Senior Parks and Recreation Planner
- Special Projects Manager
- Support Services Superintendent
- Traffic Operations Superintendent
- Transit Manager

Salary Grade E06 (Vac Level B)	\$75,800	\$98,500	\$121,200
Hourly Rate	\$36.45	\$47.36	\$58.27

- Accounting Manager
- Budget Manager
- Chief Building Official
- Current Planning Manager
- Golf Operations Manager
- Human Resources Manager
- Parks Manager
- Police Communications Manager
- Police Lieutenant
- Power Operations Supervisor
- Recreation Manager
- Revenue Manager
- Risk Manager
- Senior Civil Engineer
- Senior Electrical Engineer
- Solid Waste Mgmt. Superintendent
- Streets & Stormwater Maint. Superintendent
- Utility Accounting Manager
- Utility Information Manager
- Wastewater Treatment Plant Manager
- Water Treatment Manager

Salary Grade E07 (Vac Level B)	\$81,500	\$106,000	\$130,500
Regular Hourly Rate	\$39.19	\$50.96	\$62.74

- Airport Director
- Application Services Manager
- Assistant City Attorney II
- City Clerk
- City Traffic Engineer
- Cultural Services Director
- Director Economic Development
- Executive Fiscal Advisor
- Facilities Operations Manager
- Infrastructure Services Manager
- Library Director
- Streets & Solid Waste Manager

Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum

Salary Grade E08 (Vac Level A)	\$94,200	\$122,500	\$150,800
Hourly Rate	\$45.29	\$58.89	\$72.50

- City Engineer
- Deputy City Attorney
- Director Of Development Services
- Human Resources Director
- Information Technology Director
- Police Captain
- Power Operations Manager
- Water Utilities Manager

Salary Grade E09 (Vac Level A)	\$102,200	\$132,900	\$163,600
Hourly Rate	\$49.14	\$63.89	\$78.65

- Assistant City Manager
- Chief Of Police
- Director Of Parks And Recreation
- Director Of Public Works
- Director Of Water & Power
- Finance Director

PROPOSED 2016 Non-Exempt Pay Plan

Non-Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum
Salary Grade N01	\$26,700	\$32,000	\$37,300
Hourly Rate	\$12.84	\$15.38	\$17.93
Cashier I Mail Distribution Clerk Office Assistant			
Salary Grade N02	\$30,300	\$36,400	\$42,500
Hourly Rate	\$14.57	\$17.50	\$20.43
Cashier II Childcare Supervisor Library Aide Office Support Specialist Scheduling Coordinator			
Salary Grade N03	\$33,100	\$40,550	\$48,000
Hourly Rate	\$15.92	\$19.50	\$23.08
Accounting Clerk Administrative Specialist Bus Driver Bus Driver Substitute Maintenance Worker Municipal Court Clerk Parks Worker Plant Operator D Police Report Technician Technical Assistant Utility Billing Clerk Vehicle Service Writer Warehouse Worker			
Salary Grade N04	\$37,800	\$46,350	\$54,900
Hourly Rate	\$18.18	\$22.28	\$26.39
Accounting Technician Administrative Technician Aquatics Supervisor Assistant Golf Professional Building Attendant Building Supervisor City Planning Technician Equipment Operator Equipment Services Technician Facilities Planning Specialist GIS Technician Help Desk Technician Human Resources Technician Irrigation Technician Journey Water Systems Operator Librarian I Librarian I Substitute Meter Reader Revenue and Licensing Coordinator Senior Customer Service Representative Senior Utility Billing Clerk Technical Coordinator Traffic Technician Utility Locator Water Meter Technician I			

Non-Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum

Salary Grade N05	\$42,400	\$52,000	\$61,600
Hourly Rate	\$20.39	\$25.00	\$29.62

- Airport Operations & Maintenance Technician
- Business Services Coordinator
- Buyer
- City Planner I
- Code Administrator
- Computer Support Technician
- Crew Leader Cemetery
- Deputy City Clerk
- Desktop Publishing Specialist
- Distribution System Operator
- Evidence Technician
- Fleet Parts Buyer
- Golf Mechanic
- Graphic Designer
- Grounds Technician
- Heavy Equipment Operator
- Human Resources Analyst
- Investigative Technician
- Librarian II
- Library Technology Specialist
- Mechanic I
- Museum Preparator
- Open Lands Specialist
- Parks Crew Leader
- Parks Specialist
- Payroll Administrator
- Plant Operator B/C
- Police Victim/Witness Coordinator
- Pre-Apprentice Lineworker
- Public Works Inspector
- Senior Meter Reader
- Theater Coordinator
- Traffic Sign Crew Leader
- Traffic Signal Technician
- Water Meter Technician II
- Water Quality Specialist

Salary Grade N06	\$45,400	\$56,800	\$68,200
Hourly Rate	\$21.83	\$27.31	\$32.79

- Apprentice Lineworker I
- City Planner II
- Engineering Technician
- Executive Assistant
- Facilities Maintenance Tech
- Facilities Maint Tech Leadworker
- Field Engineering Coordinator
- Field Service Representative
- GIS Specialist
- Industrial Pretreatment Specialist
- Lead Equipment Operator
- Lead Water Systems Operator
- Legal Assistant
- Mechanic II
- Parks and Recreation Planner
- Technical Services Maintenance Technician
- Telecom Specialist
- Traffic Marking Crew Leader

Non-Exempt Pay Plan			
Job Title	Range Minimum	Range Midpoint	Range Maximum

Salary Grade N07	\$49,800	\$62,300	\$74,800
Hourly Rate	\$23.95	\$29.95	\$35.96

- Administrative Analyst
- Apprentice Lineworker II
- Associate Engineer
- Building Inspector
- Computer Support Tech Group Leader
- Crime Analyst
- Cross Connection Controls Tech
- Electric Distribution Designer
- Latent Fingerprint Examiner
- Mechanical/Maintenance Tech
- Plant Operator A
- Safety Coordinator
- Senior Fleet Technician
- Technical Services Maintenance Specialist
- Technical Specialist
- Water Quality Analyst

