

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 2, 2016
(5:00 P.M.) DINNER – City Manager’s Conference Room
(6:00 P.M.) REGULAR MEETING - City Council Chambers
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

NOTICE OF NON-DISCRIMINATION

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

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. 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 adacoordinator@cityofloveland.org or 970-962-3319.

NOTIFICACIÓN EN CONTRA DE LA DISCRIMINACIÓN

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en adacoordinator@cityofloveland.org o al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org/

Please Note: Starting times shown on agenda are estimates only; actual times may vary.

(6:00) REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

(6:05) CONSENT AGENDA

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Anyone making a comment during any portion of tonight’s meeting should come forward to a

microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For July 12, 2016 Study Session and the July 19, 2016 Regular Meeting
 This is an administrative action item to approve the City Council minutes for the July 12, 2016 Study Session and the July 19, 2016 Regular Meeting.

2. **CITY MANAGER** (presenter: Steve Adams)
APPOINTMENTS TO THE SENIOR ADVISORY BOARD
Adopt a motion to appoint Sherri Stinnett to the Senior Advisory Board for a term effective until December 31, 2017 and to appoint Carmen Cisneros to the Senior Advisory Board for a term effective until December 31, 2018.
 This is an administrative item appointing members to the Senior Advisory Board.

3. **CITY MANAGER** (presenter: Steve Adams)
APPOINTMENTS TO THE DDA
Adopt a motion to reappoint Sharon Rae Cook and Ray Steele, Jr. for terms effective until June 30, 2020 to the Downtown Development Authority (DDA) Board.
 This is an administrative action item to approve the reappointment of members to the Downtown Development Authority (DDA) Board. If the motion is approved, Sharon Rae Cook and Ray Steele, Jr will be reappointed to four year terms effective until June 30, 2020.

4. **CITY MANAGER'S OFFICE** (presenter: Rod Wensing)
COMCAST FRANCHISE AGREEMENT
 1. A Motion To Approve On Second Reading, Ordinance #6032 of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC
 2. A Motion To Approve On Second Reading, Ordinance #6033 amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators
 The Council will be asked to take both an administrative and legislative action separately to consider approving an Ordinance granting a renewal of a non-exclusive 10 year Cable Franchise Agreement from the City of Loveland to Comcast of Colorado II, LLC as well as considering an amended Ordinance establish updated Customer Service Standards for Cable Television Operators located in Section 13.16.030 of the Loveland Municipal Code. The Ordinance was approved unanimously on first reading by City Council on July 19, 2016.

5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PUBLIC COMMENT
WESTWOOD THIRD PEDESTRIAN EASEMENT
A Motion to Approve on First Reading, An Ordinance Vacating A Twenty Foot Pedestrian Access Easement Located Across Tracts A And G Of The Westwood Third Subdivision, City Of Loveland, County Of Larimer, State Of Colorado
 This is an Administrative action item to consider an ordinance on first reading, vacating a 20' by 53' pedestrian easement across the Mariano Exchanged Ditch between the Westwood and Somerset Park subdivisions. The easement was established when the Westwood Third Subdivision was developed. A bridge was built over the easement to allow crossing of the ditch. Its purpose was to facilitate a connection between the adjoining

subdivisions and improve pedestrian access to other destinations in the general area, such as schools and churches. However, over the years, the bridge has become a location for unwanted and criminal activities, causing concerns to the surrounding residents and the Westwood Home Owners Association (entity responsible for maintenance and liabilities). Because of continued problems, the bridge was barricaded with a fence and a request to vacate the easement submitted. If the easement is vacated, the bridge would be removed. The property is generally located south of W. 1st Street and east of S. Wilson Avenue between 5th Court SW and Natasha Court spanning the Mariano Exchange Ditch connecting Westwood and Somerset Park subdivisions. The applicant is Kathy Louderback with Touchstone Property Management, LLC on behalf of the Westwood Third Subdivision Home Owners Association.

6. CITY ATTORNEY (presenter: Tami Yellico)
PUBLIC COMMENT

DDA ELECTION AND BALLOT QUESTION APPROVAL

A Motion To Approve On First Reading, An Ordinance Approving A Downtown Development Authority Election To Be Held November 8, 2016, To Authorize Debt, Taxes And Revenue Retention

This is an administrative action item, recommending the approval of an ordinance on first reading. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 8, 2016 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance.

7. NORTHERN COLORADO REGIONAL AIRPORT (presenter: Jason Licon)
PUBLIC COMMENT

SUPPLEMENTAL APPROPRIATION FOR STRATEGIC PLAN

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For The Addition Of 1 FTE & Strategic Plan Implementation

This is an administrative action item. The purpose of this item is to approve an amendment to the 2016 Airport operating budget and appropriate funds from the Airport Reserve Fund to initiate work associated with the City Council approved Airport Strategic Plan. The Northern Colorado Regional Airport Commission has reviewed and approved this request. The 2016 Airport operating budget will be amended to authorize expenditure in the total amount of \$165,000 from the Airport Reserve Fund. The City of Loveland will appropriate 50% (\$82,500) of the total \$165,000 request, and the City of Fort Collins has approved their half of the appropriation at their July 19, 2016 City Council Meeting. This appropriation is needed as the funding resources were not included in the adopted 2016 Airport Budget approved by Council.

This initiative has a bottom line impact of \$165,000 to the Airport Reserve Fund, and ongoing impacts will be included in the 2017 and 2018 Airport budget. The Airport Reserve Fund unencumbered balance is approximately \$1.7 million and has been used historically to provide matching funds that leverage Federal and State grants. The City of Fort Collins is also being asked to appropriate the 50% match of \$82,500.

8. PUBLIC WORKS (presenter: Randy Maizland)
PUBLIC COMMENT

WAL-MART TRAFFIC SIGNAL INTERSECTION IMPROVEMENT

- 1. A Motion To Adopt Resolution #R-67-2016 Approving An Agreement Between The City Of Loveland, Colorado and Walmart Stores, Inc., for the Design and Construction of an Interim Traffic Signal at the Intersection of Crossroads Boulevard and Ward Avenue.**

2. A Motion To Approve On First Reading Ordinance Enacting A Supplemental Budget And Appropriation For The 2016 City Of Loveland Budget For The Construction Of An Interim Traffic Signal At The Intersection Of Crossroads Boulevard And Ward Avenue.

These are administrative action items. Walmart Distribution Center has approached the City with an offer and agreement to fund the design and construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue for an amount not to exceed \$300,000 for construction of the signal. The resolution would approve and authorize the City Manager to execute the agreement to accept payment of \$300,000 from Walmart to be used for the construction of the traffic signal. The ordinance appropriates the funds received, allowing them to be used by the City for this purpose. If Council approves the agreement with Walmart the City Traffic Engineering Division will select the contractor and provide all construction management responsibilities for the installation and completion of the traffic signal to ensure quality control.

**9. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)
CDBG ANNUAL ACTION PLAN**

A Motion to approve Resolution #R-68-2016 Of The City Council Of The City Of Loveland, Colorado Approving A Community Development Block Grant Annual Action Plan For 2016 – 2017

This is an administrative action item. Each year, the Community Partnership Office submits a report to the U.S. Department of Housing and Urban Development (HUD) called the Annual Action Plan which identifies the housing and public services projects that will be funded with a Community Development Block Grant (CDBG) during the next grant year. This resolution approves the Annual Action Plan for 2016-2017 so it can be submitted to HUD. The resolution authorizes the allocation of the 2016 CDBG that was appropriated in the 2016 City Budget.

**10. CITY CLERK (presenter: Terry Andrews)
COUNCIL EMAIL POLICY**

A Motion to approve Resolution #R-69-2016 A Resolution Superseding Resolution 101-00 And Adopting Email Disclosure Policy

This is an Administrative action item. This resolution will supersede Resolution #R-101-00: "A Resolution adopting an e-mail disclosure policy concerning Electronic Mail Communication of Elected City Officials". On July 26, 2016 Staff presented to City Council a more transparent Email process regarding their electronic communications. The new software, "Global Relay" has been tested for four months by City Staff. This new process will allow Council email to be available to the public in "real time" and accessible from outside of the City's computer system.

**11. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)
LFRA GRANT FUNDS**

A Motion To Adopt Resolution #R-70-2016 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-066 For The Loveland Fire Rescue Authority's 2016 Budget

This is an administrative action item. There are three grants included in this appropriation that do not require any additional matching funds from LFRA or our governing partners. The grant funds will be used to purchase Emergency Operations Center (EOC) communications equipment, draft Emergency Operations plans and conduct an exercise, Big Thompson Canyon bunker gear, and a second set of hoods, gloves and helmets for fire personnel related to cancer prevention. The intergovernmental agreement that established the Fire Authority requires that both the City of Loveland City Council and the Loveland Rural Fire Protection District Board approve all budget appropriations to make them effective. The Loveland Fire Rescue Authority Board adopted this supplemental

budget appropriation at their meeting on June 29, 2016. The Loveland Rural Fire Protection District approved it at their July 6, 2016 meeting.

12. PUBLIC WORKS (presenter: Jeff Bailey)
ASPHALT PAVING CONTRACT CHANGE ORDER
Contract Change Order To 2016 Street Resurfacing Program, Asphalt Paving Schedule AP (Project ENSR005-AP)

This is an administrative action item. A contract change order of an Asphalt Maintenance Contract for Asphalt Paving for the 2016 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$635,000.00 and Authorization for City Manager to execute the contract change order. Funding is available in the Adopted 2016 Budget.

13. FINANCE (presenter: Brent Worthington)
JUNE FINANCE REPORT

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of June 30, 2016. Citywide Revenue (excluding internal transfers) of \$138.5 million is 96.5% of year to date (YTD) budget. Sales Tax collections are 2% above the same period in 2015, and 99% of the YTD budget. This data spans six months, and the trend has been slowly rising. Building Material Use Tax is 164.6% of YTD budget. Sales and Use Tax collections combined are 104.4% of YTD budget. Citywide total expenditures of \$131,505,533 (excluding internal transfers) are 64.7% of the YTD budget.

14. CITY MANAGER (presenter: Alan Krmarik)
JUNE INVESTMENT REPORT

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the June monthly report, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.07%. For the year-to-date, total earnings of \$1,206,918 have been posted to City fund accounts. U.S. short-term Treasury interest rates fell sharply in June; the portfolio's change in unrealized gain for the year-to-date rose to nearly \$2.3 million. The end of June portfolio market value is estimated to be \$220.5 million. The total market value of the portfolio is now higher than the end of 2015 by about \$3.2 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of \$226.3 million.

END OF CONSENT AGENDA

(6:15) CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:20) 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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

- (6:35) 15. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
WATERS EDGE ANNEXATION
1. **A Motion To Approve On Second Reading, Ordinance #6034 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Waters Edge Addition" To The City Of Loveland**
 2. **A Motion To Approve On Second Reading, Ordinance #6035 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Waters Edge Addition" To The City Of Loveland**
- This is a consideration of the following items on second reading: A legislative action to adopt an ordinance to annex 82.6 acres of property to be known as the Waters Edge Addition; and A quasi-judicial action to zone the 82.6 acres to R1 Developing Low Density Residential District.
- The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. The applicant is Lynda Beierwaltes with Luxor, LLC.
- (6:50) 16. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
PUBLIC HEARING
FLEXIBLE ZONING OVERLAY DISTRICT
A Motion To Approve, On First Reading, An Ordinance Amending Title 18 Of The Loveland Municipal Code To Add A New Chapter 18.44 Regarding A Flexible Zoning Overlay District
- This is a legislative action item to consider adoption of the Flexible Zoning Overlay District provisions. This new chapter of the zoning code responds to the interest of City Council in providing property owners with relief from regulatory standards that may be restraining development. The provisions are intended to promote development and redevelopment opportunities in locations experiencing disinvestment or underutilization of land. Applications for overlay districts would require a neighborhood meeting, a public hearing before the Planning Commission, and an adoption hearing by City Council. This public input process is designed to ensure that resulting projects would be well-vetted and compatible with surrounding development.
- (7:20) 17. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)
NORTHERN COLORADO REGIONAL TOURISM BOARD APPOINTMENTS
A Motion to To Adopt Resolution #R-71-2016 Appointing a City Council Member And a Community-At-Large Member To The Northern Colorado Regional Tourism Authority (NCRTA)
- This is an administrative action item. The Go NoCO Board was put into place to facilitate the application by Larimer County, Town of Windsor, Town of Estes Park and City of Loveland for funding through the Economic Development Council of Colorado (EDC) for the purpose of financing regional tourism activity. That funding was approved by the EDC in December, 2015. A requirement of receiving funding is that a regional tourism authority be established to administer the receipt of funds and assure compliance to the state requirements for the approved projects. That new entity will be the Northern Colorado Regional Tourism Authority (NCRTA). City Council is asked to make two appointments to the NCRTA: a City Council member and a Community-at-large member.

- (7:40) 18. **PUBLIC WORKS** (presenters: Leah Browder and Jeff Bailey)
US 287 SIDEWALKS NEAR WAL-MART UPDATE
 This item is intended to provide information regarding North US287 sidewalks at 57th Street following up to discussion at the March 15, 2016 City Council Meeting and to support City Council discussion regarding sidewalk projects in the area. This item provides information to support City Council decision making regarding capital program sidewalk projects. However, should City Council direct additional expenditures toward sidewalk design and construction, a negative budgetary impact could result.
- (8:25) 19. **NORTHERN COLORADO REGIONAL AIRPORT** (presenter: Jason Licon)
AIRCRAFT WITHIN CITY LIMITS
Overview of Loveland Municipal Code 12.48.110 - Landing in City Prohibited
 This is an informational item pertaining to the City of Loveland Municipal Code 12.48.110 - Landing in City Prohibited.
- (8:35) 20. **WATER & POWER** (presenter: Greg Dewey)
WINDY GAP FIRING PROJECT WATER STORAGE
A Resolution To Negotiate To Acquire Up To An Additional 3,000 Acre-Feet Of Windy Gap Firing Project Storage Space
 This is an administrative action item. The City of Loveland has the immediate opportunity to acquire an additional 2,000 acre-feet of storage space in the Windy Gap Firing Project, which would increase the city's full participation in the Windy Gap Firing Project from its current subscription of 7,000 acre-feet to 9,000 acre-feet of storage. The City may seek other opportunities to increase the participation up to 10,000 acre-feet of storage. The LUC at its meeting on July 27, 2016 unanimously approved this item. Acquiring additional storage has a negative financial impact on the City. Acquisition of each 1,000 acre-feet of storage space would require an immediate payment to Northern Water of \$159,851 and an addendum to the *March 1, 2016 Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project Water Activity Enterprise and City of Loveland for Participation in the Windy Gap Firing Project* to reflect the increased storage capacity. This would adjust Loveland's proportional share on the ongoing Windy Gap Firing Project expenses for permitting and mitigation. Money is available in the 2016 budget for this purpose.
- (9:00) 21. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)
ECONOMIC DEVELOPMENT UPDATE
Economic Development Office Update and Executive Session Discussion to Provide Staff Guidance for Project Negotiations
 The Economic Development Office (EDO) is experiencing a good deal of activity at this time. To keep City Council abreast of projects and activities, staff will provide a briefing and overview. Following this discussion an executive session is requested so that Economic Development staff can get direction and guidance concerning project and prospect negotiations.
- (10:00) **BUSINESS FROM CITY COUNCIL**
This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, JULY 12, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION 6:30 P.M.

Councilors present: Gutierrez, Fogle, Ball, Krenning, Shaffer, Johnson, Overcash, and McKean were present. Councilor Clark was absent. City Manager, Steve Adams was also present.

**1. COMMUNITY PARTNERSHIP OFFICE
AFFORDABLE HOUSING POLICY**

Alison Hade, Community Partnership Office Administrator, presented this informational item and discussion of the City’s current policy around affordable housing investments and the method by which developers request fee waivers. It is also an opportunity to change the way in which a developer makes a fee waiver request. Council gave city staff direction to create a predictable affordable housing fund for the Loveland Housing Authority and Habitat for Humanity. Council directed staff to bring information on the effects of repealing or changing the code with alternative resolutions.

**2. ECONOMIC DEVELOPMENT
LDP AND DDA UPDATE**

Susan Grafton, Economic Development Director, introduced Dan Johnson, Clay Caldwell, and Jacque Wedding-Scott, representatives of the Loveland Downtown Partnership (LDP) and Downtown Development Authority (DDA) presented to City Council their Downtown District Strategic Operating Plan as well as their organizational work plans, and provided a summary of activities and achievements for the past year. In addition, the DDA reviewed the Amended Plan of Development (Plan) that will be recommended to the City Council for public hearing and consideration on July 19, 2016, as required by State law.

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the July 12, 2016 Study Session at 9:46 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 19, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

REGULAR MEETING - City Council Chambers

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

PLEDGE OF ALLEGIANCE

ROLL CALL – Councilors present: Gutierrez, Fogle, McKean, Ball, Johnson, Krenning, Clark and Overcash. Councilor Shaffer arrived at 6:08 p.m.

The Proclamation Declaring July As National Parks And Recreation Month was read by councilor McKean and received by Elizabeth Anderson, Parks and Recreation Director.

Ben Bobowski, Acting Superintendent and Kyle Patterson, Public Information Officer gave Council a Presentation Of The Rocky Mountain National Park Annual Update

SPECIAL AGENDA ITEM

1. CITY ATTORNEY (presenter: Tami Yellico)

COUNCIL MEETING RULES CHANGES

This is an administrative action item placed on the July 5, 2016 agenda at City Council's request to update its rules on public comment. The proposed resolution also rescinds and replaces three resolutions to consolidate the rules governing City Council meetings into one resolution. At the July 5, 2016 City Council meeting, Councilor Krenning suggested that an additional rule be added to City Council rules to allow 10 members of the public to make a written request to the City Manager for such members of the public to make 30 minute presentation and discussion with Council on any topic. Such a study session could only be scheduled with the concurrence of 2 or more members of City Council. A draft rule to that effect has been added as section 4.h in the attached draft rules. Council discussion ensued. Consensus of Council was to strike the last two sentences in 4.c and 4.h. Public comment: Jackie Marsh, downtown resident asked for Council to track how much time members of the public use of their three minutes and let them use the balance of time later in the discussion, Larry Sarner, Ward II resident, Council use the three minutes as a gatekeeper for the public, look at the rules and check the process, Linda Bidlake asked about the process to get items to Council. Council determined that a future study session could be helpful regarding Council rules. **Councilor Ball moved to Adopt Resolution #R-53-2016 Rescinding All Prior Resolutions Concerning The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado And Adopting Consolidated Rules Of Procedure, as amended. The motion was seconded by Councilor Johnson. CALL THE QUESTION: Councilor Ball moved and Mayor Pro Tem Fogle seconded the motion, which carried unanimously. ORIGINAL MOTION: Roll was called and the motion carried with eight councilors present voting yes and Councilor McKean voting no.**

CONSENT AGENDA

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*Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired. **Items removed: Item 16 - Staff; Item 14 public - Jackie Marsh; Items 6, 9, 10, public – Larry Sarner.** Councilor Shaffer moved to approve the consent agenda with the exception of items 6, 9, 10, 14 and 16. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.*

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

APPROVAL OF MEETING MINUTES

A Motion To Approve City Council Minutes For June 28, 2016 Study Session and the July 5, 2016 Regular Meeting was approved.

This is an administrative action item to approve the City Council minutes for the June 28, 2016 Study Session and the July 5, 2016 Regular Meeting.

3. **CITY MANAGER** (presenter: Steve Adams)

REAPPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION AND AMENDED APPOINTMENTS TO THE HUMAN SERVICES COMMISSION

1. **Adopt a motion to reappoint Jim Cox to the Historic Preservation Commission for a term effective until June 30, 2019 was approved.**
2. **Adopt a motion to amend the reappointment of Amy Olinger to the Human Services Commission for a term effective until June 30, 2019 was approved.**
3. **Adopt a motion to amend the appointment of Maren Soreide to the Human Services Commission for a term effective until June 30, 2019 was approved.**
4. **Adopt a motion to amend the reappointment of Stan Taylor to the Human Services Commission for a term effective until June 30, 2019 was approved.**

These are administrative action items to approve the reappointment of a Historic Preservation Commissioner and to amend the July 5, 2016 Council meeting approving appointment terms for Human Services Commission members from December 31, 2019 to June 30, 2019.

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

CODE AMENDMENT TO INCREASE TASTING DAYS

A Motion To Approve On Second Reading, Ordinance #6024 Amending Section 8.08.030(K) Of The Loveland Municipal Code To Increase The Number Of Days Tastings Are Permitted was approved.

This is a legislative action item to consider amending Section 8.08.030(K) of the Loveland Municipal Code to increase the frequency and total number of tastings a retail liquor store or liquor-licensed drug store can conduct sample tastings. The increase would move from

fifty two tastings yearly, for no more than two times between Monday and Saturday, to one hundred and four tastings, for no more than four times between Monday and Saturday. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

5. **CULTURAL SERVICES** (presenter: Susan Ison)
SUPPLEMENTAL APPROPRIATION FOR RIALTO AND MUSEUM PROGRAMS
A Motion To Approve On Second Reading, Ordinance #6025 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Rialto Theater Cinema Series Program And Also The Loveland Museum/Gallery's Education, Classes And Programs was approved.
 This is an administrative action item. A donation of \$14,201 has been received by the Rialto Theater from the Backstage Rialto to expand the theater's Cinema Series Program. Also, an appropriation of \$8,000 to fund the Cherry Pie Celebration, Halloween Fun Festival and the Lone Tree School programs. The City has received donations in the amount of \$14,102 to support the Rialto Theater Cinema Series and \$8,000 is anticipated to be generated from the Museum events. Thus, there is no impact on unassigned General Fund balance. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

6. **INFORMATION TECHNOLOGY** (presenter: Bill Westbrook)
SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC
This item was considered on the Regular Agenda.

7. **PARKS AND RECREATION** (presenter: Molly Elder)
SUPPLEMENTAL APPROPRIATION FOR MEHAFFEY DOG PARK
A Motion To Approve On Second Reading, Ordinance #6027 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget To Fund Safety Repairs At Mehaffey Dog Park was approved.
 This is an administrative action item. The ordinance provides \$41,000 from the General Fund to support emergency repairs made to the Mehaffey Dog Park to address safety concerns. The funding for the requested appropriation is from unreserved fund balance in the General Fund. The appropriation of this fund reduces the flexibility to fund other future events or projects. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

8. **PUBLIC WORKS** (presenter: Jeff Bailey)
IGA WITH CDOT FOR HIGHWAY 34 AND BOYD LAKE AVE CONSTRUCTION
A Motion To Approve On Second Reading, Ordinance #6028 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Upgrades To The Intersection Of U.S. Highway 34 And Boyd Lake Avenue was approved.
 This is an administrative action item. City Council approval is necessary to appropriate the funds to authorize the use of the Federal Hazard Elimination funds that were recently awarded to upgrade the intersection. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work. The Ordinance was approved unanimously on first reading by City Council on July 5, 2016. This coversheet has been revised since first reading to provide additional information based on the Council discussion on July 5, 2016.
Project Funds
 CDOT & FHWA HES Grant = \$495,000 (appropriated in August 2013)
 Local Contribution (design, signal equipment and roadway construction) = \$1,800,000 (appropriated in October 2015).
 CDOT FASTER Safety Mitigation funds = \$900,000

Approval of this item will allocate funds for the construction of this project (EN1302) and allow an agreement to be in place for reimbursement of construction costs.

9. **YOUTH ADVISORY COMMISSION** (presenters: Beth Gudmestad & YAC Members)
ELECTRONIC SMOKING DEVICE RESTRICTIONS
 This item was considered on the Regular Agenda.

10. **CITY ATTORNEY** (presenter: Tami Yellico)
SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS
 This item was considered on the Regular Agenda.

11. **PUBLIC WORKS** (presenters: Leah Browder, Steve Southard and Tim Brown)
GOLF CAR CODE AMENDMENT
A Motion To Approve On Second Reading, Ordinance #6031 To Amend The Loveland Municipal Code With Respect To The Authorization And Regulation Of Golf Cars On Certain Public Streets Within The City Of Loveland was approved.
 This is a legislative action item. During the City Council Meeting on March 15, 2016 it was requested that bollards within a City emergency access path be adjusted to allow privately-owned golf cars to travel to The Olde Course. In order to implement the City Council's preferred approach as interpreted by staff, as-simple-an-amendment-as-possible to the Municipal Code to allow golf car travel to Loveland's municipal golf courses is recommended. The Ordinance was approved unanimously on first reading at the July 5, 2016 meeting; however, a change to the insurance requirement and additional information were requested.
 Estimated costs to adjust bollard locations are \$5,000. These funds will be identified within the Public Works Project Engineering budget. Should funding be required to secure an alternate entry point to replace the private Vista Verde gate access now closed to the general public by the governing HOA, a supplemental appropriation may be requested by Parks and Recreation.

12. **PARKS AND RECREATION** (presenter: Janet Meisel-Burns)
TAP GRANT TO IMPROVE SAFE ACCESS TO REC TRAIL
A Motion To Adopt Resolution #R-57-2016 Documenting Financial Support For The Namaqua Underpass As A Financial Match For A Transportation Alternatives Program Grant Request And Authorizing The City Manager To Execute A Support Letter was approved.
 This is an administrative action item. The City of Loveland is seeking financial support from the Colorado Department of Transportation ("CDOT"), Transportation Alternatives Program Grant ("TAP") to improve safe access to the proposed and planned construction of the City of Loveland Recreation Trail at Namaqua Road. The new underpass will provide a safe, grade-separated crossing for the City recreation trail. The grant request seeks funding for design of the underpass in 2018 and construction of the underpass in 2019. Conservation Trust Funds will be requested in the 2018 and 2019 budget cycle if the TAP Grant is awarded to the City. Matching funds up to \$600,000 will be requested for the TAP grant. CDOT seeks a letter of financial support with the grant application documenting that the City of Loveland is committed to fund the matching grant request.

13. **PUBLIC WORKS** (presenters: Leah Browder and Elizabeth Anderson)
TAP GRANT TO IMPROVE SIDEWALK AND TRAIL CONNECTIVITY
A Motion To Adopt Resolution #R-58-2016 Of Support Documenting Financial Support For A Collaborative Transportation Alternatives Program Grant Request For A Sidewalk And Trail Project With Larimer County was approved.
 This is an administrative action item. Larimer County has extended an invitation to the

City of Loveland to participate in a collaborative application for a Colorado Department of Transportation (“CDOT”), Transportation Alternatives Program (“TAP”) Grant to improve sidewalk and trail connectivity in the northeast corner of North US287 and 57th Street. While a more comprehensive presentation to City Council regarding sidewalk connectivity is planned for August, the grant application due date requires submittal of a letter of support before then and will not negatively impact future action that may arise from the August Council discussion on this topic. There is no financial impact at this time. Should the \$601,000 grant application be successful, matching funds of approximately \$60,000 will be presented for City Council consideration at a future date.

Scott)

14. **ECONOMIC DEVELOPMENT** (presenters: Mike Scholl and Jacque Wedding-

**PUBLIC HEARING
DDA PLAN OF DEVELOPMENT**

This item was considered on the Regular Agenda.

15. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)
IGA FOR EMERGENCY MANAGEMENT MUTUAL AID

A Motion To Adopt Resolution #R-60-2016 Approving An Intergovernmental Mutual Aid Agreement For Disaster-Emergency Mutual Aid And Disaster-Emergency Funding Assistance was approved

This is an administrative action item. The newest version of this intergovernmental agreement for Emergency Management Mutual Aid includes language for an agreement between governments, and between governmental and non-governmental agencies to fill a gap in current agreements for resource management assistance. It is intended to ensure efficient resource management in the event of an incident.

16. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
LFRA GRANT FUNDS

This item was removed from the July 19, 2016 Council Agenda.

17. **PUBLIC WORKS** (presenter: Eric Lessard)
STORMWATER CAPITAL IMPROVEMENT PROJECTS

A Motion To Adopt Resolution #R-62-2016 Authorizing A Notice Of Award For The 2016 Stormwater Capital Improvements Projects And Authorizing The City Manager To Execute The Contract was approved.

This is an administrative action item awarding a construction contract for the 2016 Stormwater Capital Improvement Projects to Premier Earthworks & Infrastructure, Inc., for the amount of \$2,453,566.08, which was lower than the engineer’s estimate and was part of the approved 2016 budget. The contract includes 26 individual stormwater improvement projects consisting of the installation of new master planned stormwater infrastructure and/or the replacement of aging, undersized, or failing existing stormwater infrastructure throughout the City of Loveland. The project will be funded through the Stormwater Utility’s Capital Improvement Project Fund and Stormwater System Investment Fees.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT

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

time.

Roger Weidemann, spoke to Council regarding the DDA proposed mill levy; Megan Akin, asked Council to add routes to COLT and alter the hours to accommodate those who are dependent on public transit; Jackie Marsh asked Council to consider her suggestion of allowing the public to space out their three minutes in the Study Session discussion regarding rules; Janice Marchand expressed concern with Human Trafficking in Loveland; Ron Harder and Barb Adams Ft. Collins Residents asked Council not to amend their code regarding feral cats.

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

6. INFORMATION TECHNOLOGY (presenter: Bill Westbrook) **SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC**

This is an administrative action item. Information Technology is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland and internal traffic & IT operations. We are requesting an appropriation of \$86,515 for the 2016 budget from the Fiber Network Fund. This appropriation is intended to cover expenses for a physical inventory of eleven miles of City owned fiber infrastructure consisting of 67 splice hand holes and 464 slack (pull) hand holes, in coordination with a separate Platte River Power Authority funded project to perform a physical inventory of all fiber assets owned by PRPA. The partner performing this project will be Backbone Fiber, LLC, who is contracted with the City to perform fiber services including installation, splicing, maintenance, and researching and gathering of information for the City owned fiber network. The project will start immediately upon budget approval and is expected to last up to four months. This ordinance was approved unanimously on first reading by City Council on July 5, 2016. Larry Sarnar spoke in opposition, **Councilor Shaffer moved to Approve On Second Reading, Ordinance #6026 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Inventory Of City Owned Fiber Optic Assets. The motion, seconded by Councilor Johnson, carried with all councilors present voting in favor thereof.**

9. YOUTH ADVISORY COMMISSION (presenters: Beth Gudmestad & YAC Members) **ELECTRONIC SMOKING DEVICE RESTRICTIONS**

This is a legislative action item providing two alternative and mutually exclusive ordinances to prohibit the use of electronic smoking devices in public places. The Youth Advisory Commission Ordinance seeks to treat all emissions from electronic smoking devices the same as conventional tobacco smoke and the Council Directed Ordinance seeks to prohibit emissions from electronic smoking devices only within City buildings. This ordinance was approved unanimously on first reading by City Council on July 5, 2016. Public Comment: Larry Sarnar, Ward II, told Council he thought this item needed to be on Regular Agenda. **Councilor Shaffer moved to Approve On Second Reading, Ordinance #6029 Amending Chapter 7.40 Of The Loveland Municipal Code To**

Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned Facilities. The motion, seconded by Mayor Pro-Tem Fogle carried with all councilors present voting in favor thereof.

**10. CITY ATTORNEY (presenter: Tami Yellico)
SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS**

This is a legislative action to consider amending Sections 3.16.010 and 3.16.020 of the Loveland Municipal Code to specifically exempt Prescriptions for Animals from the City's sales tax. This ordinance was amended and approved unanimously on first reading by City Council on July 5, 2016. public comment: Larry Sarner spoke in opposition of the ordinance. **Councilor Shaffer moved to approve on Second Reading, Ordinance #6030 Amending Sections 3.16.010 And 3.16.020 Of The Loveland Municipal Code Creating A New Sales Tax Exemption Mirroring The State Sales Tax Exemption For Animal Prescriptions And Medical Devices. The motion was seconded by Councilor Clark. PRIORITY MOTION: Councilor Krenning moved to Table this ordinance and direct Staff to suspend collection and activity as defined in the ordinance. The motion, seconded by Councilor Ball, carried with all councilors present voting in favor thereof. THIS MOTION WAS TABLED.**

14. ECONOMIC DEVELOPMENT (presenters: Mike Scholl and Jacque Wedding-Scott)

**PUBLIC HEARING
DDA PLAN OF DEVELOPMENT**

This is an administrative action item. The Amended Plan of Development (the "Plan") for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. The DDA may not undertake any development projects until the City Council has approved the DDA Plan. The Loveland Downtown Partnership (LDP) and DDA boards have approved the DDA Plan as submitted, and are recommending the Plan to the City Council for review and consideration. Two minor modifications are recommended, a clarification on the legal description of the District, and the exclusion of sales tax on food purchased for home consumption in both the sales tax increment and base. The DDA Plan excludes sales tax revenues obligated under any economic incentive agreement that is in place as of the approval date of the DDA Plan. On June 27, 2016 the Planning Commission approved a motion recommending approval of the Amended DDA Plan to the Loveland City Council. A redline of the amended Plan was reviewed with City Council during the Study Session on July 12, 2016 and is attached. Mayor Gutierrez opened the public hearing at 7:08 p.m. Jackie Marsh; asked how someone can become an Loveland Downtown Partnership Board Member, Roger Weidmann, Gary Batham, Spoke in support and Larry Sarner, spoke in opposition. **Councilor Shaffer moved to Adopt Resolution #R-59-2016 Of The Loveland City Council Approving The Amended Plan Of Development For The Loveland Downtown Development Authority (DDA). The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

**18. CITY MANAGER'S OFFICE (presenter: Rod Wensing)
PUBLIC HEARING
COMCAST FRANCHISE AGREEMENT**

This is both an administrative and legislative action item to separately consider approving an Ordinance granting a renewal of a non-exclusive 10 year Cable Franchise Agreement from the City of Loveland to Comcast of Colorado II, LLC as well as considering an amended Ordinance establish updated Customer Service Standards for Cable Television

Operators located in Section 13.16.030 of the Loveland Municipal Code. **Councilor Shaffer recused herself from this matter.**

The proposed cable franchise agreement renewal continues to collect 5% of gross revenues, as allowed by the federal cable act. Franchise fees are paid to compensate the City for Comcast's use of the public rights-of-ways and facilities.

The proposed cable franchise renewal agreement continues to collect 50 cents per month on residential subscribers with the purpose of funding capital and facility needs for Public, Educational and Government (PEG) cable television broadcasting. The revenues generated from this fee may be distributed among local PEG entities as determined by City Council.

In fact, the Council did just that in 2015 via an Intergovernmental Agreement (IGA) with Thompson School District that will provide approximately \$340,000 over the next 5 years for needed equipment upgrades associated with channel 14 broadcasts.

Average Franchise Fee Revenue: \$500,000 annually

Average PEG Fee Revenue: \$74,000 annually: no public comment **Mayor Pro Tem Fogle moved to Approve On First Reading, An Ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

Mayor Pro Tem Fogle moved to Approve On First Reading, An Ordinance amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.

19. **PARKS AND RECREATION** (presenter: Janet Meisel-Burns)
IGA W/ CDOT AND DISPOSAL AND USE AGREEMENT W/ KIEWIT

This is an administrative action item. The City of Loveland ("City") and the Colorado Department of Transportation ("CDOT") seek a mutual decision that benefits both the City and CDOT regarding the reconstruction of US 34. The agreements address the needs for construction staging, a rock spoil site and the reclamation of the staging area once CDOT and their contractor complete the US34 Work in the Big Thompson canyon. The Disposal and Use Agreement will allow Kiewit Infrastructure, CDOT's Construction Manager and General Contractor, to use a portion of the Round Mountain property, which is a part of the Viestenz-Smith Mountain Park, for staging and equipment storage and for a rock crushing operation. Kiewit will lease the site from the City for \$500,000 paid up front for a term of 42 months. At the end of the US 34 project work, Kiewit and CDOT will waste excess rock at the site and CDOT will regrade and restore the site for a future trail head for Round Mountain. The CDOT agreement addresses the reclamation of the Round Mountain staging site and defines the parameters for CDOT to provide road base, rock and rip/rap for the City's ongoing project at Viestenz-Smith Mountain Park. Both agreements will permit CDOT to move forward with the first phase of re-construction for US 34, in the Big Thompson Canyon. No Public Comment: **Councilor Shaffer moved to Adopt Resolution #R-63-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department of Transportation Regarding the Restoration and Use of the Round Mountain Staging And Rock Spoil Site at Viestenz-Smith Mountain Park, For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

Councilor Shaffer moved to Adopt Resolution #R-64-2016 Approving The Disposal And Use Agreement Between The City Of Loveland, Colorado And Kiewit Infrastructure Co., For The Use Of The Round Mountain Staging and Rock Spoil

Site at Viestenz-Smith Mountain Park, For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.

**20. DEVELOPMENT SERVICES (presenter: Karl Barton)
CREATE LOVELAND COMP PLAN**

This is an administrative action item. This Resolution is to adopt Create Loveland as Loveland's new Comprehensive Plan. As the new comprehensive plan, Create Loveland will act as an advisory guide for making growth and development related decisions and evaluating alternatives. The Plan was unanimously recommended for approval by the Planning Commission on February 22, 2016. On April 12, 2016 the Plan was discussed at a Council Study Session, comments from that Session, and received since, have been integrated into the Plan document. Public Comment: Don Marostica spoke in support, Bruce Croissant, spoke in support. **Councilor Shaffer moved to Adopt Resolution #R-65-2016 Approving Create Loveland As The Master Plan For The Physical Development Of The City Of Loveland, Colorado. The motion, seconded by Mayor Pro-Tem Fogle, carried with all councilors present voting in favor thereof.**

**21. DEVELOPMENT SERVICES (presenter: Brett Limbaugh)
WEST EISENHOWER REINVESTMENT ZONE**

This is an administrative action item. The economic assistance for redevelopment in the West Eisenhower Reinvestment Zone would be similar to the current CEF exemptions for Historic Downtown Loveland. With the goal being to create a high level of motivation for redevelopment, the economic assistance recommended by City staff includes a waiver of building permit and capital-related fees, including both capital expansion fees (CEFs) and utility fees, and granting use tax credits. All developed property in the City receives credits on CEFs and utility fees at time of redeveloped. Since most properties within the reinvestment zone are currently developed, the amount of CEFs and utility fees waived would be diminished significantly by use of CEF and utility fee credits. The fee waivers and use tax credit may be approved by City Council by resolution, based on a finding of significant social, economic or cultural benefit. The Municipal Code requires that capital-related fees waived be paid by the general fund or other appropriate fund. The reinvestment zone would be effective on a trial basis for two years, unless extended by City Council. There were two changes to the ordinances: "...and shall terminate July 19, 2016" and "funding is subject to annual appropriation". **A Motion To Adopt Resolution #R-66-2016 Establishing A West Eisenhower Reinvestment Zone Along West Eisenhower Boulevard In The City Of Loveland And Waiving Building Permit Fees, Capital-Related Fees And Granting Use Tax Credits For Development Within Such Zone. The motion, seconded by Councilor Overcash, carried with all councilors present voting in favor thereof.**

**22. CITY MANAGER (presenter: Steve Adams)
APPOINTMENTS TO COUNTY AFFORDABLE HOUSING WORKING GROUP**

This is an administrative action item appointing a Council Member and a City staff member to the Larimer County Affordable Housing Working Group. no public comment. **Mayor Pro-Tem Fogle moved to Approve the Appointments Of A Council Member And A City Staff Member To Larimer County Affordable Housing Working Group. Leah Johnson and Alison Hade and Mayor Gutierrez will serve as Council Alternate. The motion, seconded by Council Shaffer, carried with all councilors present voting in favor thereof.**

BUSINESS FROM CITY COUNCIL

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

None

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

None

ADJOURN

Mayor Gutierrez adjourned the July 19, 2016 Regular meeting of City Council at 10:32 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

AGENDA ITEM: 2
MEETING DATE: 8/2/2016
TO: City Council
FROM: City Manager's Office
PRESENTER: Steve Adams, City Manager



TITLE:
Appointments To Senior Advisory Board

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to appoint Sherri Stinnett to the Senior Advisory Board for a term effective until December 31, 2017 and to appoint Carmen Cisneros to the Senior Advisory Board for a term effective until December 31, 2018.

OPTIONS:

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

SUMMARY:

This is an administrative item appointing members to the Senior Advisory Board.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

The Senior Advisory Board has three vacancies. Two applicants were interviewed at the July Senior Advisory Board meeting. The interview committee recommends appointing Sherri Stinnett to the board for a term effective until December 31, 2017 and appointing Carmen Cisneros to the board for a term effective until December 31, 2018.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

None

AGENDA ITEM: 3
MEETING DATE: 8/2/2016
TO: City Council
FROM: City Manager's Office
PRESENTER: Steve Adams, City Manager



TITLE:
Reappointments to the Downtown Development Authority Board

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to reappoint Sharon Rae Cook and Ray Steele, Jr. for terms effective until June 30, 2020

OPTIONS:

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

SUMMARY:

This is an administrative action item to approve the reappointment of members to the Downtown Development Authority (DDA) Board. If the motion is approved, Sharon Rae Cook and Ray Steele, Jr will be reappointed to four year terms effective until June 30, 2020.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

The Downtown Development Authority Board had two term vacancies. The DDA Bylaws state that all appointments after the initial terms shall be for a term of four years, with the exception of the Board member representing the City Council, which Board member shall serve at the pleasure of the City Council. The DDA Board is recommending the reappointment of Sharon Rae Cook and Ray Steele, Jr to the DDA for four (4) year terms effective until June 30, 2016.

These appointments meet the qualifications as established in C.R.S. §31-25-806 and either reside in, are business lessees, or own real property in the DDA.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

None

AGENDA ITEM: 4
MEETING DATE: 8/2/2016
TO: Mayor and City Council
FROM: Rod Wensing, Assistant City Manager
PRESENTER: Rod Wensing



TITLE:

1. An Ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC
2. An Ordinance amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators

RECOMMENDED CITY COUNCIL ACTION:

Adopt the above actions on second reading.

OPTIONS:

1. Adopt the actions as recommended.
2. Deny the actions. (Current Franchise Agreement will continue on Month to Month Basis)
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration.

SUMMARY:

The Council will be asked to take both an administrative and legislative action separately to consider approving an Ordinance granting a renewal of a non-exclusive 10 year Cable Franchise Agreement from the City of Loveland to Comcast of Colorado II, LLC as well as considering an amended Ordinance establish updated Customer Service Standards for Cable Television Operators located in Section 13.16.030 of the Loveland Municipal Code. The Ordinance was approved unanimously on first reading by City Council on July 19, 2016.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

The proposed cable franchise agreement renewal continues to collect 5% of gross revenues, as allowed by the federal cable act. Franchise fees are paid to compensate the City for Comcast's use of the public rights-of-ways and facilities.

The proposed cable franchise renewal agreement continues to collect 50 cents per month on residential subscribers with the purpose of funding capital and facility needs for Public, Educational and Government (PEG) cable television broadcasting. The revenues generated from this fee may be distributed among local PEG entities as determined by City Council.

In fact, the Council did just that in 2015 via an Intergovernmental Agreement (IGA) with Thompson School District that will provide approximately \$340,000 over the next 5 years for needed equipment upgrades associated with channel 14 broadcasts.

Average Franchise Fee Revenue: \$500,000 annually
 Average PEG Fee Revenue: \$74,000 annually

BACKGROUND:

Comcast currently serves its cable customers within the City of Loveland pursuant to a Cable Franchise Agreement that went into effect on May 1, 2007. On November 19, 2013 the City Council voted unanimously to reject the proposed Cable Franchise Agreement and directed City staff to only return after a new Comcast Xfinity Store was both located and open within the City limits of Loveland at some point in the future.

During negotiations, the City sought to: (1) Improve customer service; (2) maintain benefits provided by the existing agreement; (3) eliminate regulatory provisions from the agreement that are no longer relevant; and (4) address issues of changing technology and changing regulations in a manner that benefits the City and its citizens. In addition to addressing key issues such as the definition of "gross revenues," the City's ability to monitor and audit future franchise fee payments, and competitive equity with other cable providers serving customers in Loveland, the proposed agreement also provides for up to five public, educational, and government ("PEG") access channels. Three of the PEG channels are currently broadcasting in standard-definition and are used by the City, the Thompson School District, and Aims Community College. Two of the PEG channels will be high-definition ("HD") channels, one of which will be available to the City upon 120 days' written notice to Comcast, and one of which will be available to the schools after January 1, 2016 upon 120 days' written notice to Comcast. Staff believes the proposed agreement addresses the community's future cable-related needs and improves upon the existing agreement. The attached staff memorandum goes into more detail.

One of the primary areas of concern expressed by the citizens and members of City Council is customer service. Therefore, to address the citizens' and City Council's concerns, staff has proposed a number of updates to the City's Customer Service Standards, which are codified in the Loveland Municipal Code at Section 13.16.030. Those updates require, among other things, that cable operators maintain a local office to be open weekdays as well as some weekend and evening hours, and provide their customers with the option to speak to a live customer service representative who can communicate clearly in English or Spanish as requested by the customer. The attached staff memorandum goes into more detail.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

[Link to Ordinance on First Reading: Item 18](#)

AGENDA ITEM: 5
MEETING DATE: 8/2/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Troy Bliss, Current Planning



TITLE:

An Ordinance Vacating A Twenty Foot Pedestrian Access Easement Located Across Tracts A And G Of The Westwood Third Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action as recommended by the Planning Commission: Move to adopt on first reading an ordinance vacating a twenty-foot wide pedestrian access easement.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The easement would remain, allowing public access, via an existing bridge, across the Mariano Exchange Ditch. Because it is a public access easement, the barricade preventing pedestrian access may have to be removed so that the bridge can continue to be used. The access has caused numerous problems in terms of unwanted behaviors for residents within proximity. If denied, these problems may continue to persist. And it continues to make the Westwood Third Subdivision Home Owners Association responsible for maintenance and liability issues that arise.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the applicant in proceeding to remove the existing bridge.

SUMMARY:

This is an Administrative action item. This is a public hearing to consider an ordinance on first reading, vacating a 20' by 53' pedestrian easement across the Mariano Exchanged Ditch between the Westwood and Somerset Park subdivisions. The easement was established when the Westwood Third Subdivision was developed. A bridge was built over the easement to allow crossing of the ditch. Its purpose was to facilitate a connection between the adjoining subdivisions and improve pedestrian access to other destinations in the general area, such as schools and churches. However, over the years, the bridge has become a location for unwanted and criminal activities, causing concerns to the surrounding residents and the Westwood Home Owners Association (entity responsible for maintenance and liabilities). Because of continued problems, the bridge was barricaded with a fence and a request to vacate the easement submitted. If the easement is vacated, the bridge would be removed.

The property is generally located south of W. 1st Street and east of S. Wilson Avenue between 5th Court SW and Natasha Court spanning the Mariano Exchange Ditch connecting Westwood and Somerset Park subdivisions. The applicant is Kathy Louderback with Touchstone Property Management, LLC on behalf of the Westwood Third Subdivision Home Owners Association.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible
-

BACKGROUND:

The proposal to vacate the easement is the first step in removing the bridge that has been of concern in the neighborhood due to unwanted and criminal activities occurring on and around its location. Vacating this easement also requires a modification to the Westwood Third Subdivision Final Development Plan (FDP). It would be handled through an administrative approval process by the Current Planning Division, only if the easement is vacated.

A public hearing was held with the Planning Commission on April 11, 2016. The Planning Commission recommended approval of the vacation request by a vote of 4-1. There were concerns raised by the Planning Commission in vacating an easement that provides connectivity between subdivisions and allows greater ease to certain destinations such as schools and churches. However, a majority of the Commissioner's identified the following key points in support of the vacation:

- Unwanted/criminal activities that have been occurring over the years;
 - There is no continuation of easement onto the adjoining Somerset Park subdivision for public pedestrian access;
 - The bridge is currently not accessible with it being barricaded and is a private property issue, and;
 - There is an agreement between both subdivisions to vacate the easement.
-

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance approving the vacation of pedestrian access easement
2. Staff Memorandum

FIRST READING: August 2, 2016
SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A TWENTY FOOT PEDESTRIAN ACCESS EASEMENT LOCATED ACROSS TRACTS A AND G OF THE WESTWOOD THIRD SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a pedestrian access easement described below and located across Tracts A and G of the Westwood Third Subdivision, City of Loveland, County of Larimer, Sate of Colorado (the "Property"); and

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

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

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

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

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

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

A 20' Pedestrian Easement to be vacated lying on, over and across a portion of Tract A and Tract G, Westwood Third Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 6, of said Westwood Third Subdivision thence along the South line of said Lot 1 South 60°55'40" West 39.57 feet to the True Point of Beginning; thence departing said South line, South 28°39'50" East 53.00 feet to a point on the South line of said Westwood Subdivision; thence along said South line South 61°35'31" West 20.00 feet; thence departing said South line North 28°39'50" West 52.77

feet to the South line of said Lot 1; thence along said South line North 60°55'40" East 20.00 feet to the True Point of Beginning;

The above described easement contains 1,058 square feet, more or less, and is subject to all easements, agreements and rights-of-way 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 the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Records after its effective date in accordance with State Statutes

ADOPTED this ___ day of August, 2016.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE VACATING A TWENTY FOOT PEDESTRIAN ACCESS EASEMENT LOCATED ACROSS TRACTS A AND G OF THE WESTWOOD THIRD SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



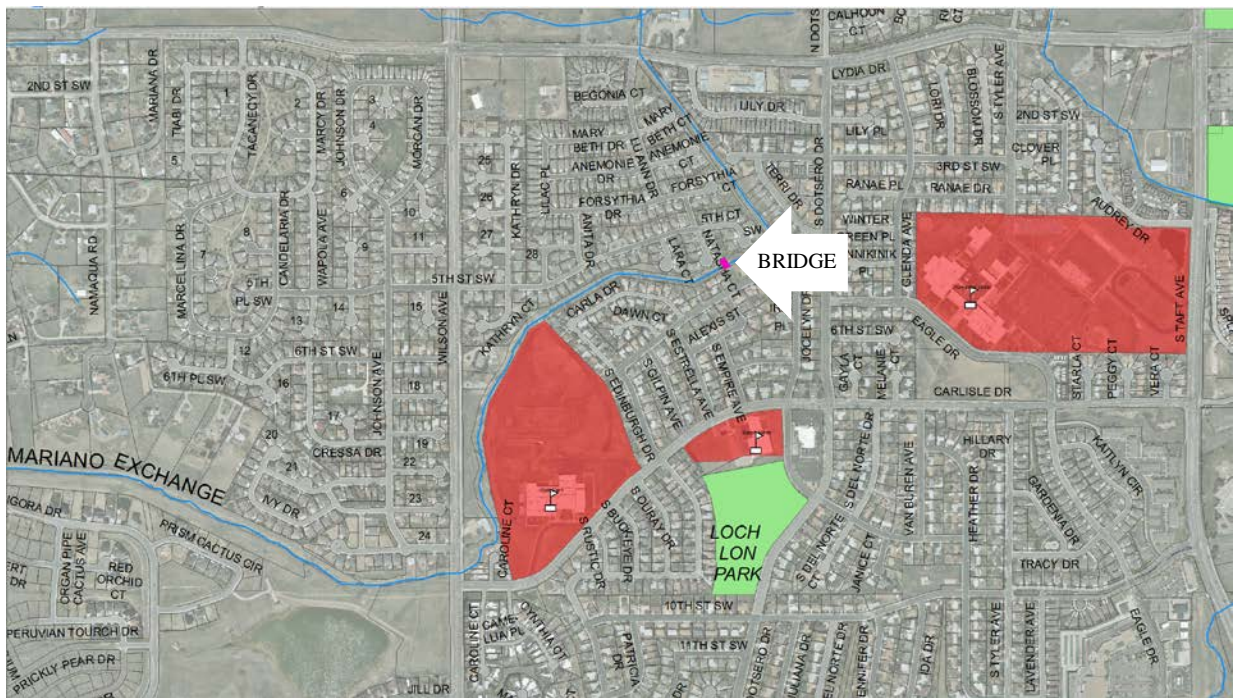
Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-
planning@cityofloveland.org

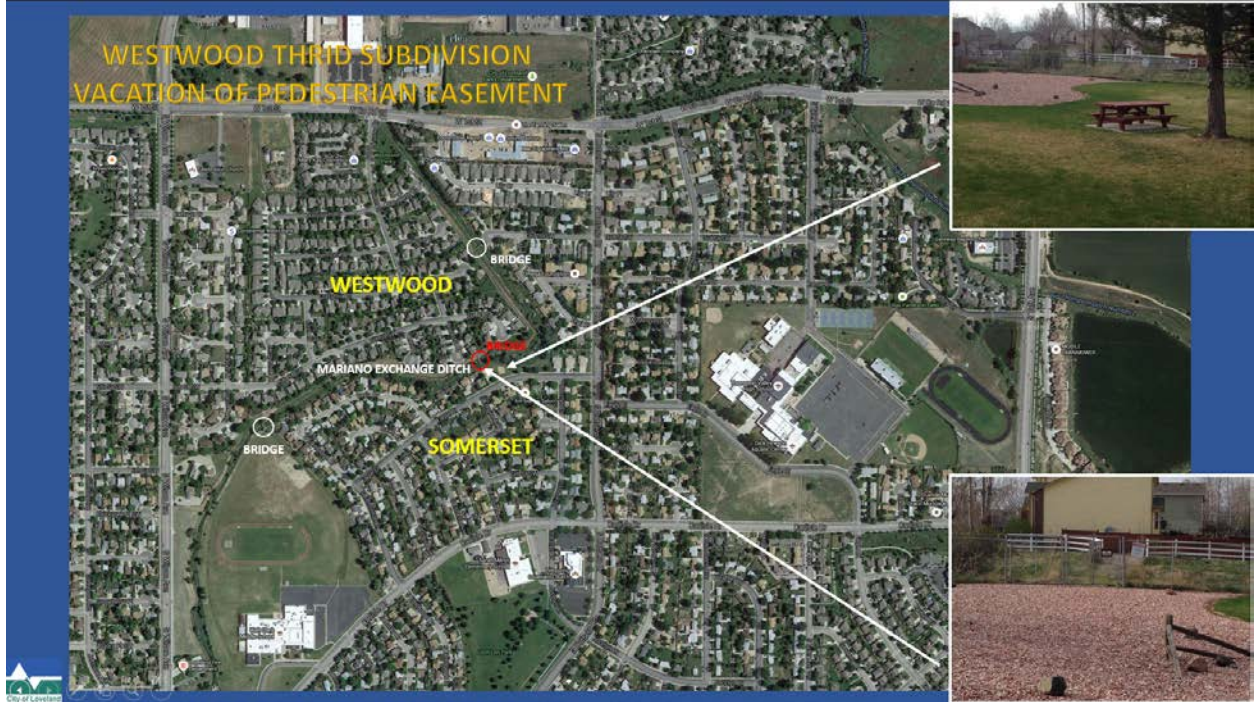
MEMORANDUM

TO: City Council
FROM: Troy Bliss, Senior Planner, Current Planning Division
DATE: August 2, 2016
SUBJECT: Westwood Third Subdivision – Vacation of Pedestrian Easement (PZ#15-00183)

I. EXHIBITS

- A. April 11, 2016, Planning Commission packet
- B. April 11, 2016, Planning Commission minutes





II. KEY ISSUES

City Staff has expressed some reservations about this request because the easement and bridge provides a connection between adjacent subdivisions and a centralized and convenient link for access to schools and churches in the vicinity through Westwood and Somerset Park. The City has previously been involved in meetings with the respective HOA’s to look at alternatives in keeping the easement in place and opening the bridge back up. However, because of the controversy/liability factors related to the bridge and that both HOA’s are in agreement to vacating the easement, there has not been a viable solution reached for all parties involved. Consequently, vacating the easement and ultimately removing the bridge has proven to be the only agreed upon option to resolve conflicts.