Salary Grade N08	\$55,300	\$70,500	\$85,700
Hourly Rate	\$26.59	\$33.89	\$41.20

- Business Analyst
- Lead Plant Operator
- Network & Systems Administrator
- Open Lands Coordinator
- Plans Reviewer
- SCADA Progr/Instr and Controls Specialist
- Senior Building Inspector
- Senior Electric Distribution Designer
- Senior GIS Specialist
- Technical Services Master Electrician

Salary Grade N09	\$59,300	\$75,600	\$91,900
Hourly Rate	\$28.51	\$36.35	\$44.18

- Criminalist
- Customer Service Supervisor
- Journey Lineworker
- Journey Meter Technician
- Utility Billing Supervisor

Salary Grade N10	\$69,000	\$88,000	\$107,000
Hourly Rate	\$33.18	\$42.31	\$51.44

- Business Analyst Group Leader
- Electric Metering Supervisor
- Line Crew Supervisor
- Warehouse Operations Manager

PROPOSED 2016 Part Time Pay Plan

Part Time Pay Plan		
Job Title	Range Minimum	Range Maximum
Salary Grade PT1	\$8.31	\$12.25
Batting Cage Worker		
Cart Range Worker		
Childcare Attendant		
Clerk/Cashier		
Concession Worker		
Fitness Area Supervisor		
General Laborer I		
Golf Pro-Shop Worker		
Intern I		
Lifeguard (Pool/Beach/Chilson)		
Maintenance Worker I		
Play/Tee Manager I		
Pool Technician		
Program Instructor I		
Recycling Site Attendant		
Scorekeeper		
Swim Aide		
Youth Athletics Official I		
Salary Grade PT2	\$9.00	\$14.00
Activity/Day Camp Leader		
Assistant Pool/Beach Manager		
Cultural Events Assistant		
Escort Van Driver		
Facility Attendant I		
Front House/Event Coordinator		
General Laborer II		
Lead Clerk/Cashier		
Lead Lifeguard		
Library Page		
Maintenance Worker II		
Museum Registrar		
Play/Tee Manager II		
Program Instructor II		
Tournament Director		
Water Safety Instructor		
Youth Athletics Coach		
Youth Athletics Official II		
Salary Grade PT3	\$11.00	\$17.80
Adult Athletics Official I		
Assistant Day Camp Director		
Certified Youth Athletics Official		
Day Camp Director		
Environmental Education Coordinator		
Facility Supervisor		
Intern II		
Maintenance Technician		
Master Greens Keeper		
Pool/Beach Manager		
Production Assistant		
Program Instructor III		
Salary Grade PT4	\$17.80	\$35.00
Adult Athletics Official II		
Code Enforcement/Weed Control		
Environmental Technician		
Groundworker (temp)		
Intern III		
Program Instructor IV		
Recreation Leader		
Water Systems Operator		

2016 Proposed Police Department Pay Plan Annual Rates

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Police Officer	\$57,900	\$61,600	\$66,000	\$71,300	\$73,500	\$75,600	\$77,800
Police Sergeant	\$81,500	\$85,700	\$91,000	\$93,600	\$96,500		
Community Service Officer	\$43,600	\$46,300	\$49,300	\$52,500	\$54,600	\$56,800	\$58,600
Communication Specialist	\$43,700	\$45,600	\$47,700	\$50,300	\$52,300	\$54,700	\$56,900
Lead Communication Specialist	\$47,500	\$49,500	\$51,800	\$54,600	\$57,000	\$59,500	\$61,700
Communication Specialist Supervisor	\$59,100	\$61,600	\$64,600	\$68,000	\$71,000	\$74,000	\$76,900
Police Records Specialist	\$35,800	\$37,500	\$39,300	\$41,200	\$43,000	\$44,700	\$46,500
Lead Records Specialist	\$39,000	\$40,800	\$42,800	\$44,900	\$47,000	\$48,900	\$50,800

Step Key: Performance (Meets Expectations) and Months of Service	
Step 1	0 to 12 Months
Step 2	13 to 24 Months
Step 3	25 to 36 Months
Step 4	37 to 48 Months
Step 5	49 to 60 Months
Step 6	61 to 72 Months
Step 7	> 73 Months

Hourly Rates

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Police Officer	\$27.84	\$29.62	\$31.74	\$34.28	\$35.34	\$36.35	\$37.41
Police Sergeant	\$39.19	\$41.21	\$43.75	\$45.00	\$46.40		
Community Service Officer	\$20.97	\$22.26	\$23.71	\$25.25	\$26.25	\$27.31	\$28.18
Communication Specialist	\$21.01	\$21.93	\$22.94	\$24.19	\$25.15	\$26.30	\$27.36
Lead Communication Specialist	\$22.84	\$23.80	\$24.91	\$26.25	\$27.41	\$28.61	\$29.67
Communication Specialist Supervisor	\$28.42	\$29.62	\$31.06	\$32.70	\$34.14	\$35.58	\$36.98
Police Records Specialist	\$17.22	\$18.03	\$18.90	\$19.81	\$20.68	\$21.50	\$22.36
Lead Records Specialist	\$18.75	\$19.62	\$20.58	\$21.59	\$22.60	\$23.51	\$24.43