Additionally, as a follow-up to the Planning Commission discussion from April 11, 2016, questions were asked about the number of Police reports filed based upon the concerns raised about unwanted/criminal activities occurring in and around the bridge. Through the help of the Loveland Police Department, the information available suggests that between 2010 and 2015, there were 75 cases and 111 violations (some cases had more than 1 violation). It is important to point out that the report provided was within a 500 foot radius of the bridge. There is no ability to pin-point police reports directly at the bridge location. Consequently, not all 75 cases are associated with the bridge. A majority of the 75 cases were for criminal mischief and drug/alcohol possession (including underage).

III. BACKGROUND

The application to vacate this pedestrian easement is prompted by an overall desire to remove an existing bridge in its place, crossing the Mariano Exchange Ditch. The subject bridge/pedestrian easement has not been in use for approximately 2-3 years as a result of it being fenced-off. This bridge is one of two installed with the Westwood Third Subdivision. The entire southern and eastern boundaries of the subdivision are bordered by the Mariano Exchange Ditch. These bridges were installed to facilitate pedestrian access from the Westwood Third Subdivision and adjoining developments across the ditch to destination spots including schools, churches, and parks – southeast of the subject site.

IV. VACATION

An ordinance has been prepared for approval of the vacation request, reflecting the recommendation of City staff and the Planning Commission. A condition of approval was recommended by the Planning Commission stating:

- Prior to recording the ordinance vacating this pedestrian easement, an amendment to the Westwood Third Subdivision Final Development Plan shall be processed for approval by the Current Planning Division.

Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy were referred this vacation request. No concerns have been voiced by these agencies as their utilities are not located within the easement – for pedestrian use only.

V. PLANNING COMMISSION REVIEW

The vacation was reviewed by the Planning Commission at a public hearing on April 11, 2016 (see attached minutes – **Exhibit B**). The Commissioner's did express concerns relating to the vacation given its purpose in providing better pedestrian connectivity between subdivisions and destination areas within proximity such as schools as churches. However, by a vote of 4 to 1, the Commission recommended approval based upon the following key factors:

- Unwanted/criminal activities that have been occurring over the years;
- There is no continuation of easement onto the adjoining Somerset Park subdivision for public pedestrian access;
- The bridge is currently not accessible with it being barricaded and is a private property issue, and;
- There is an agreement between both subdivisions to vacate the easement.

VI. RECOMMENDATION

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

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 11, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 11, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Meyers, Molloy, and Forrest. Members absent: Commissioners Crescibene, McFall and Ray. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Jenell Cheever, Planning Commission Secretary.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen**, Current Planning Manager, provided a preview of the 4/25/16 Planning Commission agenda.
2. **Mr. Paulsen** indicated that two new staff members have recently joined the Planning office: Phil Kleisler, Planner II with the Strategic Planning Division and Emily Tarantini, Planning Technician with the Current Planning Division.
3. **Mr. Paulsen** provided an update on the Planning Commission vacancies and noted that interviews will be held later in April.
4. **Mr. Paulsen** noted that there will be a public hearing for the Water's Edge annexation and zoning at an upcoming Planning Commission meeting.

COMMITTEE REPORTS

1. **Commissioner Meyers** stated that Title 18 will meet at 7:00 a.m. April 14th.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the March 28, 2016 minutes; upon a second from **Commissioner Forrest** the minutes were unanimously approved. **Commissioner Meyers** abstained from the vote.

REGULAR AGENDA

1. Westwood 3rd Subdivision – Pedestrian Easement Vacation

Project Description: This is a public hearing item concerning a quasi-judicial matter. The Westwood Third Subdivision Home Owners Association (HOA) is requesting the vacation of a pedestrian easement that provides connection with the adjoining Somerset Park neighborhood via a pedestrian bridge. The bridge spans the Mariano Exchange Ditch. The easement and the bridge have been in place for nearly 20 years following approval of the PUD and associated plans for the Westwood neighborhood. The bridge, however, has been fenced off for over two years as this connection has been the source of controversy and some related nuisance crimes affecting both neighborhoods. Now, the two neighborhoods are in agreement with the request to vacate the easement and ultimately remove the bridge. Planning staff, while generally supporting inter-neighborhood connectivity, is supporting the request as there appears to be no other solution to this issue.

Troy Bliss, Senior Planner, reviewed the Staff Report and described the location of the bridge and basis for the pedestrian easement vacation request. **Mr. Bliss** noted that although walkability will be decreased if the bridge is removed, City Staff understands the bridge is a liability and cost for the Westwood subdivision. Therefore, staff is supporting the approval of the vacation request with the recommend a condition that the Westwood Third Subdivision Final Development Plan be amended to remove the pedestrian easement.

COMMISSIONER COMMENTS:

- **Commissioner Meyers** asked if other bridges located in the Westwood subdivision were still active and **Mr. Bliss** noted that they are still active.
- **Commissioner Molloy** asked who fenced off the bridge and **Mr. Bliss** stated that it is his understanding that the Somerset HOA fenced off the bridge due to concerns with access to their park resulting in vandalism and other criminal activity. **Mr. Paulsen** noted that the pedestrian easement is a requirement of the Westwood Subdivision Final Development Plan; however, the easement ends at the end of the bridge and there is no corresponding easement through Somerset Park and onto the adjacent streets. Therefore, Somerset is able to block off access at the edge of the bridge, preventing access to the park (which is owned by the Somerset HOA).
- **Commissioner Molly** noted that a neighborhood meeting was not required for the vacation request. **Commissioner Molloy** asked if the neighborhood has been notified of the vacation request and if they approve. **Mr. Bliss** stated that signs were posted on the site notifying neighbors of the public hearing tonight. Additionally, adjoining and adjacent properties were notified. Neighbors who have contacted staff have been in support of the vacation.

Commissioner Jersvig opened the public hearing at 7:05 p.m.

- **Kathy Louderbach**, Touchtone Property Management representing Westwood Subdivision, noted that there was a lot of vandalism several years ago and police recommended blocking off the bridge. Vacating the easement has been discussed at HOA meetings with the general membership for the last several years. **Commissioner Molloy** asked why the Westwood HOA would like to vacate the bridge if it is already blocked off. **Ms. Louderbach** noted that it is a maintenance issue and would eventually like to remove the bridge.
- **Dennis Wacker**, President of the Westwood HOA, stated that this issue has been discussed at the Annual HOA meeting the last two years. **Mr. Wacker** noted that it was his understanding that the fence and gate located on the Somerset property were in place prior to the Westwood Subdivision being developed; however, the developer took down the gate allowing access across the bridge between the two subdivisions. Once the gate was removed, **Mr. Wacker** explained that criminal activity developed at Somerset Park and the people who lived near the bridge were also experiencing vandalism. After several interactions with the police, it was recommended that the bridge be blocked off. **Mr. Wacker** noted that the bridge currently isn't used to access the school because it is blocked off and therefore people utilize other bridges located in the neighborhood to access the school. **Commissioner Dowding** asked why vacate the easement instead of just removing the bridge. **Mr. Wacker** stated that the HOA doesn't want to be forced to reinstall a bridge at a later date. **Mr. Wacker** noted that both subdivisions would like the bridge and associated easement removed.
- **Jerry Skelton**, President of Somerset HOA, noted that in 1979 his wife was president of the Somerset HOA. At that time, a fence and locked gate was in place. However, when the Westwood Subdivision was being developed, the lock and gate were torn down. Progressively the vandalism got worse and in 2000, police recommended putting the locked gate back up. **Mr. Skelton** stated that over the last 5-6 years, Somerset has not experienced problems with criminal activity and vandalism, particularly after the access was blocked by a new locked gate.

Commissioner Jersvig closed the public hearing at 7:15 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** expressed concerns with vacating the pedestrian easement as walkability is important for the community. However, because the bridge is not accessible, **Commissioner Forrest** noted that she supports the vacation of the easement.
- **Commissioner Molloy** stated that he is not in favor of vacating the easement as removing access across the bridge restricts movement through the park and the elementary school will suffer if removed. **Commissioner Molloy** noted that even if people can't use the bridge now, there may be a solution in the future. **Commissioner Molloy** recommended discussing the issue with the Transportation Advisory Board (TAB) and going with their recommendation.
 - **Mr. Paulsen** stated he could contact the TAB staff liaison to see if this matter is of interest to the board. **Mr. Paulsen** noted that the Somerset HOA has the right

to limit access to their park because the pedestrian easement crosses the bridge but ends at Somerset Park. Without the proper connecting easement, pedestrian access is not ensured. **Mr. Paulsen** noted that in order to require access, Somerset would have to establish an easement or the City would need to purchase an easement. **Mr. Paulsen** noted that based on conversations with the Somerset HOA over the last several years, his understanding was that the Somerset HOA had no interest in establishing an easement or unblocking the connection. And based on previous research, he did not believe that the City was interested in purchasing an easement or real property in order to reestablish the connection.

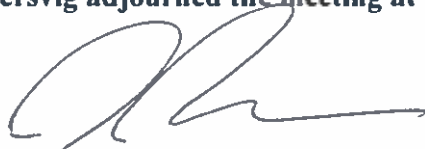
- **Commissioner Dowding** stated that she doesn't want to lose pedestrian access but supports vacating because the bridge is not accessible.
- **Commissioner Meyers** supports removing the easement because the lack of a corresponding easement on the Somerset side of the bridge does not allow for access.
- **Commissioner Jersvig** supported removing the easement because both HOAs are in agreement and there currently is no access between the subdivisions. **Commissioner Jersvig** stated that he does not think taking the issue to TAB is beneficial because this matter is still a private property issue.

Commissioner Meyers moved to make the findings listed in Section VIII of the Planning Commission staff report dated April 11, 2016, and, based on those findings, recommend that City Council approve the Westwood Third Subdivision Vacation of Pedestrian Easement, subject to the conditions listed in Section IX, as amended on the record. Commissioner Forrest seconded the motion. Commissioner Jersvig asked if Ms. Louderbach accepted the required condition per the Staff Report and Ms. Louderbach stated that she accepted the condition. The motion was approved with four ayes and one nay.

ADJOURNMENT

Commissioner Meyers, made a motion to adjourn. Upon a second by Commissioner Dowding, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 7:45 p.m.

Approved by: 

Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary



**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

April 11, 2016

Agenda #: Regular Agenda - 1

Title: Westwood Third Subdivision –
Vacation of Pedestrian Easement (PZ-15-183)

Applicant: Kathy Louderback – Touchstone Property Management, LLC on behalf of the Westwood Third Subdivision HOA

Request: **Vacate a pedestrian easement**

Location: Located between 5th Court SW and Natasha Court spanning the Mariano Exchange Ditch

Existing Zoning: B – Developing Business

Proposed Use: *Future removal of pedestrian bridge crossing the Mariano Exchange Ditch*

Staff Planner: Troy Bliss

Staff Recommendation

APPROVAL of the vacation of pedestrian easement.

Recommended Motions:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated April 11, 2016, and, based on those findings, recommend that City Council approve the Westwood Third Subdivision Vacation of Pedestrian Easement, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

This is a public hearing concerning the Westwood Third Subdivision pedestrian bridge that crosses the Mariano Exchange Ditch and provides a pedestrian linkage to the adjoining Somerset Park Second Subdivision. Shortly after development approval in 1997 for the Westwood Third Subdivision, this bridge was installed to provide a pedestrian connection between the neighborhoods. Unfortunately, the bridge and ditch crossing have been problematic. Neighbors indicate that the bridge connection has created conflicts between the respective neighborhoods due to nuisance behaviors that have occurred near the bridge and within the adjacent Somerset neighborhood park. Because the bridge is located entirely within the Westwood Third Subdivision, the Home Owners Association (HOA) is seeking to vacate a 20-foot wide pedestrian easement on which the bridge is situated. Upon successful vacation of the easement, the HOA would have the bridge removed. Currently the bridge is not being used as access has been fenced off by the Somerset Park HOA.

Applications for vacation of any access easements are considered quasi-judicial and the Planning Commission will provide a recommendation on the request to the City Council. This recommendation is forwarded to City Council at a subsequent public hearing, taking into account all testimony and information furnished at the hearing on April 11, 2016. Only City Council may authorize the vacation through adoption of an ordinance. Vacating this pedestrian easement also requires a modification to the Westwood Third Subdivision Final Development Plan (FDP). This would be handled through an administrative approval process by the Current Planning Division, only if the easement is vacated.

I. SUMMARY

The application to vacate a pedestrian easement is prompted by nuisance and petty crime relating to a pedestrian bridge that crosses the Mariano Exchange Ditch, connecting the Westwood Third Subdivision and Somerset Park Second Subdivision. For approximately 20 years since being installed, this bridge has caused problems between the two subdivisions. These problems include (but are not limited to):

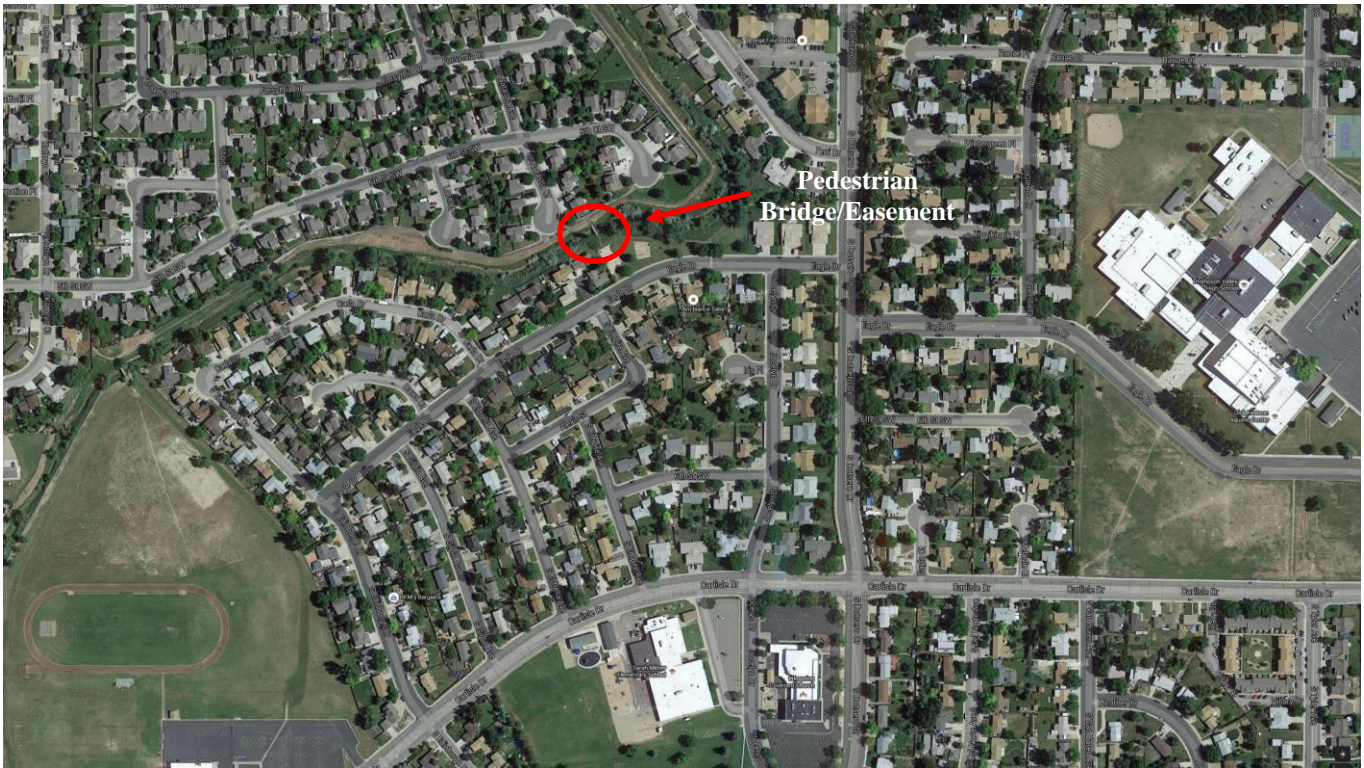
- Westwood Third Subdivision HOA liability for people using the bridge;
- Westwood Third Subdivision maintenance costs in keeping the bridge safe;
- Use of the pocket park in Somerset Park Second Subdivision by non-HOA members/uninvited guests, and;
- A destination point that has attracted some criminal activities.

The attached justification letter from the applicant (see **Attachment 1**), speaks to some of these matters. With these problems that have occurred over time, the two HOA’s have been at odds with one another and as of most recently, decided to fence-off access to the bridge. As a result, there is an agreement in vacating this easement and ultimately removing the bridge. (Current Planning has spoken to the president of the Somerset Park Second Subdivision. This individual has communicated that as a representative of the subdivision (not necessarily speaking for everyone in the subdivision), there is an overall agreement with the Westwood Third Subdivision HOA in vacating this pedestrian easement.)

II. ATTACHMENTS

1. Justification Letter from Applicant for Vacating Easement
2. Vacation Exhibit and Legal Description
3. Westwood Third Subdivision Plat (for reference to location of easement)

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF EASEMENT.....	+/- 0.02 ACRES
EXISTING ZONING	P-10: WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT (PUD)
MASTER PLAN DESIGNATION	LDR – LOW DENSITY RESIDENTIAL
EXISTING USE	SINGLE FAMILY RESIDENTIAL
PROPOSED USE.....	REMOVAL OF EXISTING PEDESTRIAN BRIDGE
ACREAGE OF OPEN SPACE PROPOSED	N/A
EXISTING ADJACENT ZONING AND USE - NORTH.....	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - EAST	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - SOUTH	R1-UD – DEVELOPING LOW DENSITY RESIDENTIAL – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - WEST.....	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
UTILITY SERVICE PROVIDER - SEWER	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER	CITY OF LOVELAND

V. KEY ISSUES

From a City staff perspective, this pedestrian bridge is recognized as an HOA responsibility – yet dedicated for public use by way of the pedestrian easement (see **Attachment 3**). Current Planning has expressed some reservations about this request because the easement and bridge provides a connection between adjacent subdivisions and a centralized and convenient link for access to schools in the vicinity (i.e. Sarah Milner Elementary, Walt Clark Middle School, and Thompson Valley High School) through Westwood and Somerset Park. The City has previously been involved in meetings with the respective HOA’s to look at alternatives in keeping the easement in place and opening the bridge back up. However, because of the controversy/liability factors related to the bridge and that both HOA’s are in agreement to vacating the easement, there has not been a viable solution reached for all parties involved. Consequently, vacating the easement and ultimately removing the bridge has proven to be the only agreed upon option to resolve conflicts.

VI. BACKGROUND

The subject bridge/pedestrian easement has not been in use for approximately 2-3 years as a result of it being fenced-off. This bridge is one of two installed with the Westwood Third Subdivision. The entire southern and eastern boundaries of the subdivision are bordered by the Mariano Exchange Ditch. These bridges were installed to facilitate pedestrian access from the Westwood Third Subdivision and adjoining developments across the ditch to destination spots including schools, churches, and parks – southeast of the subject site. If this easement is vacated and the bridge removed, only one pedestrian crossing would remain across the Mariano Exchange Ditch, impacting pedestrian access between subdivisions and across the ditch. The crossing that will remain is located northeast of Forsythia Court connecting to 3rd Street SW.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification

An affidavit was received from Kathy Louderback – Touchstone Property Management LLC, which certifies that signs posted in prominent locations on the perimeter of the project site on March 26, 2016, in reference to the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 26, 2016. All notices stated that the Planning Commission will hold a public hearing on April 11, 2016. (Mailed notice was not provided because the easement is adjacent/abutting property that is owned by the Westwood Third Subdivision HOA.)

B. Neighborhood Interaction/Response

A neighborhood meeting is not required in conjunction with an application to vacate a pedestrian access easement. However, all surface owners and all owners of easements or right-of-way abutting the easement to be vacated were notified of the application. Further, at least 50% of such owners must be party to the application. Given these requirements and the configuration of the easement, 100% of the owners are party to the application.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code as it relates to vacating a public access easement:

Chapter 16.36, Section 16.36.010.B

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

The pedestrian easement proposed to be vacated does not connect to an existing public or private easement. The easement only encompasses the area in which the bridge crossing the Mariano Exchange Ditch is located. There are no public or private easements on lands within the Westwood Third Subdivision or Somerset Park Second Subdivision that are attached to the bridge providing public access.

2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

This project seeks to vacate a pedestrian easement. The City of Loveland Comprehensive Master Plan supports connections between subdivisions that allow safe access to associated community facilities (i.e. Loch Lon Park, Sarah Milner Elementary School, Walt Clark Middle School, and Thompson Valley High School). Without this access, pedestrians will be displaced from internal local streets onto busier streets such as Dotsero Avenue or even Wilson Avenue to reach specific destinations.

Development Review Team (DRT) Analysis

Current Planning

In consideration of this pedestrian easement vacation request, Current Planning has been reluctant to support the application. This is primarily because pedestrian access through subdivisions is a land use design/pattern that the City seeks to employ throughout all neighborhoods, allowing residents to walk to obtain goods and services, reducing the impact on the street system. This is a goal of the City's Comprehensive Mater Plan (RES7) that states:

Pedestrian and bicycle friendly development is encouraged by considering among other things:

7A. Walking or biking distance to an existing or planned neighborhood park and within easy access to a community park;

7B. Easy access to major employment centers;

7C. Walking or biking distance and safe accessibility to an existing or planned elementary school;

7D. Easy access to existing or planned neighborhood shopping centers.

However, in recognizing the conflicts that this bridge has created between subdivisions and that it is a privately owned/maintained structure with liabilities tied to a home owners association, the only solution that seemed viable to address these problems that have arisen over the years past, is to vacate and eventually eliminate this pedestrian connection. Additionally, being that this request is supported by both HOA's who are being impacted, Current Planning in-turn is supporting this request.

Transportation Development Review

The vacation of pedestrian easement will not negatively impact access to the City's public street network. There are no connecting public access easements through privately owned HOA properties to public sidewalks along local streets with the Westwood Third Subdivision or Somerset Park Second Subdivision.

Fire

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

- The pedestrian bridge/ access is not a requirement of the International Fire Code.
- The vacation of the pedestrian easement will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater

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

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

Stormwater

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

- The existing easement is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

Power

The existing pedestrian easement to be vacated does not impact the existing electric utility configuration within and adjacent to this development.

IX. RECOMMENDED CONDITIONS

The following condition is being recommended in conjunction with this pedestrian easement vacation:

Current Planning

1. Prior to recording the ordinance vacating this pedestrian easement, an amendment to the Westwood Third Subdivision Final Development Plan shall be processed for approval by the Current Planning Division.



PROPERTY MANAGEMENT LLC

2850 McClelland Drive, Suite 1000 Fort Collins, Colorado 80525-2576
Phone 970-223-5000 Fax 970-223-5282 www.touchstone-property.com

To whom it may concern at City Council and City Planning,

This letter is to justify the right to vacate a portion of the pedestrian easement in Westwood Village III Homeowner Association located at the corner of 1st street and Luann Drive in Loveland, CO 80537. The portion of the easement lies behind Natasha Court extending into Summerset Park HOA. The reason to vacate this easement is due to no access or continuation of easement into the summerset Association. The photo below you can see that Summerset Association has restricted pedestrian access to the community. As designed by City Planning this access was to allow. The City did not require the easement to continue into Summerset Park HOA as required by Westwood Village III. The bridge represents and unnecessary liability, unnecessary maintenance costs, for the residents of Westwood Village III. The members of the HOA have requested to have the bridge removed. Please accept this request to vacate the pedestrian easement.



Thank you,

Matt Esposito

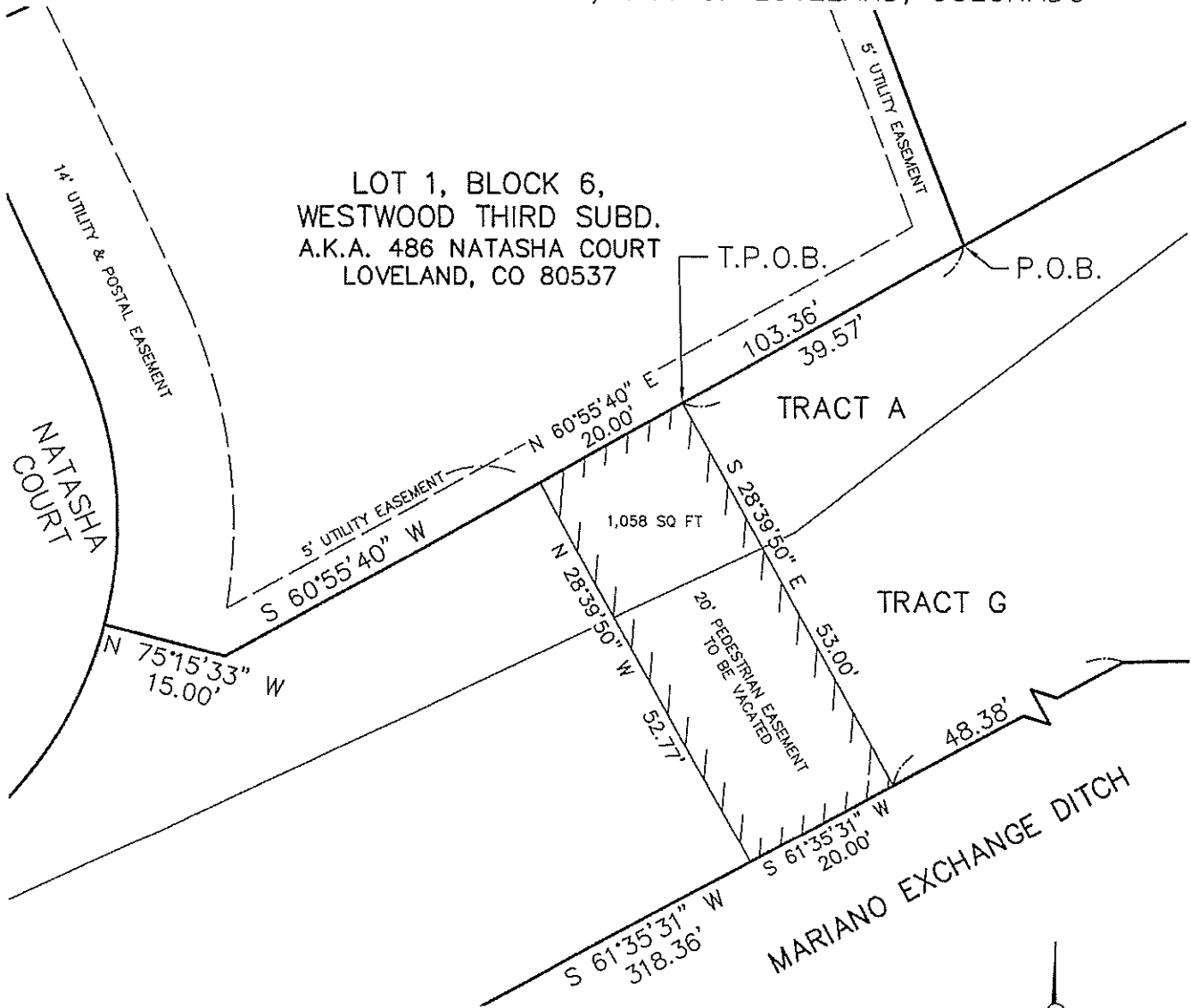
Community Association Manager

Westwood Village III Homeowners Association

EASEMENT VACATION – EXHIBIT MAP

20' PEDESTRIAN EASEMENT ACROSS TRACTS A & G WESTWOOD THIRD SUBDIVISION, CITY OF LOVELAND, COLORADO

LOT 1, BLOCK 6,
WESTWOOD THIRD SUBD.
A.K.A. 486 NATASHA COURT
LOVELAND, CO 80537



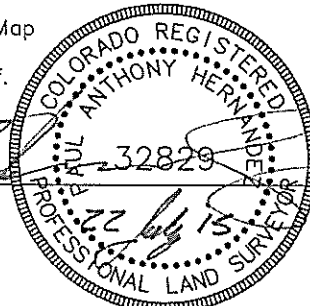
SURVEYOR'S CERTIFICATE

I, Paul A. Hernandez, do hereby certify that this Exhibit Map was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief.

Landmark Engineering, Ltd.

By:

Paul A. Hernandez
Colo. L.S. 32829



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Landmark Engineering
 Engineers Planners Surveyors Architects Geotechnical
 3521 West Eisenhower Blvd., Loveland, Colorado 80537
 (970) 667-6285 • Toll Free 1-866-379-0262 • Fax (970) 667-6298
 www.landmarkltd.com

CLIENT: TOUCHSTONE PROPERTY MANAGEMENT	
TITLE: EASEMENT VACATION	SCALE: 1"=20'
22 JULY 2015	JOB #: TOUCHP-15G1C-03-105

This document is an instrument of professional service of Landmark Engineering Ltd. (L.E.L.) Landmark shall, to the fullest extent permitted by law, be held harmless and released of any damage, liability, or cost arising or allegedly arising out of any modification, change, or reuse of this document by others.

EXHIBIT – A

Legal Description

Legal description of a 20' Pedestrian Easement to be vacated lying on, over and across a portion of Tract A and Tract G, Westwood Third Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 6, of said Westwood Third Subdivision thence along the South line of said Lot 1 South 60°55'40" West 39.57 feet to the True Point of Beginning; thence departing said South line, South 28°39'50" East 53.00 feet to a point on the South line of said Westwood Subdivision ; thence along said South line South 61°35'31" West 20.00 feet; thence departing said South line North 28°39'50" West 52.77 feet to the South line of said Lot 1; thence along said South line North 60°55'40" East 20.00 feet to the True Point of Beginning;

The above described easement contains 1,058 square feet, more or less, and is subject to all Easements, Agreements and Rights-of-Way of record.

SURVEYOR'S CERTIFICATE:

I, Paul A. Hernandez, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey by this office.

LANDMARK ENGINEERING, LTD.

By: 

Paul A. Hernandez

Colorado LS 32829



WESTWOOD THIRD SUBDIVISION

BEING A SUBDIVISION OF TRACT F, AND A PORTION OF TRACT G, BIG THOMPSON FARMS ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M..

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 22, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado;

Also being Tract F and a portion of Tract G, Big Thompson Farms Addition to the City of Loveland, Larimer County, Colorado according to the plat on file in the office of the clerk and recorder, records of said County more particularly described as follows:

Beginning at the Northwest Corner of said Section 22; and considering the West line of said Section 22 as bearing South 00°31'30" West and with all bearings contained herein relative thereto; thence along said West line South 00°31'30" West 149.57 feet; thence departing said West line South 88°38'45" East 790.42 feet; thence South 02°03'15" East 50.09 feet to the Northwest Corner of said Tract G; said point being the TRUE POINT OF BEGINNING; thence along the Westerly line of said Tract G South 02°03'15" East 1236.08 feet to a point on the Northerly line of Westwood First Subdivision according to the plat on file in the office of the clerk and recorder, records of said County; thence along the Northerly and Easterly lines of said Westwood First Subdivision the following six courses and distances; North 88°25'38" East 50.00 feet; thence South 02°03'15" East 178.42 feet to the beginning of a tangent curve concave to the Northeast having a central angle of 15°50'49" and a radius of 75.00 feet; thence Southeasterly along the arc of said curve 20.74 feet to the beginning of a compound curve concave to the North having a central angle of 99°14'51" and a radius of 25.00 feet; a radial line passing through said point bears North 72°05'56" East; thence Easterly along the arc of said curve 43.30 feet to the end of said curve; a radial line passing through said end of curve bears North 27°08'55" West; thence South 07°20'40" East 53.51 feet; thence South 29°20'10" East 171.23 feet to a point on the Southerly line of said Tract G; thence along the Southerly line of said Tract G and along the Southerly and Easterly lines of said Tract F the following 14 courses and distances; North 80°39'50" East 166.99 feet; thence South 80°33'10" East 140.13 feet; thence North 00°43'54" East 22.38 feet; thence South 81°28'30" East 383.53 feet; thence North 61°35'31" East 318.36 feet; thence North 88°25'45" East 290.95 feet; thence North 48°23'00" East 2.47 feet; thence North 42°25'00" East 51.16 feet; thence North 44°44'39" East 46.25 feet; thence North 23°30'00" East 27.27 feet; thence North 14°24'00" West 35.57 feet; thence North 38°34'10" West 404.67 feet; thence North 34°22'00" West 165.12 feet; thence North 36°37'10" West 975.10 feet; thence North 24°33'40" West 68.41 feet to the Northeast Corner of said Tract F; thence along the Northerly line of said Tract F and said Tract G the following three courses and distances; North 82°37'15" West 118.81 feet to the beginning of a tangent curve concave to the South having a central angle of 06°01'30" and a radius of 1859.85 feet; thence Westerly along the arc of said curve 195.57 feet to the end of said curve; thence tangent from said end of curve North 88°38'45" West 267.13 feet to the TRUE POINT OF BEGINNING;

Containing 37.615 acres more or less 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 Westwood Third Subdivision to the City of Loveland, Colorado.

All expenses involving necessary improvements for a 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 service, grading and landscaping shall be paid by the Owner.

Public Improvements shall be designed and approved prior to the development of the subdivision.

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 certification shown hereon.

SURVEYOR'S CERTIFICATE

Robert J. Nelson, 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 Westwood Third Subdivision 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.

Landmark Engineering Ltd.

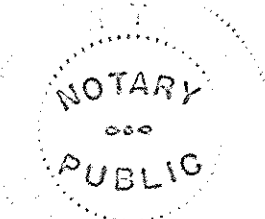
By: Robert J. Nelson
Sole L.S. 16415
17 Oct. 1995

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 17th day of October 1995, by Robert J. Nelson for Landmark Engineering Ltd.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537



BASES OF BEARINGS:

Assumed the West line of Section 22 as bearing South 00°31'30" West and with all bearings contained herein relative thereto.

APPROVED this 9th day of December 1995 by the CITY ENGINEER of the CITY OF LOVELAND, COLORADO.

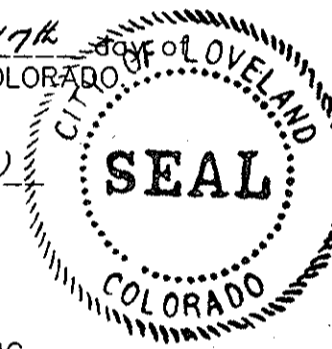
Ray Wilmore
CITY ENGINEER

APPROVED this 13th day of December 1995 by the CHIEF PLANNER of the CITY OF LOVELAND, COLORADO.

Alfred Hoffa
CHIEF PLANNER

This plat is approved and all areas dedicated to the public are accepted this 17th day of October 1995, by the CITY COUNCIL of the CITY OF LOVELAND, COLORADO.

Ray Emerson
Mayor
Victoria L. Sherman
Attest



APPROVED this 27th day of November 1995 by the CITY PLANNING COMMISSION of the CITY OF LOVELAND, COLORADO.

Ray Emerson
CHAIRPERSON

OWNER: EDWARD A. LARK
by JOHN E. LARK, as attorney-in-fact for EDWARD A. LARK

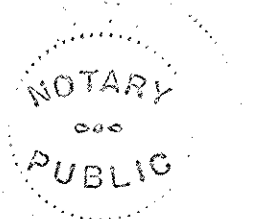
John E. Lark
JOHN E. LARK
Edward A. Lark

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by JOHN E. LARK as attorney-in-fact for EDWARD A. LARK.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537



OWNER: JOAN L. LARK
by JOHN E. LARK, as attorney-in-fact for JOAN L. LARK

John E. Lark
JOHN E. LARK
Joan L. Lark

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by JOHN E. LARK as attorney-in-fact for JOAN L. LARK.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537

OWNER: FRANK P. HEFFINGTON, JR.

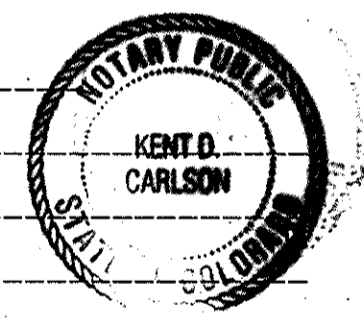
Frank P. Heffington Jr.
Frank P. Heffington, Jr.

STATE OF Colorado)
COUNTY OF Adams)

The foregoing instrument was acknowledged before me this 16th day of October 1995 by Frank P. Heffington, Jr.

Witness my hand and official seal. 3-10-99
My commission expires

Kent D. Carlson
Notary Public
1286 O 1st Street
Adams, CO 80507



LIENHOLDER: AMERICAN BANK

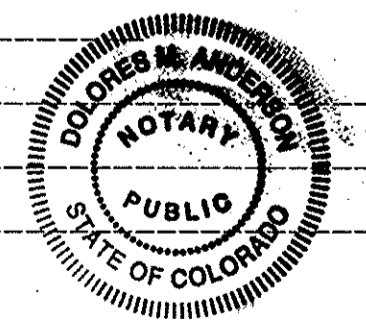
Harris Coe
HARRIS COE, VICE PRESIDENT

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 18th day of October 1995 by Harris Coe

Witness my hand and official seal. 3-28-98
My commission expires

Dolores M. Anderson
Notary Public
300 E 9th St
Loveland, CO 80538



OWNER: JOHN E. LARK

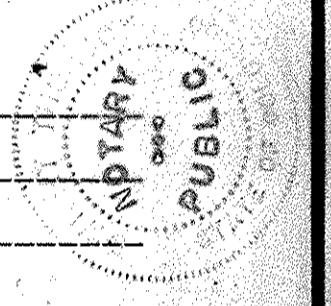
John E. Lark
JOHN E. LARK

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by John E. Lark

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537



OWNER: SOLVEIG E. LARK

Solveig E. Lark
SOLVEIG E. LARK

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by Solveig E. Lark

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537

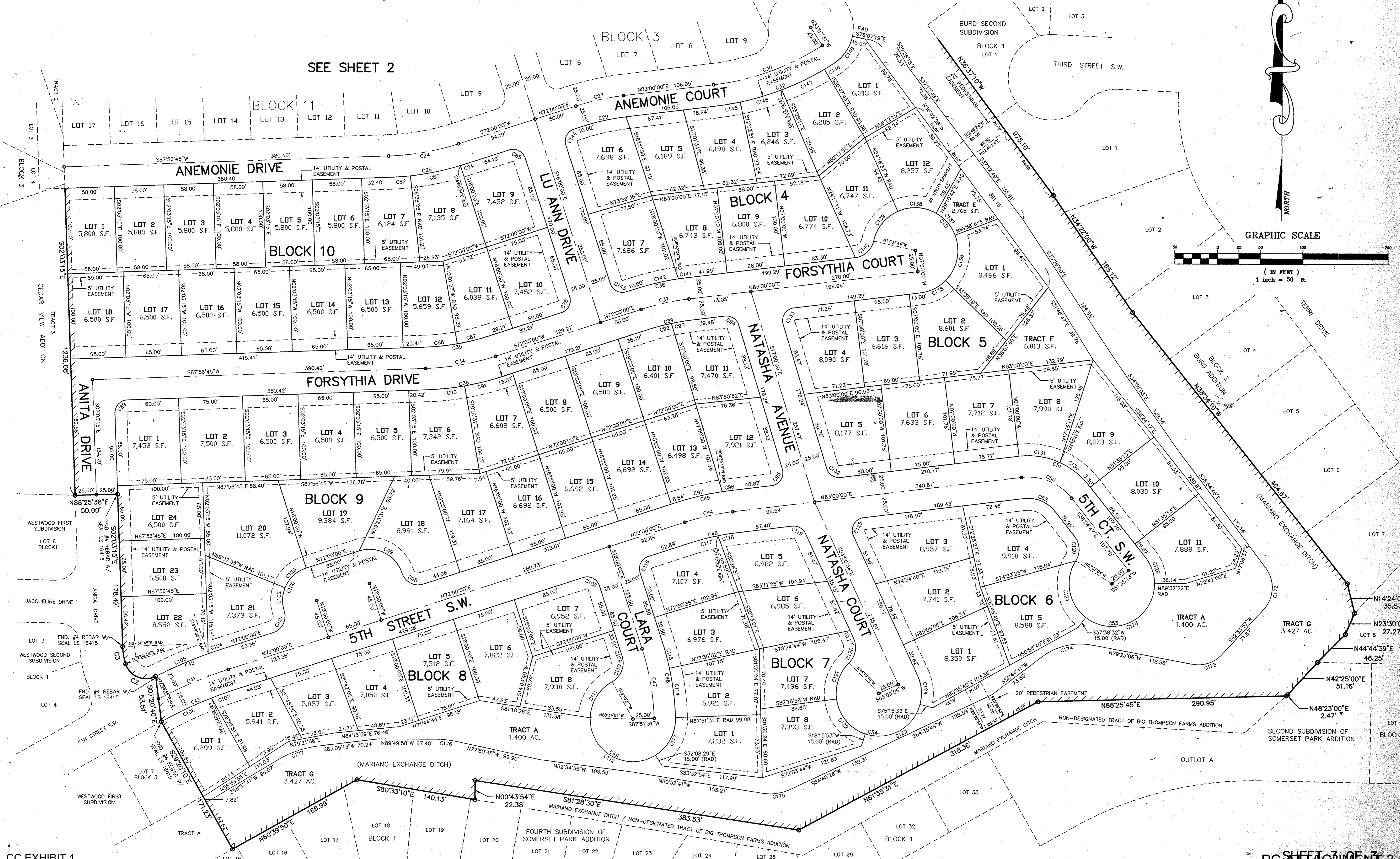


NOTES:

- TRACTS A, B, C, D, E & F TO BE AVAILABLE FOR THE USE OF ACCESS, DRAINAGE, UTILITY, LANDSCAPE AND PEDESTRIAN EASEMENTS.
- = SET 16" No.4 REBAR WITH 1" PLASTIC CAP STAMPED L.S.16415 (UNLESS OTHERWISE NOTED).
- = SET 16" No.4 REBAR WITH 1" PLASTIC CAP STAMPED L.S.16415 UPON COMPLETION OF CONSTRUCTION OF THE STREETS.
- THERE IS A 14' WIDE UTILITY AND POSTAL EASEMENT ADJACENT TO AND PARALLEL WITH ALL STREET RIGHTS-OF-WAY IN THIS SUBDIVISION.
- THERE IS A 5' WIDE UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL REAR LOT LINES IN THIS SUBDIVISION.
- MAINTENANCE FOR TRACTS A, B, C, D, E & F TO BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
- NO DIRECT VEHICULAR ACCESS WILL BE ALLOWED TO WEST FIRST STREET FROM ANY LOT IN THIS SUBDIVISION WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER.
- THE TEMPORARY EMERGENCY ACCESS EASEMENT AS SHOWN ON SHEET 2 WILL BE NULL AND VOID UPON THE WESTERLY EXTENSIONS OF MARY BETH DRIVE AND ANEMONIE DRIVE.
- TRACT G TO BE AVAILABLE FOR THE USE OF ACCESS, DITCH, DRAINAGE AND UTILITY EASEMENTS.
- MAINTENANCE FOR TRACT G TO BE THE RESPONSIBILITY OF THE CONSOLIDATED HOME SUPPLY DITCH AND RESERVOIR COMPANY.

WESTWOOD THIRD SUBDIVISION

BEING A SUBDIVISION OF TRACT F, AND A PORTION OF TRACT G, BIG THOMPSON FARMS ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M..



AGENDA ITEM: 6
MEETING DATE: 8/2/2016
TO: City Council
FROM: City Attorney's Office
PRESENTER: Tami Yellico, City Attorney
 Jacque Wedding-Scott, Executive Director, Loveland Downtown Partnership and Downtown Development Authority

**TITLE:**

An Ordinance Approving A Downtown Development Authority Election To Be Held November 8, 2016, To Authorize Debt, Taxes And Revenue Retention

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and approve the Ordinance on First Reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The election will not be held if the action is denied.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action item, recommending the approval of an ordinance on first reading. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 8, 2016 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

In January 2014 the Loveland City Council directed staff to work with the private sector to develop an organization that would lead downtown redevelopment efforts. In July 2014 the Loveland Downtown Partnership (LDP) was formed to act in this capacity. One focus area of the LDP was to lead the effort to establish a Downtown Development Authority (DDA). An election to form the DDA was held February 10, 2015 and the voters approved the formation of the DDA. Council approved Ordinance 5927 creating and establishing the DDA in April 2015 and subsequent to that action the DDA Board members were appointed in May 2015. The DDA Plan of Development was initially approved by Council in July, 2015.

On July 5, 2016 City Council approved an ordinance on second reading calling for a special election to be held as a coordinated election with the County Clerk on November 8, 2016. Both the LDP and DDA boards took affirmative action at their last meetings to move forward with the Amended Plan of Development, including sales tax in the base/increment on all items taxable under Section 3.16.010 and Section 3.16.020A of the Loveland Municipal Code. In addition, both

boards have recommended to move forward with a ballot question authorizing up to 5 mills property tax; and a second question authorizing up to \$75 million in debt. On July 19, 2016 City Council approved a Resolution approving the Amended Plan of Development.

If approved, this ordinance submits two ballot questions to the qualified electors on November 8, 2016. The first question seeks approval of a property tax mill levy, not to exceed 5 mills, on properties within the DDA Boundaries. The DDA recommendation, subject to City Council approval at a later date, is for a property tax levy of 5 mills in 2017. Revenues from this increase are conservatively estimated at \$198,000 for tax collection year 2017. Revenues from the 5 mill authorization would be purposed to include, but is not limited to, maintenance projects for sidewalks, street cleaning, litter pick up, landscape maintenance,

The second question is seeking approval to increase debt by \$75,000,000 to finance DDA projects, including without limitation, parking, utilities, streets, sidewalks, alleyways and beautification, and applicable provisions of Colorado law from sales and property tax increment monies, and allowing the City to keep tax revenue above certain state law limits for the financing of future projects within the DDA. DDA bonds are only issued when it can be demonstrated they can be paid back from tax increment monies.

Qualified electors of the DDA include: landowners, residents, or lessees located within the DDA Boundaries. Landowners or lessees that are entities located within the DDA boundaries may only vote if they officially designate a representative.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. Ordinance
2. Resolution approved by City Council and DDA Board
3. DDA Map

FIRST READING: August 2, 2016

SECOND READING: _____, 2016

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A DOWNTOWN DEVELOPMENT
AUTHORITY ELECTION TO BE HELD NOVEMBER 8, 2016, TO
AUTHORIZE DEBT, TAXES AND REVENUE RETENTION**

WHEREAS, the City of Loveland, in the County of Larimer and State of Colorado (the “City”) is a municipal corporation 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’s Home Rule Charter (the “Charter”); and

WHEREAS, the members of the City Council of the City (the “City Council”) have been duly elected and qualified; and

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

WHEREAS, the City Council has heretofore approved the Plan of Development (the “Plan”) for the Authority; and

WHEREAS, the interest of the Authority and the public interest and necessity demand and require the financing of certain development projects described in the Plan (collectively, the “Projects”); and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for the creation of any debt, a mill levy increase or revenue retention above certain limits; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the Board of the Authority has called an election on the question of issuing bonds or otherwise providing for loans, advances or indebtedness (“Financial Obligations”) and pledging the tax increment revenues to the payment of such Financial Obligations; and

WHEREAS, Section 31-25-816(2)(b), C.R.S. provides the operations of the Authority may be financed by an ad valorem tax levied by the City, not exceeding five mills on the valuation for assessment of property located within the Authority; and

WHEREAS, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

WHEREAS, November 8, 2016 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the City Council must approve calling the election; and

WHEREAS, pursuant to Section 31-11-111, C.R.S., the City Council must set the ballot titles for ballot questions; and

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

SECTION 1. Approval of DDA Election. The City Council hereby approves the holding of the Election on November 8, 2016 and the submittal of the following questions in substantially the following forms to the qualified electors and pursuant to Section 31-11-111, C.R.S., the City Council hereby determines that the following questions are the submission clause for each question:

(a) SHALL CITY OF LOVELAND TAXES BE INCREASED \$198,000 IN TAX COLLECTION YEAR 2017 AND BY SUCH AMOUNT AS MAY BE RAISED ANNUALLY THEREAFTER BY AN AD VALOREM PROPERTY TAX RATE OF NOT MORE THAN 5.00 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY, FOR THE PURPOSES SET FORTH IN TITLE 31, ARTICLE 25, PART 8, C.R.S., INCLUDING WITHOUT LIMITATION, MAINTENANCE PROJECTS FOR SIDEWALKS, STREET CLEANING, LITTER PICKUP, AND LANDSCAPE MAINTENANCE; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE REVENUES COLLECTED FROM SUCH TOTAL PROPERTY TAX RATE, INVESTMENT INCOME THEREON AND ANY OTHER LAWFUL SOURCE AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

(b) SHALL CITY OF LOVELAND DEBT BE INCREASED \$75,000,000, WITH A REPAYMENT COST OF NO MORE THAN \$200,000,000, FOR THE PURPOSE OF FINANCING THE COSTS OF DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY OR ON BEHALF OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT, AS IT MAY BE AMENDED FROM TIME TO TIME, INCLUDING WITHOUT LIMITATION, PARKING, UTILITIES, STREETS, SIDEWALKS, ALLEYWAYS AND BEAUTIFICATION, AND APPLICABLE PROVISIONS OF COLORADO LAW; SUCH DEBT AND THE INTEREST THEREON TO BE PAYABLE FROM AND SECURED BY A PLEDGE OF THE SPECIAL FUND

OF THE CITY WHICH SHALL CONTAIN TAX INCREMENT REVENUES LEVIED AND COLLECTED WITHIN THE BOUNDARIES OF THE AUTHORITY; AND SHALL SUCH DEBT BE EVIDENCED BY BONDS, NOTES, CONTRACTS OR OTHER FINANCIAL OBLIGATIONS TO BE SOLD IN ONE SERIES OR MORE FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT THEREOF, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE CITY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM OF NOT MORE THAN 3% OF THE PRINCIPAL AMOUNT SO REDEEMED; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE TAX INCREMENT REVENUES, THE BOND PROCEEDS AND INVESTMENT INCOME THEREON AS A VOTER-APPROVED REVENUE CHANGE, AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

SECTION 2. Ballot Question Titles. Pursuant to Section 31-11-111, C.R.S., the City Council hereby sets the titles for questions (a) and (b) set forth in Section 1 above as follows;

The title for Question (a) in Section 1 above shall be:

AUTHORIZATION FOR THE CITY TO INCREASE PROPERTY TAXES IN THE DOWNTOWN DEVELOPMENT AUTHORITY BY NOT MORE THAN 5.00 MILLS AND OF A VOTER-APPROVED REVENUE CHANGE AS AN EXCEPTION TO THE LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW.

The title for Question (b) in Section 1 above shall be:

AUTHORIZATION FOR THE CITY TO INCUR DEBT OF UP TO \$75,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY OR ON BEHALF OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT, WITH SUCH DEBT PAYABLE FROM AND SECURED BY A PLEDGE OF THE SPECIAL FUND OF THE CITY WHICH SHALL CONTAIN TAX INCREMENT REVENUES LEVIED AND COLLECTED WITHIN THE BOUNDARIES OF THE AUTHORITY.

SECTION 3. Other Election Procedures. The City Clerk and other officers and employees of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

SECTION 4. Election Contest. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set, and for contests

concerning the order of a ballot, within five days after the ballot order is set by the County Clerk and not thereafter.

SECTION 5. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any such bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

SECTION 6. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7. Publication. As provided in 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 8. Effective Date. This Ordinance shall be in full force and effect ten days after its final publication, as provided in Charter Section 4-8(b).

ADOPTED this ____ day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

RESOLUTION #R-59-2016

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

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

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

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

WHEREAS, it is anticipated that, pursuant to Article X, Section 20 of the Colorado Constitution, the Authority will propose to the City Council that an election be held on November 8, 2016 (the "Election"), for the approval of debt to be issued by the City for Authority purposes, taxes to be levied by the City for Authority purposes and revenue retention above certain limits (collectively the "Ballot Questions"); and

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

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

WHEREAS, pursuant to C.R.S. §31-25-807(4)(b), the City Council submitted the Plan to the Loveland Planning Commission (the "Planning Commission") and the Planning Commission has submitted a written letter of support of the Plan to the City Council; and

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

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

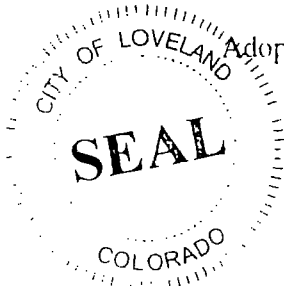
Section 1. Findings. The City Council hereby finds that there is a need to take corrective measures in order to halt or prevent deterioration of property values or structures within the Plan area and to halt or prevent the growth of blighted areas therein. The City Council further finds that the Plan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

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

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

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

Adopted this 19th day of July, 2016.