Position Title	Page Number	Pay Level
Accountant	1	E02
Accounting Clerk	4	N03
Accounting Manager	2	E06
Accounting Technician	4	N04
Activity/Day Camp Leader	8	PT2
Administrative Analyst	6	N07
Administrative Business Manager	2	E05
Administrative Specialist	4	N03
Administrative Technician	4	N04
Adult Athletics Official I	8	PT3
Adult Athletics Official II	9	PT4
Airport Director	3	E07
Airport Operations & Maintenance Tech	5	N05
Airport Op. Maintenance Supervisor	1	E03
Application Services Manager	3	E07
Apprentice Lineworker I	6	N06
Apprentice Lineworker II	6	N07
Aquatics Supervisor	4	N04
Assistant City Attorney I	2	E05
Assistant City Attorney II	3	E07
Assistant City Manager	3	E09
Assistant Day Camp Director	8	PT3
Assistant Golf Professional	4	N04
Assistant Pool/Beach Manager	8	PT2
Associate Engineer	6	N07
Athletics Coordinator	1	E01
Batting Cage Worker	8	PT1
Benefits Administrator	1	E02
Budget Analyst	1	E02
Budget Manager	2	E06
Building Attendant	4	N04
Building Inspector	6	N07
Building Supervisor	4	N04
Bus Driver	4	N03
Bus Driver Substitute	4	N03
Business Analyst	7	N08
Business Analyst Group Leader	7	N10
Business Development Specialist	1	E02
Business Services Coordinator	5	N05
Buyer	5	N05
Cart Range Worker	8	PT1
Cashier I	4	N01
Cashier II	4	N02

Position Title	Page Number	Pay Level
Certified Youth Athletics Official	8	PT3
Chief Building Official	2	E06
Chief Of Police	3	E09
Childcare Attendant	8	PT1
Childcare Supervisor	4	N02
City Clerk	3	E07
City Engineer	3	E08
City Planner I	5	N05
City Planner II	6	N06
City Planning Technician	4	N04
City Traffic Engineer	3	E07
Civil Engineer I	2	E04
Civil Engineer II	2	E05
Clerk/Cashier	8	PT1
Code Administrator	5	N05
Code Enforcement/Weed Control	9	PT4
Community Partnership Administrator	1	E03
Computer Support Technician	5	N05
Computer Support Technician Group Leader	6	N07
Concession Worker	8	PT1
Construction Coordinator	1	E03
Construction Project Manager	2	E04
Court Administrator	1	E02
Crew Leader Cemetery	5	N05
Crew Supervisor	1	E03
Crime Analyst	6	N07
Criminalist	7	N09
Cross Connection Controls Technician	6	N07
Cultural Events Assistant	8	PT2
Cultural Services Director	3	E07
Current Planning Manager	2	E06
Customer Relations Business Specialist	1	E03
Customer Relations Manager	2	E05
Customer Relations Specialist	1	E03
Customer Service Supervisor	7	N09
Day Camp Director	8	PT3
Deputy City Attorney	3	E08
Deputy City Clerk	5	N05
Desktop Publishing Specialist	5	N05
Development Administrator	9	PT4
Director Economic Development	3	E07
Director Of Development Services	3	E08
Director Of Parks And Recreation	3	E09
Director Of Public Works	3	E09

Position Title	Page Number	Pay Level
Director Of Water & Power	3	E09
Distribution Systems Operator	6	N05
Economic Development Manager	1	E03
Electric Distribution Designer	6	N07
Electric Metering Supervisor	7	N10
Electrical Engineer	2	E04
Engineering Technician	6	N06
Environmental Compliance Administrator	2	E05
Environmental Education Coordinator	8	PT3
Environmental Technician	9	PT4
Equipment Operator	4	N04
Equipment Services Technician	4	N04
Escort Van Driver	8	PT2
Evidence Technician	5	N05
Executive Assistant	6	N06
Executive Fiscal Advisor	3	E07
Facilities Maintenance Tech	6	N06
Facilities Maintenance Tech Leadworker	6	N06
Facilities Management Planner	1	E03
Facilities Operations Manager	3	E07
Facilities Planning Specialist	4	N04
Facility Attendant I	8	PT2
Facility Coordinator	1	E01
Facility Maintenance Superintendent	2	E05
Facility Supervisor	8	PT3
Field Engineering Coordinator	6	N06
Field Engineering Supervisor	2	E05
Field Service Representative	6	N06
Finance Director	3	E09
Financial Rate Analyst	1	E03
Fitness Area Supervisor	8	PT1
Fleet Parts Buyer	5	N05
Fleet Services Manager	2	E05
Front House/Event Coordinator	8	PT2
General Laborer I	8	PT1
General Laborer II	8	PT2
GIS Specialist	6	N06
GIS Technician	4	N04
Golf Course Professional	1	E03
Golf Mechanic	5	N05
Golf Operations Manager	2	E06
Golf Pro-Shop Worker	8	PT1
Golf Services Superintendent	1	E03
Graphic Designer	5	N05

Position Title	Page Number	Pay Level
Groundworker (temp)	9	PT4
Grounds Technician	5	N05
Heavy Equipment Operator	5	N05
Help Desk Technician	4	N04
Human Resources Analyst	5	N05
Human Resources Director	3	E08
Human Resources Generalist	1	E02
Human Resources Manager	2	E06
Human Resources Technician	4	N04
Industrial Pretreatment Coordinator	2	E04
Industrial Pretreatment Specialist	6	N06
Information Technology Director	3	E08
Infrastructure Services Manager	3	E07
Intern I	8	PT1
Intern II	8	PT3
Intern III	9	PT4
Investigative Technician	5	N05
Irrigation Technician	4	N04
Journey Lineworker	7	N09
Journey Meter Technician	7	N09
Journey Water Systems Operator	5	N04
Latent Fingerprint Examiner	6	N07
Lead Clerk/Cashier	8	PT2
Lead Equipment Operator	6	N06
Lead Lifeguard	8	PT1
Lead Plant Operator	7	N08
Lead Water Systems Operator	6	N06
Legal Assistant	6	N06
Librarian I	5	N04
Librarian I Substitute	5	N04
Librarian II	5	N05
Librarian III	1	E03
Library Aide	4	N02
Library Director	3	E07
Library Page	8	PT2
Library Technology Manager	2	E04
Library Technology Specialist	5	N05
Lifeguard (Pool/Beach/Chilson)	8	PT1
Line Crew Supervisor	7	N10
Mail Distribution Clerk	4	N01
Maintenance Technician	8	PT3
Maintenance Worker	4	N03
Maintenance Worker I	8	PT1
Maintenance Worker II	8	PT2