Cecil A. Gutierrez
Cecil A. Gutierrez, Mayor

ATTEST:

Christy Williams
City Clerk

APPROVED AS TO FORM:

Tami Yalter
City Attorney



LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY

Amended Plan of
Development

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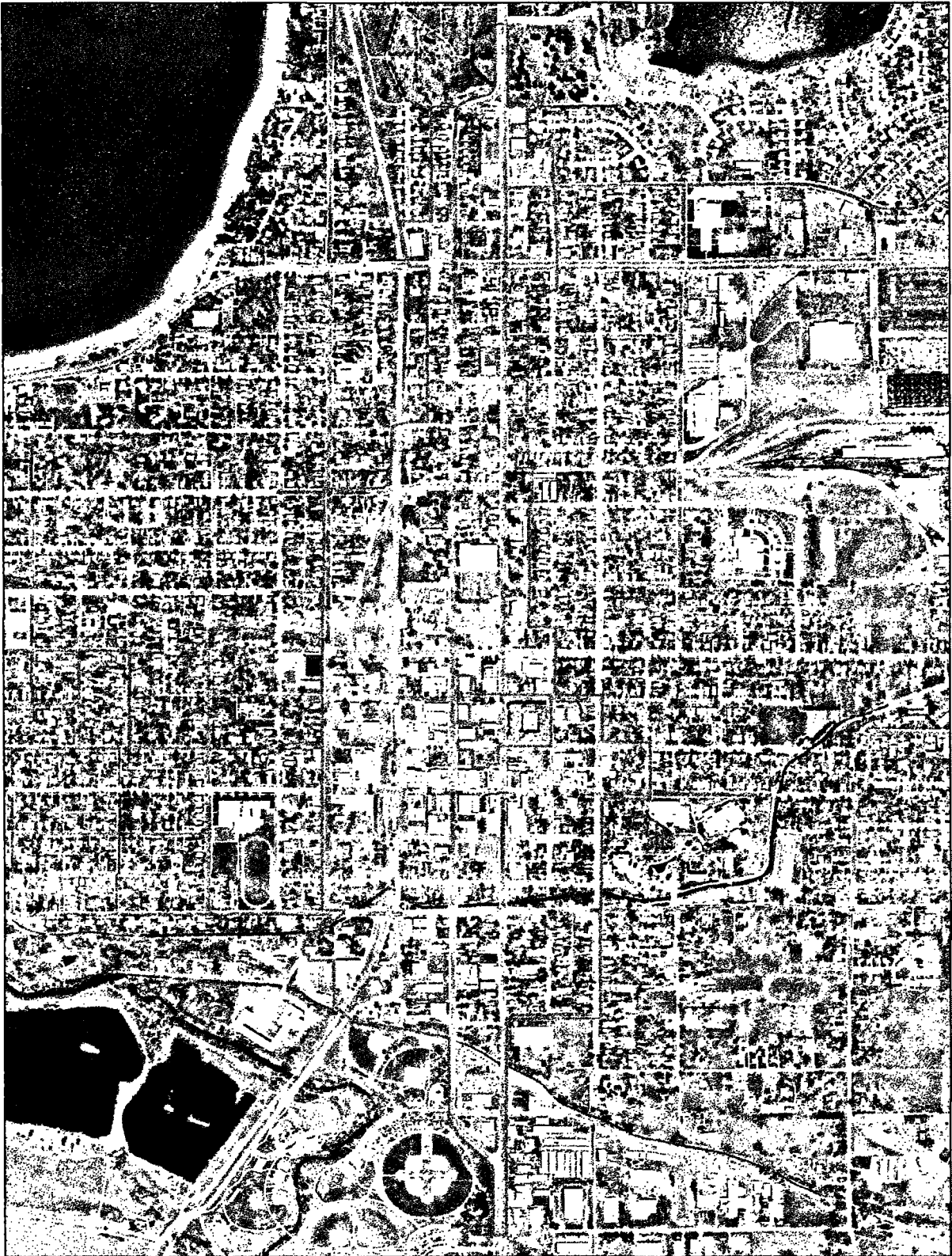
Foreword

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

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

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

District Map



**Loveland Downtown Development Authority
Established by Ordinance No. 5927**

Boundaries of the DDA

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

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

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

Objective and Purposes

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

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

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

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

13. Promote and encourage the renovation and reuse of vacant and deteriorated structures within the District.
14. Encourage the creation and continuation of public events within the District
15. Promote and market the District.
16. Promote Loveland's unique identity as a destination for arts and culture.

Plan of Development Projects

- A. Plan projects may include public facilities and other improvements to public or private property of all kinds consistent with the priorities of the DDA by all means permitted by federal, state and local laws and regulations, including but not limited to, land assemblage, demolition, removal, site preparation, construction, renovation, repair, remodeling, reconstruction purchase of property interests, rehabilitating, equipping, selling and leasing in connection with such public and private improvements.

B. Descriptions of specific development projects that have been conceptually identified as potential key downtown **redevelopment projects** including, but not limited to, the following:

ITEM	CITY/DDA FUNDING	OTHER PUBLIC FUNDING	PRIVATE	NOTES
Redevelopment Projects				
South Catalyst Project: 3 rd Street Site	\$15,000,000	\$15,000,000	\$50,000,000	Amount includes the estimate on land, plus the cost of the redevelopment with a parking structure
4th Street/Rialto Square	\$2,500,000	\$0	\$7,500,000	Includes the cost of land plus redevelopment cost,
Arcadia (opera House) (4th and Cleveland)	\$400,000	\$75,000	\$1,800,000	Based on preliminary review of proposed plan.
4th and Lincoln/Redevelopment (Heartland Corner)	\$2,000,000	\$0	\$6,250,000	Potential project/timeline unknown
Loveland Elks Lodge	\$250,000	\$200,000	\$2,000,000	Estimates are for rehab at \$100/square foot
Loveland Hotel	\$250,000	\$200,000	\$2,000,000	Estimates are for rehab at \$100/square foot
VFW Hall	\$500,000	\$0	\$4,000,000	
Feed and Grain	\$0	\$2,300,000	\$1,000,000	
Pulliam Building	\$4,600,000	\$200,000	\$1,200,000	Assumes the City receives a grant from the State Historic Fund and Historic Tax Credits
Former House of Neighborly Service Building - Cleveland	\$500,000	\$0	\$5,000,000	Assumes a redevelopment of a 20,000 sq./foot building
Safeway site	\$5,000,000	\$0	\$30,000,000	Requires further investigation
Railroad site	\$2,500,000	\$0	\$15,000,000	Land at 7th and Garfield
Other private	\$1,500,000		\$10,000,000	Includes other projects not contemplated, plus façade grants and fire safety grants
SUBTOTAL REDEVELOPMENT	\$35,500,000	\$17,975,000	\$139,500,000	

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

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

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

ITEM	CITY/DDA FUNDING	OTHER PUBLIC FUNDING	PRIVATE	NOTES
Trail Expansion	\$1,000,000			
Railroad Quiet Zones	\$1,000,000	\$2,000,000		Includes four rail crossings located at 1 st , 4 th , 6 th and 7 th Streets
SUBTOTAL OTHER	\$2,000,000	\$2,000,000	\$0	

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

Strategic Downtown Plan

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

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

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

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

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

Appendix III: *Downtown Vision Book (2010)*

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

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

The Infrastructure Plan was completed in 2010, and highlights the streetscape, utility and other public infrastructure improvements in Downtown Loveland.

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

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

Methods of Financing Projects

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

- A. Proceeds of bonds of, loans or advances to, or indebtedness incurred by the City of Loveland secured by the pledge of the following tax revenues for the maximum period of time authorized by C.R.S. § 31-25-807(3):
 - a. **Property Tax Increment:** All of that portion of property taxes in excess of such taxes which are produced by the levy at the rate fixed each year by or for any public body upon the valuation for assessment of taxable property within the boundaries of the District last certified prior to the effective date of approval by the City Council of Loveland of this Plan or, as to an area later added to the boundaries of the District, the effective date of the modification of this Plan.
 - b. **Municipal Sales Tax Increment:** All of that portion of municipal sales tax in excess of such taxes collected within the boundaries of the District for the twelve-month period ending on the last day of the month prior to the effective date of approval by the City Council of Loveland of this Plan. For purposes of calculating the amount of municipal sales tax, "municipal sales tax" shall be as defined in Section 3.16.010 and Section 3.16.020A of the Loveland Municipal Code, provided that such definition shall specifically not include those municipal sales tax revenues that are obligated to be paid in accordance with the specific terms and conditions of any economic incentive agreement in effect as of the approval date of this Plan¹.
 - c. **Other sources:** Such other sources of revenue for repayment of bonds, loans, advances or other indebtedness of Loveland as may be authorized by law.

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

- B. Membership fees;
- C. Private contributions;
- D. Proceeds of loans to the DDA;
- E. Fees and other charges imposed in connection with projects undertaken by the DDA;
- F. Grants and other funds made available by public agencies and other entities;

¹ On January 27, 2015, the City of Loveland and Thornton Long Term Investments, L.L.C. entered into that certain Agreement for City Incentive, Fee Waiver, and Construction Materials Use Tax Waiver with Thornton Long Term Investments, L.L.C. for a Sprouts Farmers Market (the "Agreement"). Pursuant to the Agreement, a \$2,200,000 incentive was provided by the City of Loveland which is to be repaid at a rate of three percent (3%) interest, amortized over a ten (10) year period, in accordance with the terms and conditions of the Agreement.

- G. All types of bond issues, including industrial development revenue and special assessment bonds; and
- H. All such other sources and methods as may be authorized by law from time to time, including but not limited to, C.R.S. § 31-25-801, et seq.

Appendix I: *Legal Description of Downtown Development District*

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

along the east line of Riverside Addition to its point of intersection with the south ROW line of W. 1st Street; thence continuing northerly to the point of intersection of the north ROW line of W. 1st Street and the west ROW line of the N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 2nd Street; thence continuing northerly to the point of intersection of the north ROW line of W. 2nd Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 3rd Street; thence continuing northerly to the point of intersection of the north ROW line of W. 3rd Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the south ROW line of the alley between W. 3rd Street and W. 4th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 4th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 4th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between W. 4th Street and W. 5th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 5th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 5th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 6th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 6th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 7th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 7th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between W. 7th Street and W. 8th Street; thence continuing northerly to the point of intersection of the north ROW line of said alley and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 8th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 8th Street and the west ROW line of N. Garfield Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of W. 10th Street; thence continuing northerly to the point of intersection of the north ROW line of W. 10th Street and the west ROW line of N. Garfield Avenue; thence easterly to the point of intersection of the east ROW line of N. Garfield Avenue and the north ROW line of W. 10th Street; thence easterly and northeasterly along said north ROW line to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW to its point of intersection the south line of Little Barnes Ditch; thence continuing northerly to the point of intersection of the north line of said Ditch and the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northerly along said west ROW line to its point of intersection with the south ROW line of E. 11th Street; thence continuing northerly to the point of intersection of the west ROW line of said Railroad and the north ROW line of W. 11th Street; thence northeasterly to the point of intersection of the east ROW line of N. Railroad Avenue and the north ROW line of E. 11th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence northerly along said west alley ROW line to its point of intersection with the south ROW line of the alley between E. 11th Street and E. 12th Street; thence continuing northerly to the point of intersection of the north ROW line of the alley between E. 11th Street and E. 12th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west alley ROW line to its point of intersection with the south ROW line of E. 12th Street; thence continuing northerly to the point of intersection of the north ROW line of E. 12th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west alley

ROW line to its point of intersection with the south ROW line of the alley between E. 12th Street and E. 13th Street; thence easterly to the point of intersection of the east ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue and the midpoint of the westerly Lot line of Lot 8 of Block 5 of Loveland Heights Addition Subdivision, thence easterly through the east-west centerline of said Lot 8, to a point of intersection of west ROW line of N. Cleveland Avenue and the midpoint of the easterly lot line of Lot 8 of Block 5 of Loveland Heights Addition Subdivision, thence continuing northerly along the west ROW line of N. Cleveland Avenue to the northeast corner of Lot 10 of Block 5 of Loveland Heights Addition Subdivision, thence westerly along the north property line of said Lot 10 to the point of intersection of the east ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue and the northwest corner of Lot 10, Block 5 of Loveland Heights Addition, thence westerly across said alley ROW along the north property line extended of Lot 10, Block 5 of Loveland Heights Addition to its intersection with the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue, thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of E. 13th Street; thence continuing northerly to the point of intersection of the north ROW line of E. 13th Street and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to its point of intersection with the south ROW line of the alley between E. 13th Street and E. Eisenhower Boulevard; thence continuing northerly to the point of intersection of the north ROW line of said alley between E. 13th Street and E. Eisenhower Boulevard and the west ROW line of the alley between N. Railroad Avenue and N. Cleveland Avenue; thence continuing northerly along said west ROW line to the point of intersection of the east line of Lot 21, Block 4, Loveland Heights Addition and the south line of the vacated alley ROW; thence easterly along said south line to the centerline of the vacated alley ROW; thence northerly along said centerline to its point of intersection with the south ROW line of E. Eisenhower Boulevard; thence continuing northerly along the west line extended of said Lots to its point of intersection with the centerline of E. Eisenhower Avenue; thence westerly along said centerline, to its point of intersection with the west ROW line of the Burlington Northern/Santa Fe Railroad; thence northwesterly along said west ROW line to its point of intersection with the north line extended of the E. 15th Street ROW; thence easterly along said north line extended to its point of intersection with the west ROW line of Jackson Avenue; thence easterly along said north line extended of the East 15th Street ROW to its point of intersection with the east ROW line of Jackson Avenue; thence continuing easterly along the north ROW of E. 15th Street to its point of intersection with the east ROW line of the alley between Jackson Avenue and N. Lincoln Avenue; thence northerly along said east ROW of the alley to its point of intersection with the south ROW line of E. 16th Street; thence northerly along said east ROW of the alley to its point of intersection with the north ROW line of E. 16th Street; thence continuing northerly along said east ROW of the alley to its point of intersection with the southern property line of the Loveland Burial Park Cemetery; thence easterly along said southern property line to its point of intersection with the west ROW line of N. Cleveland Avenue; thence northeasterly along the northwestern ROW line of N. Cleveland Avenue to its point of intersection with the west ROW line of N. Lincoln Avenue; thence northerly along said west ROW line to its point of intersection with the south line extended of the E. 20th Street ROW; thence easterly along said south line extended to its intersection with the east ROW line of N. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the south boundary line of the Stephenson 1st Subdivision; thence easterly along said south boundary line to its point of intersection with the west boundary of the Conger Subdivision of the North End Addition; thence southerly along said west boundary line to its intersection with the south boundary of the Conger Subdivision of the North End Addition; thence easterly along said south boundary to its intersection with the west boundary line of the Grandview Subdivision of North End Addition; thence southerly along said west boundary line to its intersection with the north ROW line of E. 16th Street; thence southeasterly across E. 16th Street to the point of intersection of the south ROW line of E. 16th Street and the east ROW line of N. Jefferson Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. Eisenhower Blvd.; thence southerly along said east ROW line to its point of intersection with

the south ROW line of E. Eisenhower Blvd; thence continuing southerly along said east ROW line to its point of intersection with the south boundary line extended of the WARNOCK ADD AMD L1-4 35-39 & POR L40 & VACATED ALLEY Subdivision; thence westerly along said south boundary line extended to its intersection with the west ROW line of N. Jefferson Avneue; thence westerly along said south boundary line to its point of intersection with the west ROW line extended of the alley between N. Lincoln Avenue and N. Jefferson Avenue; thence southerly along said west alley ROW line to its point of intersection with the north ROW line of E. 13th Street; thence continuing southerly to the point of intersection of said west alley ROW line and the south ROW line of E. 13th Street; thence continuing southerly along said west alley ROW line to its point of intersection with north bank of the Big Lateral Ditch, thence northwesterly along north bank of said ditch to its intersection with the east ROW line of N. Lincoln Avenue, thence southerly along the east ROW line of N. Lincoln Avenue to a point 50 feet north of the southwest corner of Lot 6, Block 1 of the McKee Meadows Addition, thence easterly along a line 50 feet north of the southern property line of said Lot 6, Block 1 to its intersection with the west ROW line of the alley between N. Lincoln Avenue and N. Jefferson Avenue, thence continuing southerly along said west alley line to its point of intersection with the the north ROW line of E. 12th Street; thence continuing southerly to the point of intersection of said west alley line with the south ROW line of E. 12th Street; thence continuing southerly along said west alley ROW line to its point of intersection with the north line of Lot 17, Block 2 of the McKee Meadows Addition, thence continuing westerly along north line of said Lot 17 to its point of intersection with the east ROW line of N. Lincoln Avenue; thence continuing southerly along the east ROW line of N. Lincoln Avenue to its point of intersection with the centerline of the alley ROW vacated via Ordinance 3317 and recorded at Reception Number 86051452 adjoining Block 2, Lincoln Place Addition; thence easterly along the centerline of said vacated alley to its point of intersection with the east line of Lot 10, Block 2, Lincoln Place Addition; thence southerly along said east line 20 feet to a point; thence westerly perpendicular to said east line to a point on the east line of Lot 11, Block 2, Lincoln Place Addition; thence southerly along the east line of said Lot 11 to its point of intersection with the north ROW line of E. 11th Street; thence continuing southerly to the point of intersection of the east line of Lot 11, Block 3, Lincoln Place Addition and the south ROW line of E. 11th Street; thence westerly along said south ROW line to its point of intersection with the east line of Lot 13, Block 3, Lincoln Place Addition; thence southerly along said east line to its point of intersection with the north ROW line of the Great Western/Omni Railroad; thence easterly along said north ROW line to its point of intersection with the east line of Lot 10, Block 3, Lincoln Place Addition; thence southerly to the point of intersection of the east line of Lot 2, Block 5, Orchard Park Addition and the south ROW line of said Railroad; thence continuing southerly along the east line of said Lot 2 to the NE corner of Lot 1, Block 5, Orchard Park; thence continuing south along the east line of said Lot 1 to its point of intersection with the north ROW line of E. 10th Street; thence southwestly to the point of intersection of the south ROW line of E. 10th Street and the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of E. 8th Street; thence continuing southerly to the point of intersection of the south ROW line of E. 8th Street and the east ROW line of the alley between N. Jefferson Avenue and N. Lincoln Avenue; thence southerly along said east ROW line to its point of intersection with the north ROW line of the alley between E. 8th Street and E. 7th Street; thence easterly along said north ROW line to its point of intersection with the west ROW line of N. Jefferson Avenue; thence continuing easterly to the point of intersection of said north ROW line and the east ROW line of N. Jefferson Avenue; thence southerly to the point of intersection of the south ROW line of said alley and the east ROW line of N. Jefferson Avenue; thence continuing southerly along said east line to its point of intersection with the north ROW line of E. 7th Street; thence continuing southerly to the point of intersection of the south ROW line of E. 7th Street and the east ROW line of E. Jefferson Avenue; thence continuing southerly along said east line to its point of intersection with the north ROW line of the alley between E. 7th Street and E. 6th Street; thence continuing southerly to the point of intersection of the south ROW line of said alley and the east ROW line of N. Jefferson Avenue; thence continuing southerly along said east line to its point intersection with the north ROW line of E. 6th Avenue; thence

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

And,

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

Prepared by: Troy W. Jones, AICP, NCARB
 MTA Planning & Architecture
 Fort Collins, Colorado

Reviewed by: Scott Pearson
Planning Technician
Development Services Department
City of Loveland, Colorado

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

<http://www.ci.loveland.co.us/modules/sections/documents/2014%20Strategic%20Plan.pdf>

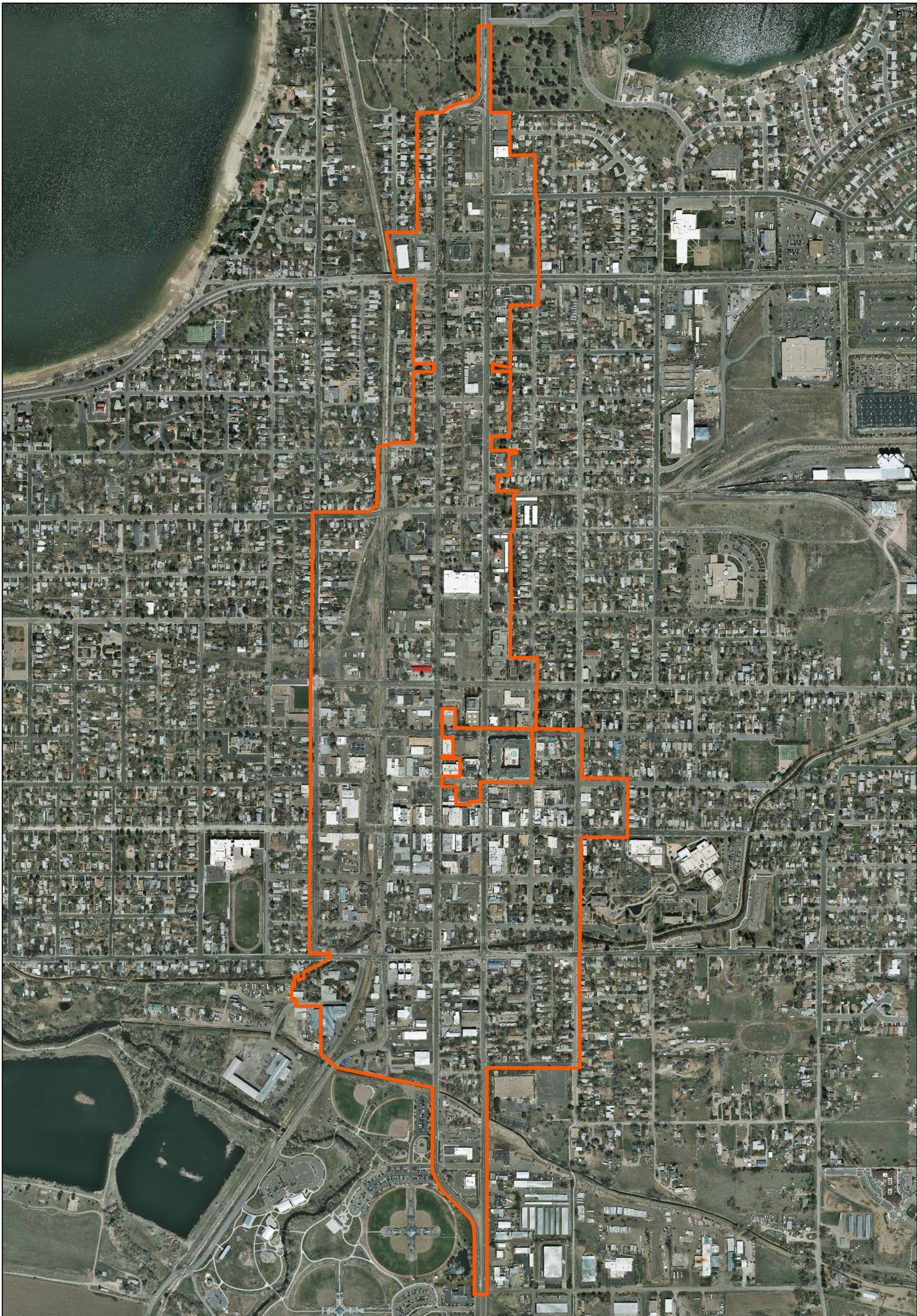
Appendix III: *Link to Downtown Vision Book (2010)*

[Link to Downtown Vision Book \(2010\)](#)

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

[http://www.lovelanddevelopmentauthority.com/wordpress/wp-content/uploads/2012/07/Link-to-Destination-Downtown-HIP-Streets-Master-Plan-Infrastructure-Plan-2010.pdf](#)

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



**Loveland Downtown Development Authority
Established by Ordinance No. 5927**

AGENDA ITEM: 7
MEETING DATE: 8/2/2016
TO: City Council
FROM: Northern Colorado Regional Airport
PRESENTER: Jason Licon, Director



TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For The Addition Of 1 FTE & Strategic Plan Implementation

RECOMMENDED CITY COUNCIL ACTION:

Approve the Ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The ordinance is needed to enable the Northern Colorado Regional Airport Commission the authority to pursue strategic planning objectives as approved by City Council.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If referred back to staff the Airport Commission will not have effective resources available as intended by the City Councils until adopted.

SUMMARY:

This is an administrative action item. The purpose of this item is to approve an amendment to the 2016 Airport operating budget and appropriate funds from the Airport Reserve Fund to initiate work associated with the City Council approved Airport Strategic Plan. The Northern Colorado Regional Airport Commission has reviewed and approved this request. The 2016 Airport operating budget will be amended to authorize expenditure in the total amount of \$165,000 from the Airport Reserve Fund. The City of Loveland will appropriate 50% (\$82,500) of the total \$165,000 request, and the City of Fort Collins has approved their half of the appropriation at their July 19, 2016 City Council Meeting. This appropriation is needed as the funding resources were not included in the adopted 2016 Airport Budget approved by Council.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This initiative has a bottom line impact of \$165,000 to the Airport Reserve Fund, and ongoing impacts will be included in the 2017 and 2018 Airport budget. The Airport Reserve Fund unencumbered balance is approximately \$1.7 million and has been used historically to provide matching funds that leverage Federal and State grants. The City of Fort Collins is also being asked to appropriate the 50% match of \$82,500.

BACKGROUND:

The Northern Colorado Regional Airport Commission is working to achieve Strategic Planning goals listed below:

- Creation of a financially sustainable business model
- Encourage investment from the private sector
- Rebrand the Airport and more productively engage the public

The three goals focus on strengthening the financial sustainability of the Airport. The Airport's current approved budget is used to maintain FAA regulatory standards which include general operations and maintenance. The funding request will be used to add an Airport staff member tasked with development and promotion and creation of a communications and marketing plan with focus on rebranding of the Airport. The total cost to achieve said goals for 2016 is \$165,000 and will be taken from the Airport's Reserve Fund.

The Airport's Reserve Fund is used for capital projects that require Federal and State grant matches and general maintenance and repair of infrastructure ineligible for grant funding. The unassigned balance of the Airport's Reserve Fund is currently \$1.7 million, and use of the fund is restricted for Airport needs. Since 2011 the Airport's Reserve Fund has been used to leverage \$13 million in Federal and State grants. These grants are used to maintain Airport infrastructure such as runways and taxiways and for equipment necessary for regulatory requirements and operational safety. The forecasted expenditures from the Airport's Reserve Fund are \$1.1 million through 2021. This includes grant match forecasts and planned projects that are ineligible for Federal or State grant funding.