Position Title	Page Number	Pay Level
Marketing Coordinator	1	E01
Master Greens Keeper	8	PT3
Mechanic I	5	N05
Mechanic II	6	N06
Mechanical/Maintenance Technician	6	N07
Meter Reader	5	N04
Municipal Court Clerk	4	N03
Museum Curator	1	E01
Museum Preparator	5	N05
Museum Registrar	8	PT2
Natural Areas Coordinator	7	N08
Network & Systems Administrator	7	N08
Office Assistant	4	N01
Office Support Specialist	4	N02
Open Lands Coordinator	7	N08
Open Lands Manager	2	E05
Open Lands Specialist	5	N05
Parks Crew Leader	5	N05
Parks Manager	2	E06
Parks and Recreation Planner	6	N06
Parks Specialist	5	N05
Parks Worker	4	N03
Payroll Administrator	5	N05
Plans Reviewer	7	N08
Plant Operator A	6	N07
Plant Operator B/C	5	N05
Plant Operator D	4	N03
Play/Tee Manager I	8	PT1
Play/Tee Manager II	8	PT2
Police Captain	3	E08
Police Communications Manager	2	E06
Police Lieutenant	2	E06
Police Records Manager	2	E05
Police Report Technician	4	N03
Pool Technician	8	PT1
Pool/Beach Manager	9	PT3
Power Operations Manager	3	E08
Power Operations Supervisor	2	E06
Pre-Apprentice Lineworker	5	N05
Principal City Planner	2	E04
Production Assistant	9	PT3
Program Instructor I	8	PT1
Program Instructor II	8	PT2
Program Instructor III	9	PT3

Position Title	Page Number	Pay Level
Program Instructor IV	9	PT4
Program Supervisor	1	E02
Public Information Officer	2	E04
Public Works Inspector	6	N05
Purchasing Administrator	1	E02
Recreation Coordinator	1	E01
Recreation Facility Manager	1	E03
Recreation Leader	9	PT4
Recreation Manager	2	E06
Recycling Site Attendant	8	PT1
Revenue and Licensing Coordinator	5	N04
Revenue Manager	2	E06
Risk Manager	2	E06
Safety Coordinator	6	N07
Sales Tax Auditor	1	E02
SCADA Progr/Instr & Controls Specialist	7	N08
Scheduling Coordinator	4	N02
Scorekeeper	8	PT1
Senior Accountant	1	E03
Senior Building Inspector	7	N08
Senior City Planner	1	E02
Senior Civil Engineer	2	E06
Senior Customer Service Representative	5	N04
Senior Electric Distribution Designer	7	N08
Senior Electrical Engineer	2	E06
Senior Fleet Technician	6	N07
Senior GIS Specialist	7	N08
Senior Human Resources Generalist	1	E03
Senior Meter Reader	6	N05
Senior Parks and Recreation Planner	2	E05
Senior Utility Billing Clerk	5	N04
Solid Waste Mgmt Superintendent	2	E06
Special Projects Manager	2	E05
Staff Engineer	1	E03
Stormwater Quality Specialist	1	E02
Streets & Solid Waste Manager	3	E07
Streets & Stormwater Maint. Superintendent	2	E06
Support Services Superintendent	2	E05
Swim Aide	8	PT1
Technical Assistant	4	N03
Technical Coordinator	5	N04
Technical Services Maintenance Specialist	6	N07
Technical Services Maintenance Technician	6	N06
Technical Services Master Electrician	7	N08

Position Title	Page Number	Pay Level
Technical Services Superintendent	2	E04
Technical Specialist	6	N07
Telecom Specialist	6	N06
Theater Coordinator	6	N05
Theater Manager	1	E03
Tournament Director	8	PT2
Traffic Marking Crew Leader	6	N06
Traffic Operations Superintendent	2	E05
Traffic Sign Crew Leader	6	N05
Traffic Signal Technician	6	N05
Traffic Technician	5	N04
Transit Manager	2	E05
Transit Operations Supervisor	1	E02
Utility Accounting Manager	3	E06
Utility Billing Clerk	4	N03
Utility Billing Supervisor	7	N09
Utility Financial Rate Analyst	1	E03
Utility Information Manager	3	E06
Utility Locator	5	N04
Vehicle Service Writer	4	N03
Visitor Center Manager	1	E01
Visitor Services Coordinator	1	E02
Warehouse Operations Manager	7	N10
Warehouse Worker	4	N03
Wastewater Treatment Plant Mgr	3	E06
Water Meter Technician I	5	N04
Water Meter Technician II	6	N05
Water Operations Supervisor	2	E04
Water Quality Lab Supervisor	2	E04
Water Quality Analyst	6	N07
Water Quality Specialist	6	N05
Water Safety Instructor	8	PT2
Water Systems Operator - temp	9	PT4
Water Treatment Manager	3	E06
Water Utilities Manager	3	E08
Youth Athletics Coach	8	PT2
Youth Athletics Official I	8	PT1
Youth Athletics Official II	8	PT2



CITY OF LOVELAND
HUMAN RESOURCES DEPARTMENT
 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 11/17/2015
TO: City Council
FROM: Julia Holland, Human Resources Director
PRESENTER: Bettie Greenberg, Risk Manager

TITLE:

Property and Liability Insurance Coverage Renewal

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to award the City's 2016 property and liability insurance coverage to CIRSA and authorize the City to continue the Intergovernmental Agreement with CIRSA and to establish a purchase order in the amount of \$850,000.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Refer back to staff for further development and consideration
4. Adopt a motion continuing the item to a future Council meeting. Due to the renewal of property and liability insurance being on a calendar year basis, the insurance for the City will need to be determined prior to the end of the year.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The amount of \$850,000 is within the projected and approved 2016 budget.