The Northern Colorado Regional Airport Commission desires to move forward with this request to enable continued progress on achievement of Strategic Plan goals. The achievement of these goals will create additional funding streams for the Airport including an increase in FAA funding resources and positive regional economic impact.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING August 2, 2016

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 NORTHERN COLORADO REGIONAL AIRPORT BUDGET FOR THE ADDITION OF 1 FTE & STRATEGIC PLAN IMPLEMENTATION

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the “Cities”) agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the “Airport”); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport’s capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the “IGA”), the Airport Manager is responsible for preparing the Airport’s annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, under the IGA, the City’s share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport; and

WHEREAS, under the IGA, each City’s share of the Airport’s annual operating budget and the Airport capital improvement plan shall be appropriated by each City and transferred or otherwise paid into the designated account to be used for Airport funding on an annual basis; and

WHEREAS, on October 20, 2015, City Council adopted Ordinance No. 5969, 2015, adopting the 2016 Airport Budget and appropriating the City’s share of that Budget; and

WHEREAS, for transparency to the Council and the public and for governance, management, and audit of the Airport Budget, and to provide a mechanism to track and approve changes to the Airport Budget, it is appropriate for the City of Loveland, as a part of its administrative duties under the IGA, to approve any subsequent changes to the 2016 Airport Budget; and

WHEREAS, the Airport Manager has submitted for City Council consideration a request to increase the 2016 Airport Budget by a total of \$165,000 to fund work associated with the City Council approved Airport Strategic Plan by adding a staff person tasked with development, and promotion and creation of a communications and marketing plan with a focus on rebranding of the Airport (the Project); and

WHEREAS, pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered, reserves (the “Airport Fund”); and

WHEREAS, in order to fund the increase to the approved 2016 Airport operating budget, the Cities must each appropriate one half of the total increase, or \$82,500 each from jointly owned reserves held in the Airport Fund, and Council desires to appropriate that additional amount for the Project.

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

Section 1. That reserves in the amount of \$165,000 from unassigned fund balance in the Airport Fund are available for appropriation. Such revenues in the total amount of \$165,000 are hereby appropriated to the 2016 Airport budget for the addition of 1 FTE & strategic plan implementation. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Airport Fund 600**

Revenues		
Fund Balance	Loveland Contribution	165,000
Total Revenue		165,000
Appropriations		
600-60-290-0000-41011	Salaries for Benefitted Employees	40,000
600-60-290-0000-43737	Advertising	20,000
600-60-290-0000-43450	Professional Services	105,000
Total Appropriations		165,000

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

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

ADOPTED this ____ day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

AGENDA ITEM: 8
MEETING DATE: 8/2/2016
TO: City Council
FROM: Public Works
PRESENTER: Randy Maizland, Public Works



TITLE:

1. **A Resolution Approving An Agreement Between The City Of Loveland, Colorado And Walmart Stores, Inc., For The Design And Construction Of An Interim Traffic Signal At The Intersection Of Crossroads Boulevard And Ward Avenue**
2. **An Ordinance Enacting A Supplemental Budget And Appropriation For The 2016 City Of Loveland Budget For The Construction Of An Interim Traffic Signal At The Intersection Of Crossroads Boulevard And Ward Avenue**

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution approving the agreement and adopt the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action (Walmart Distribution Center would not be permitted to design and pay for construction of the interim traffic signal improvement).
3. Adopt a modified action.
4. Refer back to staff for further consideration (construction of the interim traffic signal may be delayed).

SUMMARY:

These are administrative action items. Walmart has approached the City with an offer and agreement to pay an amount not to exceed \$300,000 for the design and construction of an interim traffic signal at Crossroads Boulevard and Ward Avenue necessary due to a project that will increase operational efficiency at the Walmart Distribution Center. The resolution would approve and authorize the City Manager to execute the agreement to accept payment of \$300,000 from Walmart to be used for the construction of the traffic signal. The ordinance appropriates the funds received, allowing them to be used by the City for this purpose. If Council approves the agreement with Walmart, the City Traffic Engineering Division will select the contractor and provide all construction management responsibilities for the installation and completion of the traffic signal to ensure quality control.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

Walmart plans to increase the paved area within the Walmart Distribution Center property for increased efficiency in operations. It is projected that an increase in efficiency in operations will result in an increase of traffic at Walmart's existing truck access at the Crossroads Boulevard/Ward Avenue intersection. Due to safety concerns regarding the operation of this intersection, City staff requested Walmart to provide a signal warrant analysis to determine if a traffic signal was needed at the Crossroads Boulevard/Ward Avenue intersection. The results of

the signal warrant analysis prepared by Kimley-Horn and Associates (6/18/14) indicates that a traffic signal is needed at the intersection based upon Walmart's traffic projection. The Larimer County Urban Area Street Standards (LCUASS) requires developments to mitigate their traffic impact and to provide for a safe access to the public street. Therefore Walmart is required to design and construct a traffic signal at the intersection of Crossroads Boulevard/Ward Avenue in order to safely mitigate the projected traffic impact on Crossroads Boulevard. Walmart has agreed to fund the design and construction of this traffic signal and this supplemental appropriation will allow this project to move forward. The Agreement provides that Walmart shall hire, at its sole cost and expense, an engineer to design the interim traffic signal, and that Walmart will fund the City's construction of the traffic signal in an amount not to exceed \$300,000. The \$300,000 amount was estimated by the Traffic Engineering Division and is believed to be adequate to complete the project. Should the actual cost of construction exceed \$300,000 as determined by the final approved design and contractor bid amount, the Agreement identifies possible actions: (1) the City may abandon the construction of the Traffic signal and return the \$300,000 to Walmart; or (2) the City could choose to fund the additional costs above the \$300,000.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Resolution
2. Agreement
3. Ordinance

RESOLUTION #R-67-2016

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND WALMART STORES, INC. FOR THE DESIGN AND CONSTRUCTION OF AN INTERIM TRAFFIC SIGNAL AT THE INTERSECTION OF CROSSROADS BOULEVARD AND WARD AVENUE

WHEREAS, Walmart Stores, Inc. (“Walmart”) planned to increase the paved area within the Walmart Distribution Center located at 7500 Crossroads Boulevard, Loveland, Colorado (“Distribution Center”), in order to increase efficiency in its operations;

WHEREAS, in order to determine whether the enlargement of the paved area at the Distribution Center would increase traffic and implicate safety concerns for the traveling public, the City required that Walmart conduct a signal warrant analysis for the intersection of Crossroads Boulevard and Ward Avenue (the “Intersection”);

WHEREAS, a signal warrant analysis was prepared and indicated that an interim traffic signal is needed at the intersection of Crossroads Boulevard and Ward Avenue;

WHEREAS, the Larimer County Urban Street Standards (“LCUASS”) require that developers mitigate their traffic impact and provide for safe access to public streets adjacent to the development;

WHEREAS, Walmart is required to design and construct the traffic signal under LCUASS. However, the City wishes to directly contract for the construction of the interim traffic signal improvements and therefore will utilize its own contractors to complete the construction;

WHEREAS, Walmart and the City desire to enter into an agreement which provides that Walmart shall hire an engineer at its sole cost and expense to complete the design of the interim traffic signal improvements, and shall provide up to \$300,000 to the City for the construction of the interim traffic signal improvements; and

WHEREAS, the City believes that entering into an agreement with Walmart regarding the design and construction of the interim traffic signal improvements is in the best interests of the City and its citizens.

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

Section 1. That the Agreement between the City and Walmart attached hereto as Exhibit A and incorporated herein by reference (the “Agreement”), is hereby approved.

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

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City after the Resolution is approved by City Council and becomes effective.

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

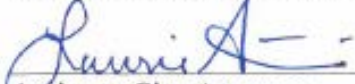
ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

**AGREEMENT REGARDING TRAFFIC SIGNAL AT CROSSROADS BOULEVARD
AND WARD AVENUE**

This Agreement Regarding Traffic Signal at Crossroads Boulevard and Ward Avenue (“Agreement”) is entered into this _____ day of _____, 2016, by and between Walmart Stores, Inc., a Delaware corporation (“Walmart”), and the City of Loveland, Colorado, a municipal corporation (“City”).

WHEREAS, Walmart owns a distribution center located at 7500 Crossroads Boulevard, Loveland, Colorado (“Distribution Center”);

WHEREAS, Walmart operates trucks from the Distribution Center which utilize the intersection of Crossroads Boulevard and Ward Avenue within the boundaries of the City;

WHEREAS, The City of Loveland completed the “Crossroads Boulevard Corridor Analysis Report” in April, 2015. This study recommended installation of a traffic signal as an interim intersection control and a roundabout as the ultimate intersection control.

WHEREAS, Walmart desires to mitigate the impact of the truck traffic and assist the City in the installation of a proposed new traffic signal at the intersection of Crossroads Boulevard and Ward Avenue (hereinafter the “Traffic Signal”) by providing design services at no cost to the City and contributing an amount not to exceed \$300,000 to the City for the construction of the Traffic Signal; and

WHEREAS, the City believes that it is in the best interests of its citizens to evaluate a design for the Traffic Signal and the potential construction of the Traffic Signal with the monetary contributions from Walmart.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. Design Services.

a. Walmart shall hire Galloway Engineers as design consultant to prepare designs of the Traffic Signal. Walmart shall be solely responsible for payment of all costs of preparation of such designs, and shall directly compensate Galloway Engineers for its services.

b. Walmart shall ensure that Galloway Engineers procures and keeps in force for the duration of its agreement with Walmart the following insurance policies and shall provide the City with a certificate of insurance evidencing the same upon execution of this Agreement:

i. Comprehensive general liability insurance insuring Galloway Engineers and naming the City as an additional insured with minimum combined single limits of \$1,000,000 each occurrence and \$1,000,000 aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts),

blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interests provision.

ii. Comprehensive automobile liability insurance insuring Galloway Engineers and naming the City as an additional insured against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by Galloway Engineers which are used in connection with this Agreement, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least \$1,000,000.

iii. Professional liability insurance insuring Galloway Engineers against any professional liability with a limit of at least \$1,000,000 per claim and annual aggregate.

iv. Workers' compensation insurance and all other insurance required by any applicable law. *(Note: if under Colorado law Galloway Engineers is not required to carry workers' compensation insurance, the Contractor shall execute a Certificate of Exemption and Waiver, attached hereto as Exhibit B and incorporated herein by reference.)*

c. Required insurance policies shall be with companies qualified to do business in Colorado with a general policyholder's financial rating acceptable to the City. Said policies shall not be cancelable or subject to reduction in coverage limits or other modification except after thirty days prior written notice to the City. Galloway Engineers shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Galloway Engineers changes to "occurrence," Galloway Engineers shall carry a six-month tail. Comprehensive general and automobile policies shall be for the mutual and joint benefit and protection of Galloway Engineers and the City. Such policies shall provide that the City, although named as an additional insured, shall nevertheless be entitled to recover under said policies for any loss occasioned to it, its officers, employees, and agents by reason of negligence of Galloway Engineers, its officers, employees, agents, subcontractors, or business invitees. Such policies shall be written as primary policies not contributing to and not in excess of coverage the City may carry.

d. Galloway Engineers shall prepare the design of the Traffic Signal in accordance with the City's standards subject to the final approval by the City. The City shall oversee the design services provided by Galloway Engineers.

e. Walmart may review the design plan during and after Galloway Engineers completes the design.

f. Walmart agrees to indemnify and hold harmless the City, its officers, employees, and agents from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of the design of the Traffic Signal, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of Walmart or any subcontractor of Walmart, or any officer, employee, or agent of Walmart or any subcontractor, or

any other person for whom Walmart is responsible. If Walmart, through its contractors, subcontractors or other authorized agents, is providing architectural, engineering, design, or surveying services, the obligation to indemnify and pay costs, expenses, and attorneys' fees, is limited to the amount represented by the degree or percentage of negligence or fault attributable to Walmart, or Walmart's agents, representatives, employees, servants, subcontractors, or suppliers as determined by adjudication, alternative dispute resolution, or otherwise resolved by mutual agreement between Walmart and the City. Walmart's indemnification obligation shall not be construed to extend to any injury, loss, or damage to the extent caused by the act, omission, or other fault of the City. This paragraph shall survive the termination or expiration of this Agreement.

2. Bidding and Construction of the Traffic Signal

a. The City shall be responsible for obtaining bids for construction of the Traffic Signal in accordance with the Loveland Municipal Code, Municipal Charter, and associated regulations.

b. Walmart agrees to pay to the City an amount not to exceed three hundred thousand dollars (\$300,000) towards the successful bid amount for construction of the Traffic Signal upon the City's award of a contract for construction of the Traffic Signal.

c. The City reserves the right, based upon the bids submitted, to decline to award a contract for construction of the Traffic Signal. Should the City so decline, Walmart shall not be obligated to pay the amount set forth in Section 2.b. above.

d. If the City proceeds with an award of a contract for construction of the Traffic Signal, the City agrees to complete construction of the Traffic Signal within one (1) year of award of the construction contract and to be responsible for any and all costs in excess of \$300,000. In the event that Walmart has contributed the amount of \$300,000 to the City and the costs for construction of the Traffic Signal are less than \$300,000, the City will refund to Walmart any unused funds paid by Walmart.

e. The parties expressly agree that nothing in this Agreement obligates Walmart in any way to construct and/or provide funding for the ultimate intersection control of a roundabout.

3. General Provisions

a. Appropriation. To the extent this Contract constitutes a multiple fiscal year debt or financial obligation of the City, it shall be subject to annual appropriation pursuant to the City of Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. The City shall have no obligation to continue this Contract in any fiscal year in which no such appropriation is made.

b. Governmental Immunity Act. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the notices, requirements, immunities, rights, benefits, protections, limitations of liability, and other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.* and under any other applicable law.

c. Notices. Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three days after being sent by certified mail, return receipt requested:

To the City:

City of Loveland
Attn: Leah Browder, Public Works
Director
2525 W. 1st Street
Loveland, CO 80537

To Walmart:

Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-5535
ATTN: Jennifer Clark, Assoc. General Counsel,
DC 6019

d. Miscellaneous. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement. Walmart shall not assign this Agreement without the City’s prior written consent. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

e. Electronic Signature. This Agreement may be executed by electronic signature in accordance with C.R.S 24-71.3-101 *et seq.*

Signed by the parties on the date written above.

City of Loveland, Colorado

By: _____

Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Walmart Stores, Inc.

By: _____

Title: _____

STATE OF _____)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2015 by _____, _____ of Walmart Stores, Inc.

Notary's official signature

S E A L

Commission expiration date

FIRST READING August 2nd, 2016

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR THE CONSTRUCTION OF AN INTERIM TRAFFIC SIGNAL AT THE INTERSECTION OF CROSSROADS BOULEVARD AND WARD AVENUE

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for the construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for the construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$300,000 from contributions from Walmart in the Transportation Fund are available for appropriation. Such revenues in the total amount of \$300,000 are hereby appropriated to the 2016 City budget for the construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget Transportation Fund 211		
Revenues		
211-23-235-0000-35324	Contributions	300,000
Total Revenue		300,000
Appropriations		
211-23-235-0000-49360	Construction	300,000
Total Appropriations		300,000

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

been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

AGENDA ITEM: 9
MEETING DATE: 8/2/2016
TO: City Council
FROM: Community Partnership Office
PRESENTER: Alison Hade, Administrator



TITLE:

A Resolution Of The City Council Of The City Of Loveland, Colorado Approving A Community Development Block Grant Annual Action Plan For 2016 – 2017

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution as presented.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action – If the action is denied, funded agencies will not receive their allocation as expected on October 1, 2016.
3. Adopt a modified action (specify in the motion) – Council would need to define any modification to the allocation recommendation.
4. Refer back to staff for further development and consideration – Staff would require direction from Council.

SUMMARY:

This is an administrative action item. Each year, the Community Partnership Office submits a report to the U.S. Department of Housing and Urban Development (HUD) called the Annual Action Plan which identifies the housing and public services projects that will be funded with a Community Development Block Grant (CDBG) during the next grant year. This resolution approves the Annual Action Plan for 2016-2017 so it can be submitted to HUD.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The resolution authorizes the allocation of the 2016 CDBG that was appropriated in the 2016 City Budget.

BACKGROUND:

HUD requires the City of Loveland to complete an Annual Action Plan describing how the City intends to spend CDBG funding during the federal government's upcoming fiscal year (October 1, 2016 through September 30, 2017). The Loveland City Council authorized the allocation of 2016-2017 CDBG funding on July 5, 2016 through the adoption of Resolution #R-52-2016. The Annual Action Plan provides detailed information for HUD and includes the city's official application for funding.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Resolution
2. 2016-2017 Annual Action Plan

RESOLUTION #R-68-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR 2016 – 2017

WHEREAS, the City of Loveland, Colorado receives federal Community Development Block Grant (“CDBG”) dollars from the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, HUD requires the City to submit an annual action plan providing detailed information regarding the City’s plan to spend the federal funding; and

WHEREAS, the City has developed a Community Development Block Grant Annual Action Plan for 2016 – 2017, a copy of which is on file with the City Clerk (“Annual Action Plan”); and

WHEREAS, the Annual Action Plan includes information regarding the allocation of 2016 – 2017 CDBG funds that was approved by the City Council on July 5, 2016 through the adoption of Resolution #R-52-2016; and

WHEREAS, the City Council desires to approve the Annual Action Plan.

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

Section 1. That the Community Development Block Grant Annual Action Plan for 2016 – 2017, a copy of which is on file with the City Clerk, is hereby approved.

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

ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Annual Action Plan

2016-2017



Community Partnership Office

500 E. Third St, Suite 210; Loveland, CO 80537

970-962-2517

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Annual Action Plan is a one-year plan describing how the City of Loveland intends to spend Community Development Block Grant (CDBG) funds during the time period of October 1, 2016 through September 30, 2017. The objectives and outcomes identified in the 2016 Annual Action Plan are consistent with the 2015-2019 Consolidated Plan and are estimated to produce 21% of the expected 5-year goals.

The City of Loveland anticipates receiving \$336,070 in CDBG funding for the 2016-2017 program year and will reallocate \$100,000. Sixty-five percent (65%) of new funding will be used to rehabilitate single family housing and public facilities and to install sprinklers at two multi-family housing projects. Fifteen percent (15%) will be allocated to public services and twenty percent (20%) will be used for administration of the program. The City of Loveland anticipates dedicating an additional \$500,000 of City of Loveland general fund dollars for public service projects.

2. Summarize the objectives and outcomes identified in the Plan

The objectives of the 2015-2019 Consolidated Plan that are used to inform the annual allocation of funding are:

Provide Decent Affordable Housing:

- Increase the supply of affordable owner-occupied housing by 75 units.
- Increase the supply of affordable rental units by 300.
- Increase housing for the homeless by 30 units.
- Rehabilitate 600 units of owner-occupied housing.
- Rehabilitate 200 units of rental housing.

Create a Suitable Living Environment:

- Provide public service activities for 5,000 low to moderate income persons/households.
- Assist two organizations with public facility needs.

All CDBG funds received during the 2015-2019 program years will be used to address at least one of the priority needs categories listed above.

3. Evaluation of past performance

Having completed most of the first grant year, the following accomplishments have been made:

- The supply of new affordable owner occupied housing will increase by 21 units once completed, which is 28% of the 5-year goal of 75. These units were not funded with CDBG and may not be entered into IDIS
- The supply of new affordable rental units will increase by 70 once completed, which is 23% of the goal of 300.
- 74 single-family housing units were rehabilitated, which is 12% of the goal of 600 units.
- 5 multi-family units were rehabilitated, which is 2.5% of the goal of 200 units

Create a Suitable Living Environment:

- 440 residents received assistance from two agencies, which is 8.8% of the goal of 5,000.

4. Summary of Citizen Participation Process and consultation process

Citizen participation occurred between July 15 and August 14, 2016, during which a hard copy of the draft plan was available to the public at the Community Partnership Office. An electronic copy of the plan was emailed to the Affordable Housing and Human Services Commissions and others upon request. The Executive Summary and Goals sections of the plan were translated into Spanish with hard copies available at the Community Partnership Office. The Plan was presented to the Loveland City Council on August 2nd. The resolution and advertisement of the public meeting are attached in the Appendix.

5. Summary of public comments

6. Summary of comments or views not accepted and the reasons for not accepting them

7. Summary

During the first three-quarters of the first year of the 5-year Consolidated Plan, the City of Loveland accomplished 9.5% of the long term goal, which was less than half of the anticipated percentage. Under public services, only CDBG funded activities were tracked even though the City of Loveland provided grants for 32 projects to assist thousands of Loveland residents each year. It is possible that the year-end reports will show a higher percentage of first year accomplishments.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	LOVELAND	
CDBG Administrator	LOVELAND	Executive/Community Partnership Office
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative (optional)

The City of Loveland Community Partnership Office (CPO) is the lead agency administering the development and implementation of the 2015-2019 Consolidated Plan and subsequent Annual Action Plans. The Loveland Affordable Housing and Human Services Commissions, Loveland Housing Authority, Loveland Habitat for Humanity, local non-profit organizations and faith-based partners are key stakeholders and decision-makers in administering activities described in the plan. Funds are distributed to local non-profits through a competitive application process.

Consolidated Plan Public Contact Information

All inquiries and comments about the Consolidated Plan should be directed to Alison Hade, CPO Administrator at Alison.Hade@cityofloveland.org or (970) 962-2517.

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Loveland holds an open annual competitive grant process that results in funding recommendations by the Affordable Housing and Human Services Commissions with final approval from the Loveland City Council. Priorities were determined through a process of community participation and input from citizens, housing agencies, service agencies and Loveland's Affordable Housing and Human Services Commissions with an overall goal of creating affordable housing and reducing the number of households and individuals living in poverty.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The Loveland Housing Authority is Loveland's Public Housing Agency (PHA) and is the largest provider of affordable housing in the City. The organization currently manages 759 housing units and will lease another 106 this year. 636 of the 865 units are in Loveland and the remainder are in Weld County and Estes Park in Larimer County. LHA also manages 613 Housing Choice Vouchers. Loveland Housing Authority administers the City's housing rehabilitation loan program, emergency home health and safety repair program, and down payment assistance, all three of which have been funded with City of Loveland CDBG in prior years.

Although established by resolution by the Loveland City Council, and with one council member appointed to the Board of Directors, the Loveland Housing Authority operates separately from the City. Operation and collaboration decisions of the Housing Authority are made by staff members and the Board of Directors, not the City of Loveland.

The Housing Authority has developed several Low Income Housing Tax Credit properties in the City of Loveland and has started building a 70-unit project - The Edge - that will target both very low income individuals and homeless veterans. The organization is partnering with mental health, health and social service providers to offer support services to the veteran residents. CDBG funding was used to pay for sidewalks during the 2015-2016 program year.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The North Front Range Continuum of Care (NFRCC or CoC) is one of 11 local community Continua of Care in Colorado's Balance of State. Staff from the CPO actively participate in planning efforts and is a member of the NFRCC Executive Committee. The NFRCC supports the work of providers serving

homeless populations in Larimer and Weld Counties and is comprised of nonprofit agencies, housing providers, citizens, school district personnel and government representatives. Projects supported by the NFRCC members include HEARTH Act implementation, coordinated entry, HMIS expansion, regional collaboration around the point-in-time count, and local programs specifically for the homeless. Elected officials receive information and updates about activities and goals of the NFRCC group members during an annual meeting.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Balance of State CoC does not distribute Emergency Solutions Grant (ESG) funding. ESG funding is distributed through the Department of Local Affairs, Division of Housing. For ESG funding information, please refer to the Division of Housing Consolidated Plan/Annual Action Plan for the State of Colorado.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Loveland Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Regional organization
	What section of the Plan was addressed by Consultation?	2016 Grant Recipient
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Loveland Housing Authority applied for and will receive funding during the 2016-2017 grant year.
2	Agency/Group/Organization	VOLUNTEERS OF AMERICA
	Agency/Group/Organization Type	Services - Housing Services-Elderly Persons Services-Persons with Disabilities Regional organization
	What section of the Plan was addressed by Consultation?	2016 Grant Recipient
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Volunteers of America applied for and will receive funding during the 2016-2017 grant year.
3	Agency/Group/Organization	Easter Seals of Colorado
	Agency/Group/Organization Type	Services-Persons with Disabilities Regional organization
	What section of the Plan was addressed by Consultation?	2016 Grant Recipient

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Easter Seals of Colorado (WINGS Program) applied for and will receive funding during the 2016-2017 grant year.
4	Agency/Group/Organization	ALTERNATIVES TO VIOLENCE
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	2016 Grant Recipient
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Alternatives to Violence applied for and will receive during the 2016-2017 grant year.
5	Agency/Group/Organization	House of Neighborly Service
	Agency/Group/Organization Type	Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	2016 Grant Recipient
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	House of Neighborly Service (137 Connection Program) applied for and will receive funding during the 2016-2017 grant year.

Identify any Agency Types not consulted and provide rationale for not consulting

The agencies listed above include only those that applied for funding during the second year of the Consolidated Plan. Please see the 2015-2019 Consolidated Plan for a list of the agencies consulted during the initial year.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	North Front Range Continuum of Care	The goals of the City of Loveland Consolidated Plan align with the goals of the NFRCC.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The City of Loveland Affordable Housing and Human Services Commissions participate in the Annual Action Plan by allocating funding to projects and programs that meet the objectives of the 2015-2016 Consolidated Plan. Proposals received by both commissions are available to the general public. Agency presentations are open meetings that are advertised so that citizens can attend.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Staff from the CPO conducted significant outreach to community stakeholders over a period of ten months during the preparation of the Consolidated Plan, including public meetings, outreach to low income service recipients and surveys requesting citizen input on both the development of the plan, goals and objectives, and the final draft. As required by the City of Loveland Citizen Participation Plan, the CPO held public meetings to discuss community needs with service providers, City of Loveland commissioners, adjacent governments and community members at the Food Bank for Larimer County, Larimer County Workforce Service Center and Lago Vista Mobile Home Park. Participation was available in both English and Spanish. Finally, electronic surveys were also sent to local and state-wide agency representatives who were not able to attend any of the public meetings.

Updates to the goals of the Consolidated Plan occur through the Annual Action Plan and show the distribution of past and current grant funds by the Affordable Housing and Human Services Commissions. Public meetings are advertised in English and Spanish. The Annual Action Plan is presented to the Loveland City Council. The Executive Summary and Goals sections of the Consolidated Plan are available in English and Spanish.

A hard copy of the Annual Action Plan was available at the Community Partnership Office from July 15 to August 14, 2016. See Appendix for a copy of the Annual Action Plan advertisement.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Meeting	Non-targeted/broad community Agency representatives	See Appendix for a list of attendees at public meetings held January 11, 12, 13.	No comments received.	No comments not accepted.	
2	Public Meeting	Non-targeted/broad community Agency presentations	No community members attended agency presentation meetings on the following dates: March 17, 30, 31; April 4, 7, 14, 21, 26, 27; May 10.	No comments received.	No comments not accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

The City of Loveland anticipates receiving \$336,070 in CDBG funding for the 2016-2017 program year. Sixty-five percent (65%) will be used to rehabilitate single family housing and public facilities, and to install sprinklers at two multi-family housing projects. Fifteen percent (15%) of CDBG funding will be allocated to public services and twenty percent (20%) will be used for administration of the program. The City of Loveland anticipates dedicating an additional \$500,000 annually from City of Loveland general fund dollars for public service projects.

The Community Partnership Office (CPO) will work with applicants and prioritize leveraging additional sources of funding to support projects creating affordable housing and to support public facilities. Potential leveraging sources include Colorado Low Income Housing Tax Credits, Colorado Department of Housing funds, and private and foundation sources.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	336,070	0	100,000	436,070	1,008,300	\$59,876 was returned from the Loveland Housing Authority and has not yet been allocated to a new project.
Other	public - local	Public Services	500,000	0	0	500,000	1,500,000	The City of Loveland contributes \$500,000 annually for public service activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funding can be used by a developer to leverage additional resources and has historically been used for small gap funding for large housing projects or land purchase for smaller projects. CDBG does not have a matching requirement. For 2016-2017, CDBG was used primarily for rehabilitation.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Loveland does not own any land that can be used to fulfill any portion of the goals of this Consolidated Plan. However, the Loveland City Council may provide fee waivers for developers creating new housing units. Over the past ten years, fee waivers have averaged just under \$900,000 per year and has resulted in 127 single family and 589 multi-family housing units.

Discussion

Over the last 1.5 years, the City of Loveland invested \$2,143,060 in affordable housing and public service projects, including \$268,857 in non-administration CDBG, \$500,000 in public services and \$1,374,203 in fee waivers for 79 dwelling units. The CPO will apply the outcome of all investments to the priority goals of this Consolidated Plan.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rehabilitate affordable housing	2015	2019	Affordable Housing Public Housing		Rehabilitate Affordable Housing	CDBG: \$289,516	Rental units rehabilitated: 282 Household Housing Unit
2	Public service activities	2015	2019	Homeless Non-Homeless Special Needs		Public Service Activities	CDBG: \$50,411	Public service activities other than Low/Moderate Income Housing Benefit: 1019 Persons Assisted
3	New or rehabilitated public facilities	2015	2019	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development		New or Rehabilitated Public Facilities	CDBG: \$28,930	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 179 Households Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Rehabilitate affordable housing
	Goal Description	Funding will be used by Volunteers of America to rehabilitate 158 homes, Loveland Housing Development Corporation to rehabilitate 14 homes and the Loveland Housing Authority to install sprinklers in 110 homes at two separate locations.
2	Goal Name	Public service activities
	Goal Description	Funding will be used by Alternatives to Violence to house and provide services to victims of domestic violence, and by House of Neighborly Service 137 Connection homeless program to provide services to homeless adults. Alternatives to Violence will provide housing and shelter to 300 individuals and non-housing support to 400. 137 Connection will work with 319 homeless adults.
3	Goal Name	New or rehabilitated public facilities
	Goal Description	Funding will be used to rehabilitate two day centers for the disabled operated by Easter Seals of Colorado/WINGS and Elderhaus Adult Day Center. The number of people served is 129 and 50 respectively. Elderhaus will use reallocated funding from the 2015-2016 grant year.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

258 Loveland residents will benefit from the rehabilitation of their housing during the grant year. 1,019 will benefit from public service activities.

AP-35 Projects – 91.220(d)

Introduction

The City of Loveland Affordable Housing and Human Services Commissions will fund the following projects during the 2016-2017 program year, meeting 21% of Consolidated Plan priority goals in the first year.

#	Project Name
1	Program Administration
2	Public Facility
3	Public Services
4	Rehabilitated Housing

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The second year allocations match those listed as priorities. While the first priority is creating new affordable housing, the Affordable Housing Commission did not receive any proposals requesting funding for that activity. Instead, most of the funding requests met the goal of rehabilitating single family and multi-family housing, both of which are Goal #2.

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	Project Name	Program Administration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	:
	Description	Program administration for the 2016-2017 grant year.
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	City of Loveland Community Partnership Office
	Planned Activities	
2	Project Name	Public Facility
	Target Area	
	Goals Supported	New or rehabilitated public facilities
	Needs Addressed	New or Rehabilitated Public Facilities
	Funding	CDBG: \$28,930
	Description	Rehabilitation of day center for persons with disabilities
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	129 people will receive a benefit from the activity completed by Easter Seals. 50 people will receive a benefit from the activity completed by Elderhaus.
	Location Description	1670 Topaz Drive, Loveland Colorado 80537 and 6813 So. College Avenue, Fort Collins 80525

	Planned Activities	Easter Seals owns two separate facilities. A wall will be opened to allow passage between the two spaces. Elderhaus will replace old HVAC with energy efficient products.
3	Project Name	Public Services
	Target Area	
	Goals Supported	Public service activities
	Needs Addressed	Public Service Activities
	Funding	CDBG: \$50,411
	Description	Public service activities for victims of domestic violence and homeless adults.
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Alternatives to Violence will work with 300 victims of domestic violence needing housing or emergency shelter, and 400 needing non-housing support and advocacy. House of Neighborly Service/137 Homeless Connection will work with 319 individuals.
	Location Description	The location of the Alternatives to Violence safe house and office will not be disclosed. The location of 137 Homeless Connection is 137 S. Lincoln, Loveland Colorado 80537.
	Planned Activities	Both programs will provide case management. Alternative to Violence will also provide emergency shelter and longer term housing for victims of domestic violence.
4	Project Name	Rehabilitated Housing
	Target Area	
	Goals Supported	Rehabilitate affordable housing
	Needs Addressed	Rehabilitate Affordable Housing
	Funding	CDBG: \$289,516
	Description	Funding will be used to administer a volunteer housing rehabilitation for seniors and persons with disabilities through Volunteers of America, low interest loans and grants through Loveland Housing Authority, and fire sprinklers at two housing projects also through Loveland Housing Authority.
	Target Date	

<p>Estimate the number and type of families that will benefit from the proposed activities</p>	<p>Volunteers of America will serve 159. Loveland Housing Authority/Larimer Home Improvement Program will work with 14 families with a loan or a grant. The Loveland Housing Authority will also install fire sprinklers in 110 homes in two locations.</p>
<p>Location Description</p>	<p>Volunteers of America and the Larimer Home Improvement Program will work with Loveland residents throughout the city. The Loveland Housing Authority will install fire sprinklers at 2100 Maple Drive and 1056 Lynx Avenue, both in Loveland Colorado.</p>
<p>Planned Activities</p>	<p>All projects will results in the rehabilitation of the 282 units.</p>

Draft

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

In the past, the City of Loveland has not targeted CDBG funding to any specific geographic area of low-income or minority concentration. Instead, CDBG has supported housing and services sought by low and moderate income persons and households living throughout Loveland. The same is true for the 2016-2017 grant year.

Geographic Distribution

Target Area	Percentage of Funds

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Loveland does not currently prioritize allocating CDBG geographically.

Discussion

Consideration for allocating CDBG to single family housing rehabilitation using the Habitat for Humanity Neighborhood Revitalization model, or a similar model, has been discussed. If this is implemented, work will begin in areas that are low-income and have a minority concentration.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

During the second year of the 2015-2019 Consolidated Plan, 1,301 people will be assisted with housing rehabilitation or services provided by a non-profit organization and 179 people will be served at two public facilities seeking funding for rehabilitation as well.

One Year Goals for the Number of Households to be Supported	
Homeless	619
Non-Homeless	400
Special-Needs	179
Total	1,198

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	282
Acquisition of Existing Units	0
Total	282

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

The number of persons served during the second year of the Consolidated Plan is about 21% of the total estimated to be served over five years. The estimated number of persons served during the second year, combined with the likely number of persons served during the first year, is currently about 31% of the expected five year commitment.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Loveland will work closely with affordable housing developers to provide project assistance as needed and according to the priorities of the Consolidated Plan. Most recently, Loveland Housing Authority received \$1.383 million in CDBG funding and City fee waivers.

Actions planned during the next year to address the needs to public housing

During the first year of the Consolidated Plan, the City of Loveland allocated \$135,000 to the Loveland Housing Authority to assist with the development of 70 units of affordable housing. The Loveland City Council also granted \$1,247,170 in the waiver of building and development fees for this project. No funding was allocated for new housing during the second year grant distribution.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Loveland Housing Authority Resident Advisory Board, comprised of residents from each of the housing properties in Loveland, works directly with Housing Authority staff and not the City of Loveland. Therefore, any actions to encourage housing residents to be more involved and to support them in homeownership falls under the leadership of the Loveland Housing Authority.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Loveland Housing Authority is not designated as troubled.

Discussion

The City of Loveland will support the Loveland Housing Authority with development costs in the form of CDBG and fee waivers. The Housing Authority, as the primary provider of affordable housing locally, is successfully housing thousands of Loveland residents and is continually working to assist the thousands of people waiting for affordable housing.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Loveland invests CDBG and other City funding in local agencies that serve low and moderate income residents. The CPO serves as a community partner to help agency staff gain access to City departments and elected officials, and connects citizens with agencies, resources and other support.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Homeless outreach in Loveland is managed primarily through two programs of the House of Neighborly Service: 137 Connection serving homeless individuals and the Angel House serving homeless families. Other agencies that provide services to the homeless include Community Kitchen and the Front Porch Cafe. During the second year of the Consolidated Plan, the City of Loveland will fund the 137 Connection program, which is expected to serve 319 homeless individuals.

The CPO works with many local nonprofits to produce the annual Loveland Homeless Connect event modeled after the national Project Homeless Connect. In 2016, the event will be held on October 14th. In 2015, the event connected 258 homeless or near homeless with about 45 agencies and benefited from the volunteer service of 180 people.

Addressing the emergency shelter and transitional housing needs of homeless persons

Shelter for the homeless is managed by 137 Connection and Angel House. Homeless individuals and families are also able to seek shelter in neighboring communities. Transitional housing is managed by House of Neighborly Service and Alternatives to Violence. The Alternatives to Violence transitional housing programs will be funded during the second year of the Consolidated Plan. Alternatives to Violence and SummitStone Health Partners will re-tool other transitional housing to rapid re-housing as applicants of Continuum of Care funding in 2016.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Loveland will continue to support homeless service providers and will seek additional financial and program support for any organization willing to provide permanent supportive housing. Specifically, City of Loveland funding and CDBG funding that will help the homeless or keep individuals or families from becoming homeless include: \$36,853 to Alternatives to Violence for victims of domestic violence, \$19,844 to the Matthews House to support youth aging out of foster care or leaving a correctional facility to assist with housing and keep these young people from becoming homeless, \$23,719 to Neighbor to Neighbor to provide housing counseling and rent assistance, and \$17,306 to House of Neighborly Service/137 to work with homeless individuals.

Organizations that will receive other City funding for special needs populations are: Disabled Resource Services to assist persons with disabilities; Elderhaus and Respite Care to provide day-care for children and adults with developmental or cognitive disabilities; GoodHealthwill to provide medical equipment to persons with disabilities; Hearts & Horses to provide therapeutic riding for persons with disabilities; Senior Alternatives in Transportation to provide transportation to seniors and the disabled; and SummitStone Health Partners to work with residents suffering from a mental health or a substance use disorder.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Organizations supported with CDBG or other City funding that assist the homeless, youth and special needs populations were listed above. The City of Loveland does not have a program specifically for persons discharged from health care or mental health facilities, other than to provide therapy and case management. The State of Colorado provides housing and support for people exiting two state-funded institutions to help clients transition to another community.

Discussion

The City of Loveland CPO works with local non-profits as a funding partner and to offer support where it is needed. As a community partner, the CPO conducts the annual Loveland Homeless Connect event and manages the annual point-in-time homeless count. Regionally, the CPO participates in the NFRCC group to help raise awareness about homelessness.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

City of Loveland building and zoning codes are designed to promote a safe, decent environment and aesthetically pleasing community for local neighborhoods. Unfortunately, development standards in general may create a barrier to the construction of affordable housing, including the additional cost of Capital Expansion Fees used to fund the capital needs of government departments. Open space and landscaping requirements, and mandatory two parking spots per dwelling, not only reduce the number of income producing housing units, they can also result in additional costs.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's strategy to remove barriers and provide incentives to developers and builders of affordable housing include use tax credits and the waiver or reduction of development fees, capital expansion and building permit fees. The City of Loveland adopted an affordable housing code to encourage the building of low-income housing in 1994. In 2014, the Loveland City Council waived almost \$2.1 million dollars in building and development fees and in 2015, waived more than \$1.6 million. Over the past ten years, affordable housing policy has resulted in an investment of almost \$9 million dollars of City incentives in addition to CDBG funding, and has provided 701 units of housing.

The City of Loveland CPO will continue working with developers of affordable housing using the current affordable housing code. Information presented to City Council on July 12, 2016 resulted in a discussion of (eliminating the current code in order to simplify the process and creating an annual fund for the waiver of development fees). The benefit of a new policy would be a simple and predictable process for developers. A new process will be submitted to City Council in 2015 to gain additional direction. UPDATE THIS.

In addition to the Consolidated Plan, the City of Loveland is updating the 10-year Comprehensive Plan. At the end of the process, the Community and Strategic Planning Department will consider changes to the zoning code to support implementation of the plan. Any changes to the zoning code will be made with an assurance that affordable housing will not be adversely affected by exclusionary zoning.

Discussion

The CPO will continue to monitor city policies, zoning ordinances and building codes for ways in which they create barriers to affordable housing.

AP-85 Other Actions – 91.220(k)

Introduction

In addition to granting funds to non-profit service providers, the City of Loveland CPO will take the following actions to meeting underserved needs and reducing poverty.

Actions planned to address obstacles to meeting underserved needs

The City of Loveland CPO will continue to produce the Loveland Homeless Connect event. Staff will also continue to discuss program accessibility with funded agencies, including the manner in which the working poor access services are that only available during general business hours.

Actions planned to foster and maintain affordable housing

The City of Loveland will continue to invest financially in projects that maintain affordable housing.

The CPO will begin discussions with Habitat for Humanity about implementing a Neighborhood Revitalization Initiative program, and will continue discussions with City Council about developing a predictable fee waiver fund and potential strategies to encourage the creation of more affordable housing in the City.

Actions planned to reduce lead-based paint hazards

The CPO will continue to require that all activities funded with CDBG dollars comply with federal regulations concerning lead-based paint and research other funding to pay for additional lead-based paint removal.

Actions planned to reduce the number of poverty-level families

The City of Loveland will continue providing grant funding of about \$760,000 annually to assist non-profit organizations serving persons with low income and persons living in poverty.

The CPO will continue working with United Way of Larimer County as a community impact partner during their annual distribution process and engaging in county-level discussions about creating systemic change to cut poverty in half by 2025.

Actions planned to develop institutional structure

The CPO will work with the North Front Range Continuum of Care on Coordinated Access, which will ultimately match people who need housing with housing providers. Larimer and Weld County have started engaging in discussions around coordinated access and anticipate that policy development may

take up to a year.

The CPO will continue discussions with the City of Loveland Municipal Court about providing technical expertise in the alternative sentencing program for homeless or near homeless defendants. The knowledge and partnerships that the CPO has in the community will assist the court in helping defendants connect with local services that provide resources needed to refrain from illegal behavior.

Actions planned to enhance coordination between public and private housing and social service agencies

The CPO will continue to enhance coordination between public and private housing and social service agencies by maintaining and developing relationships with private developers and social service agencies to support the development of additional affordable housing units. The CPO will also continue to partner with funded non-profits to enhance coordination of services.

Discussion

Removing obstacles to meeting underserved needs, fostering affordable housing, reducing lead hazards, reducing the number of families in poverty, developing institutional structure, and enhancing public and private housing and social service agencies take a community effort and cannot solely be coordinated or accomplished through one City department. However, the CPO will continue to work to raise awareness of the listed issues with our non-profit partners and other city groups where we are able.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

The City of Loveland will use 100% of grant funding received during the 2016-2017 program year to benefit low to moderate income individuals (LMI benefit).

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

- | | |
|--|----------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed | 0 |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0 |
| 3. The amount of surplus funds from urban renewal settlements | 0 |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan | 0 |
| 5. The amount of income from float-funded activities | 0 |
| Total Program Income: | 0 |

Other CDBG Requirements

- | | |
|---|---------|
| 1. The amount of urgent need activities | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 100.00% |

Discussion

The Annual Action Plan will cover the program year starting October 1, 2016 and ending September 30, 2017. All funding will be used to benefit persons of low and moderate income.

Draft

Attachments

Draft

Grantee Unique Appendices

AFFIDAVIT OF PUBLICATION REPORTER-HERALD

State of Colorado
County of Larimer

I, the undersigned agent, do solemnly swear that the LOVELAND REPORTER-HERALD is a daily newspaper printed, in whole or in part, and published in the City of Loveland, County of Larimer, State of Colorado, and which has general circulation therein and in parts of Larimer and Weld counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated July 15, 2016.

TERREY LOVE

Agent

Subscribed and sworn to before me this 15th day of July 2016 in the County of Boulder, State of Colorado.

Richard

Notary Public

Fee \$ 78.94
Account #222255
Ad # 5675332

TO ALL LOVELAND CITIZENS AND INTERESTED PARTIES:
FOR THE PUBLIC HEARING & AVAILABILITY OF DOCUMENT FOR REVIEW
The City of Loveland has completed the 2016 Annual Action Plan for use of federal Community Development Block Grant (CDBG) funds. It is anticipated that \$265,000 in FY2016 CDBG funds will be received by the City of Loveland from the U.S. Department of Housing and Urban Development (HUD). The City has submitted the preliminary to assist low and moderate income households and families utilizing 100% of the CDBG grant funds to serve job and medical income households and individuals through job training and public services. Funds will be used to address goals identified in the 2015-2020 Consolidated Plan:
• Increase the supply of affordable owner-occupied housing by 75 units and affordable rental units by 50.
• Increase housing for the homeless by 30 units.
• Rehabilitate 200 units of owner-occupied housing and 200 units of rental housing.
• Provide public service activities for 6,000 low and moderate income persons.
• Assist job seekers with public facility needs.
A public hearing on the 2016 Annual Action Plan will be held on Tuesday, August 2, 2016 at 5:00 p.m. in the Loveland Civic Center, 300 E. Third Street, Loveland, Colorado 80537. 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, policy, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City's Title 31 Coordinator at 311 or the City's Title 31 Coordinator at 311. The City will make reasonable accommodations for persons with disabilities, such as providing sign language interpretation, ADA or accommodations, please contact the City's ADA Coordinator at 311 or the City's ADA Coordinator at 311. The City's 2016 Annual Action Plan is available in the public for examination from July 15, 2016 through August 15, 2016 at the City of Loveland Community Participation Office, 300 E. Third Street, Loveland, Colorado 80537. If you have any questions regarding the plan, please direct them in writing to the address above or call 970.662.2375. 3:00 p.m. to 5:00 p.m. on August 2, 2016. If you are unable to attend, you may also contact the City's ADA Coordinator at 311 or the City's ADA Coordinator at 311.
NOTICE OF PUBLIC HEARING FOR THE 2016 ANNUAL ACTION PLAN
La Ciudad de Loveland ha completado su Plan de Acción Anual del 2016 para el uso de los fondos federales de Subvenciones por Bloque para el Desarrollo Comunitario (CDBG) por sus ciudades en proceso. Se anticipa que la Ciudad de Loveland va a recibir \$265,000 en fondos de CDBG del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos. La Ciudad de Loveland ha presentado el plan preliminar para ayudar a las familias de bajos ingresos y a las familias que utilizan el 100% de los fondos de CDBG para servir a las familias de bajos ingresos y a las familias que utilizan el 100% de los fondos de CDBG para servir a las familias de bajos ingresos y a las familias que utilizan el 100% de los fondos de CDBG para servir a las familias de bajos ingresos. Los fondos serán usados para proporcionar servicios de asistencia al empleo y de capacitación, así como para proporcionar servicios de asistencia al empleo y de capacitación. La Ciudad de Loveland se compromete a proporcionar un acceso equitativo a los servicios, programas y actividades y no discriminar en base a la discapacidad, raza, edad, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en la redacción de un lenguaje accesible al Coordinador Títulos 31 de la Ciudad de Loveland, por favor llame al 311 o al 311. La Ciudad de Loveland se compromete a proporcionar un acceso equitativo a los servicios, programas y actividades y no discriminar en base a la discapacidad, raza, edad, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en la redacción de un lenguaje accesible al Coordinador Títulos 31 de la Ciudad de Loveland, por favor llame al 311 o al 311. El Plan de Acción Anual del 2016 está disponible en el público para examen del 15 de julio de 2016 al 15 de agosto de 2016 en la Oficina de Participación Comunitaria de la Ciudad de Loveland, 300 E. Tercera Street, Loveland, Colorado 80537. Si usted tiene alguna pregunta sobre el plan, por favor envíe un correo electrónico a 311 o llame al 311. Si usted no puede asistir, puede contactar al Coordinador de Títulos 31 de la Ciudad de Loveland al 311 o al 311. El Plan de Acción Anual del 2016 está disponible en el público para examen del 15 de julio de 2016 al 15 de agosto de 2016 en la Oficina de Participación Comunitaria de la Ciudad de Loveland, 300 E. Tercera Street, Loveland, Colorado 80537. Si usted tiene alguna pregunta sobre el plan, por favor envíe un correo electrónico a 311 o llame al 311. Si usted no puede asistir, puede contactar al Coordinador de Títulos 31 de la Ciudad de Loveland al 311 o al 311. Submitt: Loveland Reporter Herald July 15, 2016, p. 131-132

HSG Agency Informational Meeting
January 11, 2016

Name	Agency	Email Address
GARY D. THOMPSON	SAINT	SAINTED@FRJI.COM
Melissa Adams	TSD	melissa.adams@thompsonschools.org
Pam McDonald	AINE	pam@aineolorado.org
Delma Gutierrez	Wings	delma.gutierrez@gmail.com
Jim Becker	Health District	jbecker@healthdistrict.org
Mya Sapien	Goodwill	msapien@goodwilldenver.org
Valerie Gallagos	Goodwill	vgallagos@goodwilldenver.org
David Cessna	Goodwill	dcessna@goodwilldenver.org
Meg Oresjo	HNS	moresjo@honservice.org
Sharlene Johnson	Food Bank	sjohnson@foodbanklarimer.org
Gillian Rankin	Boys & Girls Clubs	grankin@bgclarimer.org
Senna Riedi	"	sriedi@bgclarimer.org
Emily Goyol	Volunteers of America	emgoyol@voa.com
Dawn Mickelson	Center for Adult Learning	dawn.mickelson@frontrange.edu
GALE YANT	TRP	gyant@thompsonvalleypreschool.org
Diane Stebnicke	VOA	Larimer@voacolorado.org

HSG Agency Informational Meeting
January 11, 2016

Name	Agency	Email Address
DAVE MORAN	Turning Point	dmoran@turningpoint.org
Carmie Olmick	Volunteers of America	volmanager@fni.com
Sandra Merk	Center for Adult Learning in Loveland	sandra.merk@frontrange.edu
Kate Dockery	Elster Seals Colorado	kdockery@elstersealscolorado.org
E Harlers	now	
Heather Visgaard	Partners	heather@PartnersMentoringYouth.org
Stephanie Clayton	Project Self Sufficiency	Stephanie@ps-s.org

CDBG Agency Informational Meeting
January 12, 2016

Name	Agency	Email Address
Stephanie Johnson	Catholic Charities	Stephanie.Johnson@tcfalliance.org
Kris Lindsey	Easter Seals CO	klindsey@eastersealscolorado.org
Sharon Ross	VOA - Handyman Program	voaprograms@fii.com
Stephanie Stayton	Project Self-Sufficiency	Stephanie@ps-s.org
Dmie Dndie	Neighbor to Neighbor	dcendue@nan.org
Blenda Shaga	ATV	director@alternat.neto.victoria
Amy Irwin	LHA	airwin@lovelandhousing.org
D. Stobnicke	VOA	Larimer@voacolorado.org
Angie Banza	LHA	Ashaf@lovelandhousing.org
Mike Hersh	LHA	Mikesh@lovelandhousing.org
Sahrah Blis	LHA	sblis@lovelandhousing.org
Pam McCamy	AHA	
MOFIEA MILLER	LHA	mmill@lovelandhousing.com
Carie Olevick	VOA	volmanager@fii.com

HSG Agency Informational Meeting
January 13, 2016

Name	Agency	Email Address
Marylander Top	Loveland Vineyard Community	maryrtop@gmail.com
Stephanie Johnson	Catholic Charities	stephanie.johnson@tetalliance.org
Cheryl Brinker	Loveland Housing Auth	cbrin@lovelandhousing.org
Denny Moyer	Ensign Skills Center	denny@ensightskills.org
Christi Batie	First Steps Learning Center	christi.batie@thompsonschools.org
Ken John	Murphy Center	KEN@HOMELESSGEAR.ORG
Kim REDD	Alliance for Suicide Prevention	executivedirector@suicideprevention.org
Brendal Larson	"	bjlarsen135@hotmail.com
DAVID ROUT	HOMELESS GEAR / MURPHY CENTER	DAVID@homelessgear.org
Jerri Schuite	TMH	jerri@thematthewshouse.org
Tim Alexander	Child Safe Colorado	talexander@childsafe-colorado.org
Lisa Poppaw	"	lpop paw@ " "
Donita Fogle	Mirasol Senior	dfog1@lovelandhousing.org
Missy Torrey	Elderhaus	missy.elderhaus@yahoo.com
Steve Kuehnema	Neighbor to Neighbor	skuehnema@n2n.org
Olend Slays	ATV	director@atvnet
Marley Hamrick	Larimer County Child Advocacy Center	Marley@larimcac.org
Kathy Hayes	Teaching Tree	khayes.writing@comcast.net
Rebecca Cranston	Colorado Health Network ^{NCAAP}	rebecca.cranston@coloradohealthnetwork.org

HSG Agency Informational Meeting
January 13, 2016

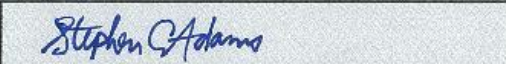
Name	Agency	Email Address
ERICA Wharton	Kids at Heart	director@kidsatheartfund.org
Angel Hoffman	Stepping Stones	angel.hoffman@bannerhealth.com
Fabiola Gomez	GoodHealthWill	fabiola@goodhealthwill.org
Anne Lance	Teaching Tree	alance@teaching-tree.org
Rebecca Toll	United Way of LC	rtoll@uwaylc.org
Lori Follett	RVNA Home Care	lorifollett@rvna.info
CHRIS FINE	SUMMIT-STONE	chris.fine@summitstonehealth.org

Grantee SF-424's and Certification(s)

OMB Number: 4040-0004
 Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text" value="E-16-MC-00-0012"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: <input type="text" value="City of Loveland"/>		
* b. Employee/Taxpayer Identification Number (EIN/TIN): <input type="text" value="84-6000609"/>	* c. Organizational DUNS: <input type="text" value="0764814070000"/>	
d. Address:		
* Street1: <input type="text" value="500 E. Third Street"/>	Street2: <input type="text"/>	
* City: <input type="text" value="Loveland"/>	County/Parish: <input type="text" value="Larimer"/>	
* State: <input type="text" value="CO: Colorado"/>	Province: <input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	* Zip / Postal Code: <input type="text" value="80537"/>	
e. Organizational Unit:		
Department Name: <input type="text" value="Executive"/>	Division Name: <input type="text" value="Community Partnership Office"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text" value="Ms."/>	* First Name: <input type="text" value="Allison"/>	
Middle Name: <input type="text"/>	* Last Name: <input type="text" value="Hade"/>	
Suffix: <input type="text"/>	Title: <input type="text" value="Administrator"/>	
Organizational Affiliation: <input type="text" value="City of Loveland"/>		
* Telephone Number: <input type="text" value="(970) 962-2517"/>	Fax Number: <input type="text" value="(970) 962-2903"/>	
* Email: <input type="text" value="alison.hade@cityofloveland.org"/>		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="C: City or Township Government"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="U.S. Department of Housing and Urban Development"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14.218"/> CFDA Title: <input type="text" value="Community Development Block Grant"/>	
* 12. Funding Opportunity Number: <input type="text"/>	
* Title: <input type="text" value="Community Development Block Grant"/>	
13. Competition Identification Number: <input type="text"/>	
Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="2016 Annual Action Plan"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="CC-004"/>	* b. Program/Project: <input type="text" value="CO-004"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="10/01/2016"/>	* b. End Date: <input type="text" value="09/30/2017"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="336,070.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="336,070.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process? <input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", provide explanation and attach <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001) <input checked="" type="checkbox"/> ** I AGREE <small>** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
Authorized Representative:	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="Stephen"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Adams"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="City Manager"/>	
* Telephone Number: <input type="text" value="(970) 352-2306"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="steve.adams@cityofloveland.org"/>	
* Signature of Authorized Representative: 	* Date Signed: <input type="text" value="07-15-2016"/>

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official

Date 7-15-2016

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2016, _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

- 2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

<u>Stephen Adams</u>	<u>7-15-2016</u>
Signature/Authorized Official	Date

CITY MANAGER
Title

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Stephen Adams
Signature/Authorized Official

7-15-2016
Date

CITY MANAGER
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

AGENDA ITEM: 10
MEETING DATE: 8/2/2016
TO: City Council
FROM: Terry Andrews, City Clerk's Office
PRESENTER: Terry Andrews, City Clerk



TITLE:
A Resolution Superseding Resolution 101-00 And Adopting Email Disclosure Policy

RECOMMENDED CITY COUNCIL ACTION:
 Approve the Resolution

OPTIONS:

1. Adopting the resolution will allow Staff to move forward with implementing Global Relay.
2. Deny the action. The public will continue to access emails in the current manner.