SUMMARY:

This is an administrative action to authorize the City to continue its Intergovernmental Agreement with CIRSA for 2016 property and liability insurance coverage and establish a purchase order in the amount \$850,000 for premium, claims administration and payment of estimated claims for 2016 as well as remaining open claims or new claims from prior years. The \$850,000 is within the projected and approved 2016 budget.

BACKGROUND:

A Request for Proposal was conducted in 2012 for the City's property and liability insurance and the City selected to remain with CIRSA.

For 2016, CIRSA quoted the City's property and liability insurance at \$489,381 with a \$200,000 per occurrence deductible and \$10,000,000 in general liability limits. This amount does not include coverage for the Loveland Fire and Rescue Authority. In 2015, the quote was \$475,432 with the same deductible limits and \$5,000,000 in general liability limits.

There are primarily two reasons for the increase in our 2016 premium. City claims activity has resulted in a higher experience rate and City exposures (including operating expenditures and population increases) accounting for over a 4 percent increase. In addition, property insurance premiums are increasing approximately 4 percent due to the 2013 flood. The Public Officials Errors & Omissions (E&O) increased \$17,719, and the general liability cost increased \$10,555 over last year. The quote also reflects a coverage enhancement, which increased the Public Official E&O coverage from \$5 million to \$10 million.

An additional premium of approximately \$65,000 is anticipated for the City's miscellaneous premium for Boiler & Machinery Coverage, Excess Crime, Fiduciary Liability, Special Events, and coverage for the Loveland Larimer Building Authority (Police and Courts). The remaining balance after payment of premiums is \$290,073. This amount is expected to be used for estimated claims reported in 2015 and remaining open claims from prior years.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

2016 Quotes from CIRSA



Chris Krall | Executive Director

August 28, 2015

Bettie Greenberg, Risk Manager
 City of Loveland
 200 N. Wilson
 Loveland, CO 80537

RE: 2016 Property/Casualty Preliminary Contribution Quotation

Dear Bettie:

Enclosed is the preliminary quotation for your 2016 contribution to the CIRSA Property/Casualty Pool.

We are pleased to announce that effective January 1, 2016, the General Liability, Law Enforcement Liability and Public Officials Liability limits are increasing from the current \$5,000,000 each claim limit to \$10,000,000 each claim limit.

CIRSA has taken the following steps to lower our members' cost of risk for the 2016 Renewal:

- Loss control credits are again being provided to those members that actively work to control their losses and comply with the CIRSA Loss Control Standards. Over \$735,000 is being made available between both the Property/Casualty and Workers' Compensation Pools for 2016.
- CIRSA individually experience rates each member. The effect of your entity's individual experience is shown on the attached quotation as the "Impact of Loss Experience." If you have been successful at using loss control techniques to control your losses this line will be a credit.
- CIRSA continues to provide relevant and effective services and training. A list of all the services CIRSA provides is available upon request.

The enclosed quotation sheet provides a preliminary quotation. Final invoices, e-mailed on January 1, 2016, may increase or decrease based on such factors as the number of CIRSA members for 2016, actual excess insurance premiums and any changes made to your 2016 renewal application.

The quotation sheet provides information on your 2016 contribution, the amount of any available credits and optional payment plans. In addition, a general description of the types and monetary limits of the proposed coverages to be provided to 2016 CIRSA Property/Casualty members is attached.

The acceptance form must be completed and returned to CIRSA by **Thursday, October 1, 2015**. When completing your form, please make sure to initial the deductible option you want for 2016. If you have any available credits, you must write in the amount that you wish to use in the appropriate section of the *Credit Options* table. Also, at the top of page 2 of 2, please indicate which payment option you would like for 2016.

2016 Property/Casualty Preliminary Contribution Quotation

August 28, 2015

Page 2

Please note that if you have requested quotations for any of the Optional Coverage Programs including Equipment Breakdown, Excess Crime, Excess Cyber (Data Privacy and Network Security), Community Service Workers' Accident Medical Plan, Sports Accident Medical Plan, Occupational Accidental Death and Dismemberment Plan or Volunteer Accident Medical Plan coverage, they are not included in this mailing. The carriers that provide coverage for each program are unable to provide quotes until later this year. Quotations are generally mailed to members in October.

If you have any questions about your renewal quote, please don't hesitate to contact us. Courtney Fagan, Marketing Manager, is available to offer any further explanation of your quote you may require. Courtney may be contacted via phone at (800) 228-7136 or via email at Courtneyf@cirsa.org. We are also available to give presentations to your council or board of trustees upon request.

Thank you for your on-going support of CIRSA. We look forward to continuing our relationship with you in 2016.

Sincerely,



Chris Krall
Executive Director

enc.

CIRSA Property/Casualty Pool
Preliminary 2016 Contribution Quotation for:
Loveland

Current Deductibles:

Liability *	Auto Liability	Physical Damage	Property **	To Continue with This Deductible Option for 2016 Initial Here:
\$200,000	\$200,000	\$200,000	\$200,000	<i>NR</i>

(or choose another option below)

Contribution Before Reserve and Loss Experience: \$507,083
 Reserve Fund Contribution: \$0
 Impact of Loss Experience: (\$4,303)
 Total 2016 Preliminary Quotation Before Credits: \$502,780

Credit Options: You must write in the amount that you wish to use. Amounts may be split between available options.

Credit PC Contribution	Deposit / Leave in Account	Send Check	Credit WC Contribution
✓			
2015 Loss Control Audit Credit: (\$13,399)			
Balance Remaining from Prior Years' LC Credits: \$0			

Preliminary Quotation at Current Deductible
 With All Available Credits Applied: \$489,381

Or, select a different deductible option:

You did not request any other deductible options. Contact your Underwriting Representative if you are interested in other options.

Liability *	Auto Liability	Physical Damage	Property **	Revised Quote (Before Credits)	To Accept a New Deductible Option for 2016, Initial Next to the Option (Choose Only One):
\$250,000	\$250,000	\$250,000	\$250,000	\$463,104	
\$250,000	\$250,000	\$250,000	\$500,000	\$463,104	
\$150,000	\$150,000	\$150,000	\$150,000	\$548,078	
\$200,000	\$200,000	\$200,000	\$500,000	\$489,087	
\$200,000	\$200,000	\$200,000	\$100,000	\$530,167	

DO NOT PAY THE AMOUNT SHOWN ON PAGE 1. AN INVOICE WILL BE SENT ON JANUARY 1, 2016.

The Board has established two options for payment of your 2016 Property/Casualty Pool billing for 2016.

Please select one of the boxes below indicating how you would like to be billed:

- Annual billing on January 1, 2016
- Quarterly billing on January 1, April 1, July 1 and October 1, 2016

This preliminary quotation includes all exposures reported on your entity's 2016 Property/Casualty Renewal Application and any Application Amendment Requests received by CIRSA before August 20, 2015.

* Regarding the Liability Deductible shown on page 1, a \$500 deductible quotation is offered to members, if requested, for general liability. However, police professional and public officials errors and omissions deductibles cannot go below \$1,000.

** Regarding the Property Deductible shown on page 1, an additional property deductible will apply separately to each location in a National Flood Insurance Program (NFIP) Zone A if total building and contents values at that location are in excess of \$1,000,000. The deductible will be the maximum limit of coverage which could have been purchased through NFIP, whether it is purchased or not.

Based upon the selections made in your 2016 Property/Casualty Renewal Application, the City of Loveland has elected not to participate in Uninsured/Underinsured Motorist Coverage.

*** Indicates the selection is a change from your entity's selection in 2015.

If this is incorrect, or you wish to change your selection at this time, please contact your Underwriting Representative at (800) 228-7136 or (303) 757-5475.

The undersigned is authorized to accept this preliminary quotation on behalf of the City of Loveland.

We accept this preliminary quotation for January 1, 2016 to January 1, 2017. We understand our final invoice may increase or decrease depending upon the number of CIRSA Property/Casualty members for 2016, actual excess insurance premiums, and any changes made to our 2016 renewal application.

Signature: *Amanda Rick*

Title: _____

Date: 9.25.15

Signature must be that of the Mayor, Manager, Clerk or equivalent (such as President of a Special District.)

Both pages of this form must be returned by Thursday, October 1, 2015. A mailed, faxed or e-mailed copy is acceptable. Please return to:

Amanda Rick, Underwriting Administrative Assistant
3665 Cherry Creek North Drive
Denver, CO 80209
Fax: (303) 757-8950 or (800) 850-8950
E-Mail: AmandaR@cirsra.org



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

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

AGENDA ITEM: 11
MEETING DATE: 11/17/2015
TO: City Council
FROM: Leah Browder, Public Works Director
PRESENTER: Jeff Bailey, PE, Interim City Engineer
 Suzette Mallette, Transportation Program Manager, Larimer County

TITLE:

Resolution of Support for the Use of Larimer County Mill Levy Funds for Interstate 25 (I-25) Improvements

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Resolution.

OPTIONS:

1. Adopt the action as recommended, which will keep the idea for a temporary increase in Road and Bridge mill levy to be applied toward matching funds for I-25 federal grant receipts moving forward, with Loveland's participation.
2. Deny the action, which could result in a variety of less desirable outcomes, including:
 - a. Loveland not participating in the idea to create a temporary, additional funding source for regional transportation projects, I-25 in particular, thus being solely responsible for independently meeting matching fund requirements;
 - b. The concept to be withdrawn by Larimer County.
3. Adopt a modified action (specify in the motion).
4. Refer back to staff for further development and consideration within tight time constraints.

SUMMARY:

This is an administrative action. Larimer County is proposing to include in their 2016 budget a temporary increase to the Road and Bridge mill levy created by an offsetting decrease in the County's general fund mill levy.

The County's proposal includes utilizing revenue realized from the temporary redistribution to establish a fund to create matching monies for over \$90 million in federal grants being sought by CDOT for improvements to I-25.

This concept was presented to representatives from Berthoud; Estes Park; Fort Collins; Loveland; Timnath; Wellington; Windsor and Johnstown at a regional gathering on October 22, 2015. All cities and towns indicated a willingness to present their respective elected bodies with a proposed Resolution of Support for consideration before the County takes action on its 2016 budget in December.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The temporary redistribution in County mill levy receipts would result in additional, unanticipated revenue separate and above the usual Road and Bridge mill levy distribution allowing the establishment of an I-25 matching funds fund.

BACKGROUND:

Per materials provided by Larimer County:

I-25 is the largest unfunded infrastructure need in Northern Colorado. It affects all jurisdictions in a variety of ways: commute times, safety issues, economic development, delivery of goods and services and emergency response.

CDOT is applying for a federal grant to replace three bridges (Poudre, Big Thompson, Little Thompson) on I-25 in Larimer County and to repair one bridge (Saint Vrain) in Weld County. If the grant is awarded, a match of about \$18 million will be required. Larimer County is proposing a short-term extraction from its General Fund, routed through Road and Bridge to raise, over the next five years, an estimated one-third of the projected matching fund need.

This proposal does not affect current Road and Bridge mill levy distribution to municipalities including currently projected increases due to growth in valuation. The current Road and Bridge mill levy is .572. Due to a County-projected 13% increase in valuation, it is presently estimated that the City of Loveland will receive an approximate \$34,000 in additional Road and Bridge mill levy funds over the 2014 distribution of about \$260,000. These funds are currently programmed for application to road and bridge projects as is usually done.

The County's recommended 2016 budget includes the new concept to increase the Road and Bridge mill levy by 0.423 while also putting in place an offsetting decrease in the County's General Fund mill levy. If this occurs for five years, the estimated \$2 million raised annually by this supplemental Road and Bridge mill levy is recommended for application toward a local match for federal grants to improve I-25 and to build one other regional transportation project. Both of these important needs have no other identified source of funding. The County is proposing intergovernmental agreements with all eight of the municipalities in the County to arrange for the municipal share of the supplemental temporary County Road and Bridge mill levy to be dedicated to I-25 and the regional project (expansion of CR19-Taft Hill to four lanes between Horsetooth and Harmony).

Because the \$2 million in additional funding described above would not be available but for Larimer County's proposal to revise its normal distribution formula, it is recommended that the City Council vote in support of the Resolution of Support for the Use of Larimer County Mill Levy Funds for Interstate 25 (I-25) Improvements.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

RESOLUTION # R-81-2015**A RESOLUTION OF SUPPORT FOR THE USE OF LARIMER COUNTY MILL LEVY FUNDS FOR INTERSTATE 25 (I-25) IMPROVEMENTS**

WHEREAS, the City of Loveland (“City”) recognizes that I-25 is an integral part of the transportation system in northern Colorado that connects communities along the Front Range and further recognizes the need to expand the number of travel lanes to safely accommodate current and future traffic; and

WHEREAS, the Colorado Department of Transportation (“CDOT”) is making application for a Risk and Resiliency grant, through a Presidential Challenge, to replace three (3) bridges on I-25 (Cache la Poudre, Big Thompson and Little Thompson) and to repair the Saint Vrain Bridge; and

WHEREAS, CDOT identified these bridges as ‘pinch points’ that currently restrict expansion of the number of lanes on I-25 in northern Colorado; and

WHEREAS, the Risk and Resiliency grant for the bridges is a portion of a larger grant application for the entire State of Colorado that is scheduled to be evaluated and awarded by the end of 2015; and

WHEREAS, the City recognizes that the grant request will require matching local funds to be viable and that the City should provide a portion of that match; and

WHEREAS, the City understands that the increased property valuations for Larimer County property owners in 2015 provides an opportunity for the Larimer County Board of Commissioners (the “Board”) to temporarily increase the Road and Bridge mill levy for a period of five (5) years without detriment to other County programs and without modifying the total mill levy; and

WHEREAS, the Board’s temporary increase of the Road and Bridge mill levy is a reallocation of a portion of the total mill levy that would otherwise be paid into the County’s general fund;

WHEREAS, real property taxes assessed on properties in municipalities are shared between the municipality and the County, and real property taxes assessed on properties in the unincorporated areas of Larimer County go to the County; and

WHEREAS, the Board presented at the Larimer County Joint Regional Meeting on October 22, 2015 to the eight (8) communities within Larimer County (Fort Collins, Loveland, Berthoud, Estes Park, Wellington, Timnath, Windsor, and Johnstown) the concept of temporarily moving General Fund mill levy to Road and Bridge mill levy with each local government contributing its increased portion to I-25 improvements and the concept has been well received and verbally supported; and

WHEREAS, the increased mill levy is estimated to generate approximately \$5.3 million over the next five (5) years for use on I-25 and the remaining County funds, estimated at approximately \$4.7 million, will be used on a regional project(s) that will benefit residents of the County including those residing within the eight (8) communities listed previously; and

WHEREAS, the Board asked that each community pass a similar Resolution supporting the temporary mill levy adjustment for I-25 for Larimer County budget approval purposes and will work with said communities to develop an Intergovernmental Agreement.

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

Section 1. That the City of Loveland hereby supports the County’s shift of funds from the General Fund mill levy to the Road and Bridge mill levy for a period of five (5) years adjusting the increased mill to generate approximately \$2,000,000 per year, subject to the adoption by City Council of an Intergovernmental Agreement for this purpose.

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

ADOPTED this 17th day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant 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: 12
MEETING DATE: 11/17/2015
TO: City Council
FROM: Economic Development Department
PRESENTER: Mike Scholl, Economic Development Manager

TITLE:

1. A Motion to direct staff to proceed with the developer selection process for the Downtown South Catalyst Request for Proposals as set forth in the Staff Report
2. A Motion to direct staff to proceed with the proposed developer negotiation process for the South Catalyst Project as set forth in the Staff Report

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolutions

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (if denied, staff would have no direction from Council on the process of selecting a developer)
3. Adopt a modified action. (Could seek modifications to the proposed process)
4. Refer back to staff for further development and consideration. (it may delay the ability to select the developer and move forward with the negotiations)

SUMMARY:

This is an administrative action. On October 6, 2015, the Loveland City Council approved the issuance of a Request for Proposals for the Downtown South Catalyst project. At the meeting, the City Council directed staff to return with a more clearly defined process for selecting a developer and for the negotiation process.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The City has been actively pursuing the "South Catalyst" downtown revitalization project since the approval of the Downtown Vision book in 2010. The project is intended to be a vibrant mixed use development that will significantly contribute to the overall economic health of the downtown and the city at-large.

With the recent formation of the Loveland Downtown Partnership and the Downtown Development Authority, staff has been working to incorporate those agencies and provide more direct

participation in the developer selection and negotiation process. Staff is working collaboratively with the agencies to assume a greater role in all activities related to downtown.

Staff, at the direction of the City Manager, have committed to include regular monthly updates on the RFP and negotiation process to the LDP and DDA. Staff will update, brief and consult with the boards on the status of the negotiations with the developer and any required participation by the LDP or DDA. In addition, staff will continue to provide Council with a weekly South Catalyst project update.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. RFP Process
2. Negotiation Process
3. Staff Report

Draft Process Chart/Developer RFP

Action	Date
Issue a Request for Proposals (RFP) to interested developers.	Oct 6
Form RFP review committee: <ul style="list-style-type: none"> • Bill Cahill, City Manager • Councilor Dave Clark (as the Council liaison to the LDP) • Councilor John Fogle (as the Council appointee to the DDA Board) • Rod Wensing, Acting Economic Development Director/Assistant City Manager • Steve Adams, Director, Water and Power • Jacque Wedding-Scott, Interim Executive Director LDP/DDA • DDA Board Member designee • LDP Board Member designee • Alan Krcmarik, Executive Fiscal Advisor • Mike Scholl, Economic Development Manager • Developer Consultant 	Nov 17 Pending Council review and approval
RFP Proposals Due to the City	Nov 13
Process Review and Approval – Council Meeting	Nov 17
Preliminary RFP Review and Initial Interviews	Week of Nov 30
Firms to be interviewed will be selected based on: <ul style="list-style-type: none"> • Quality of the proposed plan; • Consistency with City’s Downtown Strategic Plan and Downtown Vision Book; • Financial and legal ability of the developer to complete the project; • Mix of land uses, design quality and amenities, including pedestrian, landscaping, and other amenities; • Long-term viability of the proposed project; • Development experience, including experience with similar downtown development projects; • Ability to attract to the project an anchor tenant and/or substantial retail uses, including any pre-leasing or letters of commitment; and • Proposed timeline to contract and construct project. 	
Based on interviews, short list up to three developers <ul style="list-style-type: none"> • Request preliminary conceptual site plan and project vision • Follow up with references • Conduct a financial review (Alan) • Visit completed development projects 	December
Based on scoring, references and site visits staff with the consultant will make a presentation to Council in Executive Session on the finalists.	Jan 5

Draft Process Chart/Developer RFP

Based on feedback from City Council, select a development firm for the Exclusive Right to Negotiate (ERN), Collect a \$10,000 refundable deposit, request a public presentation at the full Council meeting.	Jan 19
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Draft Process Chart/Developer Negotiation

Action	Date
<i>(tentative)</i> Developer Awarded the Exclusive Right to Negotiation for 180 days, expires on or around July 19, 2016.	Jan 19
Regular Updates and Consultation: <ul style="list-style-type: none"> • Staff is committed to providing regular monthly updates to the LDP and DDA boards on the status of the negotiation with the selected developer. • In addition, staff will consult with LDP and DDA for any required participation by those entities. • Staff will also continue to provide the City Council with a weekly “South Catalytst” project update throughout the process. 	RECURRING
Form negotiation team: <ul style="list-style-type: none"> • Bill Cahill, City Manager • Rod Wensing, Interim-Economic Development Director/Assistant City Manager • Tami Yellico, City Attorney • Jacque Wedding-Scott, Interim Executive Director LDP/DDA • Alan Krcmarik, Executive Fiscal Advisor • Mike Scholl, Economic Development Manager • Developer Consultant 	
Preliminary site investigation and project design meeting to include: <ul style="list-style-type: none"> • City Staff • Design professionals to be hired by developer • Representatives from the DDA/LDP • Negotiation team 	Feb
Complete preliminary site plan	March
Completion of preliminary proforma based on approved draft site plan	April
Completion of preliminary term sheet to include <ul style="list-style-type: none"> • Approved site plan • Approved financial proforma • All additional terms including <ul style="list-style-type: none"> ○ Land sale ○ Remediation/Demolition ○ Financial terms and contributions ○ Revenue upon sale • Contributions from the DDA, if necessary (to be reviewed by DDA in executive session if necessary) 	June
Completion of term sheet for consideration by Council and/or DDA/LDP in either Study Session or Executive Session	July

Draft Process Chart/Developer Negotiation

Upon direction of Council, complete the Development Agreement for formal consideration by City and/or DDA/LDP	July/August
Begin Site Development and Building Permitting	September



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Memorandum

To: Loveland City Council
From: Mike Scholl, Economic Development Manager
Through: Bill Cahill, City Manager
Date: November 5, 2015
RE: South Catalyst RFP – Selection Process and Negotiation Process

Background:

At the October 6, 2015 regular meeting of the City Council, staff was directed by Council to develop a process chart for the selection of the developer and the negotiation. Further, Council directed staff to include representatives from the Loveland Downtown Partnership (LDP) and the Downtown Development Authority (DDA) in the selection and negotiation process.

Developer Selection:

The Request for Proposal (RFP) was issued starting on October 7. The deadline for responses is Friday, November 13. Staff has been working to generate interest in the proposal including running an advertisement in the Colorado Real Estate Journal, creating a unique URL on the city's webpage (www.cityofloveland.org/DowntownRFP) and sending the RFP to developers that had previously contacted staff with interest in the project.

The proposed selection process would include participation and input from the interim Executive Director of the LDP/DDA and board member designees. It would also include the consultant that the City hired to provide input and analysis into the selection process. The consultant, Rick Wells of ReGen, has over fifteen years of experience as a developer with specific experience redevelopment infill, brownfield sites.

The process also envisions staff with the consultant's participating bringing the finalists to Council in an Executive Session for a preliminary review prior to award of the Exclusive Right to Negotiate (ERN). Council had expressed a desire to be incorporated directly in the selection process. Staff believes that consideration should be in Executive Session as it will include reviews of confidential financial information and other background information. With approval of the process, staff expects to have the consideration of the ERN at the 2nd regular meeting in January.

Developer Negotiation:

Staff is recommending a 180 day ERN beginning with the approval by Council. The negotiation process sets some preliminary timeframes for items such as the preliminary site plan and financials, which will serve as the basis for the negotiation. The process also includes direct participation with key city staff and the LDP/DDA.

The process anticipates completing the negotiation on a term sheet by the middle of next year with Council action in the third quarter of 2016. The negotiation process is dependent upon agreement with the selected developer.