SUMMARY:

This is an Administrative action item. This resolution will supersede Resolution #R-101-00: a Resolution adopting an e-mail disclosure policy concerning Electronic Mail Communication of Elected City Officials. On July 26, 2016 Staff presented to City Council a more transparent Email process regarding their electronic communications. The new software, "Global Relay" has been tested for a four months by City Staff. This new process will allow Council email to be available to the public in "real time" and accessible from outside of the City's computer system.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The current procedure is defined in a policy, established by Resolution #R-101-00 a Resolution adopting an e-mail disclosure policy concerning Electronic Mail Communication of Elected City Officials. On August 2, 2016 City Council will be asked to approve a Resolution that will repeal this resolution. If approved, the new public access will be made available within a couple of days.

Old Process highlights: Council emails are sorted into three categories (with three different retainage times: one year, six months, until administrative purpose is served); they are reviewed by the City Clerk on a daily basis, but must be transferred within 5 days of receipt to a City email account (maintained by the City Clerk); a formal request must be made to view the emails on a city provided computer within the City Clerk's Office (between 8am and 5pm on business days). The current system stores these emails in Proofpoint, which currently has no retention limit.

New Process highlights: All emails will be seen by the public in "real time" (when they are received or sent by Councilors); For Emails that are restricted, i.e. personnel, Attorney Client privilege or other topics identified by CORA will still appear with the sender and recipient, however the subject matter and content of the email will not be viewable. The public can view it from mobile devices as well as a personal computer from their own home, without requesting an appointment with the City Clerk's Office. Since Council will still receive emails through Outlook, the emails will continue to exist in Proofpoint.

Two noteworthy functions of this system. 1) the public have a mechanism to request an email be restricted, however, the email may still be subject to a CORA request (this disclosure will be clearly communicated on the website, where the access information is located); and 2) this process will not affect the “usual” delivery of emails to and from City Council in their Outlook account.

The City Clerk’s Office and the City Attorney’s office will train City Staff on the use of Global Relay and how to determine the need for restricted access. The City Attorney’s Office has prepared an FAQ for the public, which will be available on the City’s Website. There will be a public announcement and the local papers will be notified of the new “real time” solution to access City Council Email.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. Proposed Resolution
2. Resolution #R-101-00: a Resolution adopting an e-mail disclosure policy concerning Electronic Mail Communication of Elected City Officials.

RESOLUTION #R-69-2016

**A RESOLUTION SUPERSEDING RESOLUTION 101-00 AND ADOPTING
EMAIL DISCLOSURE POLICY.**

WHEREAS, Resolution R-101-00 adopted an Email Disclosure Policy with a detailed procedure for making email accessible on a computer in the City Clerk’s office; and

WHEREAS, R-101-00 is hereby superseded and no longer of effect; and

WHEREAS, generally all email correspondence with and by city elected officials is a public record, and City Council supports transparency and public disclosure; and

WHEREAS, the City has purchased software that will allow all email communications with and by elected city officials to be accessible to anyone in the public without having to travel to the City Civic Center; and

WHEREAS, the City Council desires to direct the City Clerk to discontinue the previous policy and to take measures to allow public access to all email communications with and between City Council.

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

Section 1. The City Manager and City Clerk are authorized and directed to implement a system that will allow email communications between and with elected city officials to be accessible to the public quickly and electronically, subject to consultation with the City Attorney’s Office for confidential communications.

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

APPROVED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

RESOLUTION NO. R-101-00

**A RESOLUTION ADOPTING AN E-MAIL DISCLOSURE POLICY
CONCERNING ELECTRONIC MAIL COMMUNICATIONS OF
ELECTED CITY OFFICIALS**

WHEREAS, the City of Loveland views electronic mail as a communication tool, much like written correspondence, phone-mail, and verbal communication either via telephone or in person; and

WHEREAS, the City desires to promote the public's trust of the City's e-mail system concerning elected City Officials by making e-mail messages which are defined as public information as accessible to the public as reasonably possible;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, that the E-Mail Policy concerning Elected City Officials, attached hereto as Exhibit "A", shall be and hereby is adopted.

ADOPTED this 5 day of December, 2000.



Anna Vescenti
City Clerk

Kathleen P. Gilliland
Mayor

APPROVED AS TO FORM:

City Attorney

E-MAIL DISCLOSURE POLICY CONCERNING ELECTRONIC MAIL COMMUNICATIONS OF ELECTED CITY OFFICIALS

The City of Loveland views electronic mail as a communication tool, much like written correspondence, phone-mail, and verbal communication either via telephone or in person. However, to promote the public's trust of the City's e-mail system, City Officials shall follow these procedures:

Elected City Officials

- All City related e-mail, received or originated by elected City Officials, shall be forwarded to a composite e-mail account on the City's e-mail system, unless the City official determines that the e-mail was intended to be confidential. "City related" is defined as information that deals with significant aspects of the administration of the City, such as City policies, programs, fiscal and personnel matters. City related e-mail received by City Officials shall be forwarded, as described, within five (5) business days of opening/reading of the e-mail transmission.
- Those messages shall then be reviewed by the City Clerk's Office on a daily basis to determine whether the information contained therein constitutes a public record.
- If the e-mail is determined by the City Clerk to be a public record, the message shall be moved to an e-mail account that is accessible to the public upon request from a central e-mail computer located in the City Clerk's office.
- Public record e-mails shall be retained based on the retention schedule associated with the information contained within.
- In the event an e-mail message may be subject to nondisclosure pursuant to state law, the Clerk shall consult with a member of the City Attorney's office to determine how to handle the item. Any item of electronic mail that is clearly personal in nature and which does not relate to the exercise of public functions shall be deleted. Any item of electronic mail which may be subject to the non-disclosure provisions of state law shall be forwarded to a composite electronic mail account that cannot be accessed by the public.
- The City Clerk shall make the determination of what messages are public, in consultation with the City Attorney's Office as necessary, and shall upon request move those messages to a public area, to be removed from the public access area when the requested review is complete.
- Public record e-mails shall be retained in their electronic format based upon the retention schedule set forth below, which is based upon the retention schedule established by the State Archivist.

RETENTION SCHEDULE OF ELECTRONIC MAIL OF PUBLIC OFFICIALS

- **Transitory messages** – retain until administrative purpose is served. Transitory messages are created primarily for informal communication as opposed to the perpetuation or formalization of knowledge. Transitory messages include messages with short-lived administrative value, that could have been equally accomplished with voice mail or telephone messages, such as routine announcements of seminars or workshops, meeting notices. Transitory messages shall be deleted once their administrative purpose has been accomplished, but not earlier than a week after the message was initiated.
- **Routine correspondence** – retain for three months. Routine correspondence includes letters and memos requesting or providing information pertaining to City administration and other miscellaneous inquiries. Routine correspondence does not attempt to influence City policy or address matters of public concern which are pending or are scheduled before the City Council or a board or commission.
- **Official correspondence** – retain for one year. Official correspondence refers to electronic mail messages that deal with public policy, that express or solicit the opinions of elected officials concerning public policy, or that concern significant aspects of the administration of the City, including policies, programs, fiscal and personnel matters.
- **Final versions of official City documents** that are retained in hard copy by the City Clerk's office may be deleted from the electronic mail file so long as any correspondence that accompanied the documents is retained for the appropriate period.

REQUESTS FOR E-MAIL RECORDS

A form, the Request for E-Mail Records, must be completed and approved by the City Clerk prior to review of any City e-mail records related to City Officials. The purpose of the form is to provide documentation of what information was requested, when the request was made, who made the request, and when the information was provided. Upon approval of the request, the requested information shall be moved to the public access computer area.

AGENDA ITEM: 11
MEETING DATE: 8/2/2016
TO: City Council
FROM: Loveland Fire Rescue Authority
PRESENTER: Mark Miller, Fire Chief



TITLE:

A Resolution Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-066 For The Loveland Fire Rescue Authority's 2016 Budget

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. LFRA would not be able to make use of awarded grant funding.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If the project is referred back to staff, it will just take longer to get safety protective gear to firefighters.

SUMMARY:

There are three grants included in this appropriation that do not require any additional matching funds from LFRA or our governing partners. The grant funds will be used to purchase Emergency Operations Center (EOC) communications equipment, draft Emergency Operations plans and conduct an exercise, Big Thompson Canyon bunker gear, and a second set of hoods, gloves and helmets for fire personnel related to cancer prevention. The intergovernmental agreement that established the Fire Authority requires that both the City of Loveland City Council and the Loveland Rural Fire Protection District Board approve all budget appropriations to make them effective. The Loveland Fire Rescue Authority Board adopted this supplemental budget appropriation at their meeting on June 29, 2016. The Loveland Rural Fire Protection District approved it at their July 6, 2016 meeting.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

There is no additional funding being requested of the City of Loveland. This resolution simply approves the addition of grant money to both LFRA revenue and expenditure accounts to provide for firefighter safety gear.

BACKGROUND:

The grant awards are being appropriated in this resolution help to advance our strategic goals and improve firefighter safety.

- \$20,000 from the Homeland Security Grant through the Northeast All Hazards Region for 2 800Mhz radios, head sets, and the related software and programming; an update to the Emergency Operations Center plans; and an exercise on those plans.

- \$28,134 from the Colorado Division of Fire Prevention and Control for the Big Thompson Canyon bunker gear replacements (18 sets). The money will go to the Rural District and the Rural District will contribute that to LFRA so that the Quartermaster is ensuring the consistency of gear for all LFRA personnel, using the current sealed competitive bid for bunker gear. The other half of the gear was included in the carryover supplemental appropriation (savings from the Rural 2015 budgeted contribution to LFRA) the first quarter of this year.
- \$23,111 from the Colorado Division of Prevention and Control for a second set of hoods, gloves, and helmets that will allow for decontamination after a fire response to assist with firefighter cancer prevention efforts.

No additional contributions are required of our governing partners. This action appropriates the grant award revenue and the exact amount is appropriated for the designated grant expenditures. It will be effective July 20, 2016 if approved by City Council.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. City Resolution and Exhibit
2. LFRA Resolution

RESOLUTION #R-70-2016

**A RESOLUTION APPROVING THE LOVELAND FIRE RESCUE
AUTHORITY'S SUPPLEMENTAL BUDGET AND APPROPRIATION
RESOLUTION NO. R-066 FOR THE LOVELAND FIRE RESCUE
AUTHORITY'S 2016 BUDGET**

WHEREAS, the Loveland Fire Rescue Authority ("Fire Authority") is established pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity dated August 18, 2011, 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 held a public hearing on June 29, 2016 and by adoption of Resolution No. R-066, approved a supplemental budget and appropriation to its 2016 budget to appropriate additional funding for expenditures associated with certain grant awards; and

WHEREAS, the Fire Authority Board of Directors submitted the Fire Authority's Resolution No. R-066 enacting a supplemental budget and appropriation to the 2016 budget, which is attached hereto as **Exhibit A** and incorporated herein by reference, to the City and the District for approval as required by Section 1.9(f) of the Authority IGA; and

WHEREAS, the City Council desires to approve the Fire Authority's Resolution No. R-066.

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

Section 1. That the 2016 Loveland Fire Rescue Authority Supplemental Budget and Appropriation, attached hereto as **Exhibit A** and which has been filed with the Fire Authority Administrative Office in its entirety, for the fiscal year beginning January 1, 2016 and ending December 31, 2016, with revenues in the amount of \$71,245, and expenditures of \$71,245 for operations, is hereby approved.

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

ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:

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

Teresa Ablao
Assistant City Attorney

EXHIBIT A

**Loveland Fire Rescue Authority
2016 Supplemental Budget**

Funds Appropriated for Use by the Authority:

Account Title	Account Number	Amount	Description
Sources of Funds:			
State Grant	604-22-227-1600-32100 FRSHSG2015	20,000	Homeland Security Grant through Northeast All Hazards Region for Emergency Operations Center Communications Equipment, updates on emergency operations center plans and exercises
Contributions Rural District	604-22-227-1601-32402	28,134	Big Thompson Canyon Volunteer Fire Department State Grant from the Colorado Division of Fire Prevention and Control for bunker gear replacement
State Grant	604-22-224-1630-32100	23,111	LFRA State Grant from the Colorado Division of Fire Prevention and Control for cancer prevention purchase of a second set of hoods, gloves and helmets
Total Funds		\$71,245	

2016 Supplemental Authority Appropriations and Expenditures:

Account Title	Account Number	Amount	Description
Uses of Funds:			
Other Capital	604-22-227-1600-49399 FRSHSG2015	15,000	Emergency Operations Center Communications Equipment
Other Services	604-22-227-1600-43899 FRSHSG2015	5,000	Emergency Operation Center Plan and an exercise
Personal Protection Equipment (PPE)	604-22-224-1630-42025 FRFS&DP2016	23,111	Hoods, gloves and helmets for the cancer prevention program
Personal Protection Equipment (PPE)	604-22-224-1630-42025 FRBTCVFD	28,134	18 sets of bunker gear for the Big Thompson Canyon Fire Department
Total Appropriations and Expenditures		\$71,245	

RESOLUTION NO. R-066

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET REGARDING THE APPROPRIATION OF MONEYS TO AND THE EXPENDITURE OF MONEYS FROM THE GENERAL FUND FOR THE LOVELAND FIRE RESCUE AUTHORITY, STATE OF COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2016 AND ENDING ON THE LAST DAY OF DECEMBER 2016

WHEREAS, the Loveland Fire Rescue Authority ("*Authority*") is a governmental entity of the State of Colorado, established by contract between the City of Loveland ("*City*") and the Loveland Rural Fire Protection District ("*Rural District*") pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity dated August 19, 2011 ("*Establishing IGA*");

WHEREAS, on November 18, 2015, the Authority Board of Directors ("*Board*"), after complying with notice and other statutory requirements, duly adopted a budget for fiscal year 2016 ("*2016 Budget*"). Pursuant to Section 4.1 of the Establishing IGA, the 2016 Budget subsequently was approved by the City Council and by the Rural District Board of Directors, and the amounts set forth therein were appropriated by the Authority Board on December 16, 2015;

WHEREAS, after adopting the 2016 Budget and making appropriations thereunder, the Authority Board determined it necessary to approve additional appropriations of moneys to and expenditures of moneys from the General Fund for fiscal year 2016;

WHEREAS, the Authority Board authorized its administrative staff and consultants to prepare and submit a proposed 2016 Supplemental Budget reflecting the additional appropriations of moneys to and expenditures of moneys from the General Fund;

WHEREAS, a proposed 2016 Supplemental Budget has been submitted to the Authority Board for its consideration. A copy of the 2016 Supplemental Budget is attached to this Resolution;

WHEREAS, pursuant to Section 4.1 of the Establishing IGA, the 2016 Supplemental Budget also must be submitted to the City Council and Rural District Board of Directors for their consideration, and shall become effective only after approval of both the City Council and Rural District Board of Directors;

WHEREAS, grant funding awarded does not require a match therefore no additional funds are required from the City of Loveland or the Loveland Rural Fire Protection District;

WHEREAS, the Authority Board desires to adopt the attached 2016 Supplemental Budget, and desires to request that the City Council and Rural District Board of Directors approve the attached 2016 Supplemental Budget, and appropriate the necessary funds to provide for the 2016 Supplemental Budget from awarded grant fund, as appropriate;

WHEREAS, due and proper notice, published and posted in accordance with the law,

advised the public that (1) the Authority's proposed 2016 Supplemental Budget was available for inspection by the public at a designated public office; (2) the Authority Board would hold a public hearing on the proposed 2016 Supplemental Budget on Wednesday, June 29, 2016 at 1:30 pm; and (3) interested electors could comment on or to file or register objections to the proposed 2016 Supplemental Budget any time before the public hearing; and,

WHEREAS, the Authority Board held a public hearing on Wednesday, June 29, 2016, and interested electors were given the opportunity to comment on or to file or register any objections to the attached 2016 Supplemental Budget.

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

Section 1. Receipt of Moneys to the General Fund. Subject to approval of the City Council and Rural District Board of Directors pursuant to Section 4 below, the Authority Board hereby authorizes and approves the receipt and appropriation in 2016 of an additional \$71,245 in revenue from awarded grant contributions and Rural District contributions to the Authority's General Fund; \$23,111 from the Colorado Firefight Safety and Disease Prevention awarded by the State of Colorado Division of Fire Prevention and Control for hoods, gloves and helmets, \$28,134 from the Rural District generated by their Colorado Firefight Safety and Disease Prevention awarded by the State of Colorado Division of Fire Prevention and Control for the replacement of 18 sets of bunker gear, and \$20,000 Homeland Security Grant through the Northeastern All Hazard Region and Larimer County from the State of Colorado Department of Public Safety Division of Homeland Security and Emergency Management for emergency operations center communications equipment.

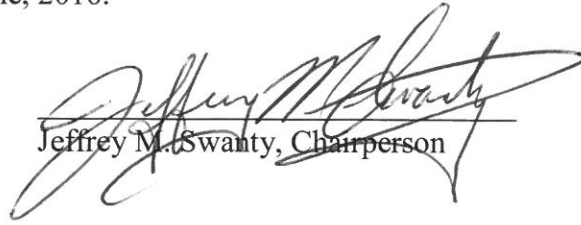
Section 2. Expenditures of Money from the General Fund. Subject to approval of the City Council and Rural District Board of Directors pursuant to Section 4 below, the Authority Board hereby ratifies and approves the expenditure of an additional \$71,245 from the Authority's General Fund during fiscal year 2016.

Section 3. Adoption of Supplemental Budget for 2016. Subject to approval of the City Council and Rural District Board of Directors pursuant to Section 4 below, the Authority Board hereby adopts the 2016 Supplemental Budget in the form attached to this Resolution.


Section 4. City Council's and Rural District Board of Directors' Approval Required. Pursuant to Section 4.1 of the Establishing IGA, the 2016 Supplemental Budget shall become effective as of the date that both the City Council and Rural District Board of Directors approve the 2016 Supplemental Budget. The Authority's administrative staff shall obtain and maintain with this Resolution a copy of the City Council and Rural District Board actions approving or denying approval of the attached 2016 Supplemental Budget.

Section 5. Purposes of 2016 Supplemental Budget Could Not Have Been Reasonably Foreseen. At the time the Authority Board adopted the 2016 Budget in the fall of 2015, it could not have reasonably foreseen the need to approve additional appropriations of moneys to and expenditures of moneys from the General Fund for fiscal year 2016.

ADOPTED this 29th day of June, 2016.


Jeffrey M. Swamy, Chairperson

ATTEST:


Secretary

Loveland Fire Rescue Authority 2016 Supplemental Budget

Funds Appropriated for Use by the Authority:

Account Title	Account Number	Amount	Description
Sources of Funds:			
State Grant	604-22-227-1600-32100 FRSHSG2015	20,000	Homeland Security Grant through Northeast All Hazards Region for Emergency Operations Center Communications Equipment
Contributions Rural District	604-22-227-1601-32402	28,134	Big Thompson Canyon Volunteer Fire Department State Grant from the Colorado Division of Fire Prevention and Control for bunker gear replacement
State Grant	604-22-224-1630-32100	23,111	LFRA State Grant from the Colorado Division of Fire Prevention and Control for cancer prevention purchase of a second set of hoods, gloves and helmets
Total Funds		\$71,245	

2016 Supplemental Authority Appropriations and Expenditures:

Account Title	Account Number	Amount	Description
Uses of Funds:			
Other Capital	604-22-227-1600-49399 FRSHSG2015	15,000	Emergency Operations Center Communications Equipment
Other Services	604-22-227-1600-43899 FRSHSG2015	5,000	Emergency Operation Center Plan and an exercise
Personal Protection Equipment (PPE)	604-22-224-1630-42025 FRFS&DP2016	23,111	Hoods, gloves and helmets for the cancer prevention program
Personal Protection Equipment (PPE)	604-22-224-1630-42025 FRBTCVFD	28,134	18 sets of bunker gear for the Big Thompson Canyon Fire Department
Total Appropriations and Expenditures		\$71,245	

AGENDA ITEM: 12
MEETING DATE: 8/2/2016
TO: City Council
FROM: Leah Browder, Public Works
PRESENTER: Jeff Bailey, City Engineer



TITLE:

Contract Change Order To 2016 Street Resurfacing Program, Asphalt Paving Schedule AP (Project ENSR005-AP)

RECOMMENDED CITY COUNCIL ACTION:

Award the change order of the asphalt paving contract (Schedule AP) To Coulson Excavating Company of Loveland, Colorado in the amount of \$635,000.00 and authorize the City Manager to execute the contract change order.

OPTIONS:

1. Adopt the action as recommended, which will allow the 2016 Street Resurfacing Program Schedule AP to complete the additional proposed work.
2. Deny the action, which would stop the additional proposed work for the 2016 Street Resurfacing Program Schedule AP.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. Proposed additional work for the 2016 Street Resurfacing Program Schedule AP construction would be delayed.

SUMMARY:

This is an administrative action item. A contract change order of an Asphalt Maintenance Contract for Asphalt Paving for the 2016 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$635,000.00 and Authorization for City Manager to execute the contract change order.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Funding is available in the Adopted 2016 Budget.

BACKGROUND:

Additional funds have become available for the 2016 street resurfacing program as a result of a delay in the proposed Garfield Avenue reconstruction project, which is intended to improve Garfield Avenue from US 34 north to the BNSF railroad crossing including sidewalk and curb/gutter improvements. During design of the Garfield Avenue project it became apparent that performing more citizen outreach could yield an even more beneficial result in terms of pedestrian and bicycle mobility, so the construction portion of the project was postponed until the 2017 construction season. As the Garfield Avenue project is being funded with street rehabilitation dollars, it has been determined that these extra 2016 funds are best used for resurfacing and rehabilitation of 14th Street SW from Taft Avenue east to the Burlington Northern Railway crossing at an estimated cost of \$570,000.00 and also for resurfacing of Wilson Avenue from 8th Street north to US 34 at an estimated cost of \$65,000.00. This additional work will generate a total change to the contract of \$635,000.00. As the additional paving/rehabilitation work was already

planned for the 2017 paving season, those future street rehabilitation funds will be redirected to the Garfield Avenue project for its construction in 2017.

<u>Original Contract Amount</u>	<u>Change Order No.1</u>	<u>New Contract Amount</u>
\$1,270,000.00	\$635,000.00	\$1,905,000.00

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Contract Change Order

Contract Change Order

Change Order Number: _____

Project Title: _____ Project Number: _____

Purchase Order Number: _____

Contractor: _____

DESCRIPTION

Description of Change: _____

Attachments: _____

Original Contract Cost: _____

Total Approved Change Orders: _____

Total Pending Change Orders: _____

Total This Change Order: _____

Adjusted Contract Cost: _____

(assuming all changed orders are approved) % of increase to contract _____%

Change in Contract Time: _____ Adjusted Date for Completion: _____

APPROVAL

Submitted By: _____ Date: _____

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

This change order is accepted and the contract is amended to conform thereto, this _____ day of _____.

City of Loveland

Contractor

By: _____ By: _____

Title: _____ Title: _____

AGENDA ITEM: 13
MEETING DATE: 8/2/2016
TO: City Council
FROM: Theresa Wilson, Budget Manager
PRESENTER: Brent Worthington, Finance Director



TITLE:

June 2016 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of June 30, 2016. Citywide Revenue (excluding internal transfers) of \$138.5 million is 96.5% of year to date (YTD) budget. Sales Tax collections are 2% above the same period in 2015, and 99% of the YTD budget. This data spans six months, and the trend has been slowly rising. Building Material Use Tax is 164.6% of YTD budget. Sales and Use Tax collections combined are 104.4% of YTD budget. Citywide total expenditures of \$131,505,533 (excluding internal transfers) are 64.7% of the YTD budget.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of June 30, 2016. Citywide Revenue (excluding internal transfers) of \$138,508,988 is 96.5% of year to date (YTD) budget or \$5,050,697 under the budget.

Sales Tax collections are 99.0% of the YTD budget, and 2.4% above 2015 YTD. The budget variance continues to improve; staff is closely monitoring the performance of the retail industry segments.

Building Material Use Tax is 164.6% of YTD budget, or \$606,020 over budget. Sales and Use Tax collections combined were 104.4% of YTD budget or \$1,014,745 over budget. When the combined sales and use tax for the current year are compared to 2015 for the same period last year, they are higher by 2.1% or \$485,759.

Citywide total expenditures of \$131,505,533¹ (excluding internal transfers) are 64.7% of the YTD budget or \$71,728,616 under the budget.

¹) Primarily due to timing of capital projects (June's report includes 2015 capital projects re-appropriated at the Council meeting on April 19th, 2016).

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

- 1. June Snapshot Presentation
- 2. Snapshot report for June 2016

Snapshot

P. 170



June
2016

Brent Worthington
Finance Director

Presented
August 2, 2016

June 2016 Snapshot

- Citywide Revenue
 - 138.5 million, excluding transfers
 - 3.5% below budget projections

- Citywide Expenditures
 - \$131.5 million, excluding transfers
 - 35.3% below budget projections

- Citywide revenues exceed expenditures by \$7.0 million.

June 2016 Snapshot

- General Fund Revenue
 - \$46.1 million YTD, excluding transfers
 - 3.7% above YTD Budget
 - 2.5% above same period last year

- Sales and Use Tax Revenue
 - \$23.8 million YTD
 - 4.4% above budget projections
 - 2.1% above same period as last year

- Sales Tax only
 - \$20.6 million YTD
 - 1.0% below budget projections
 - 2.4% above same period last year

June 2016 Snapshot

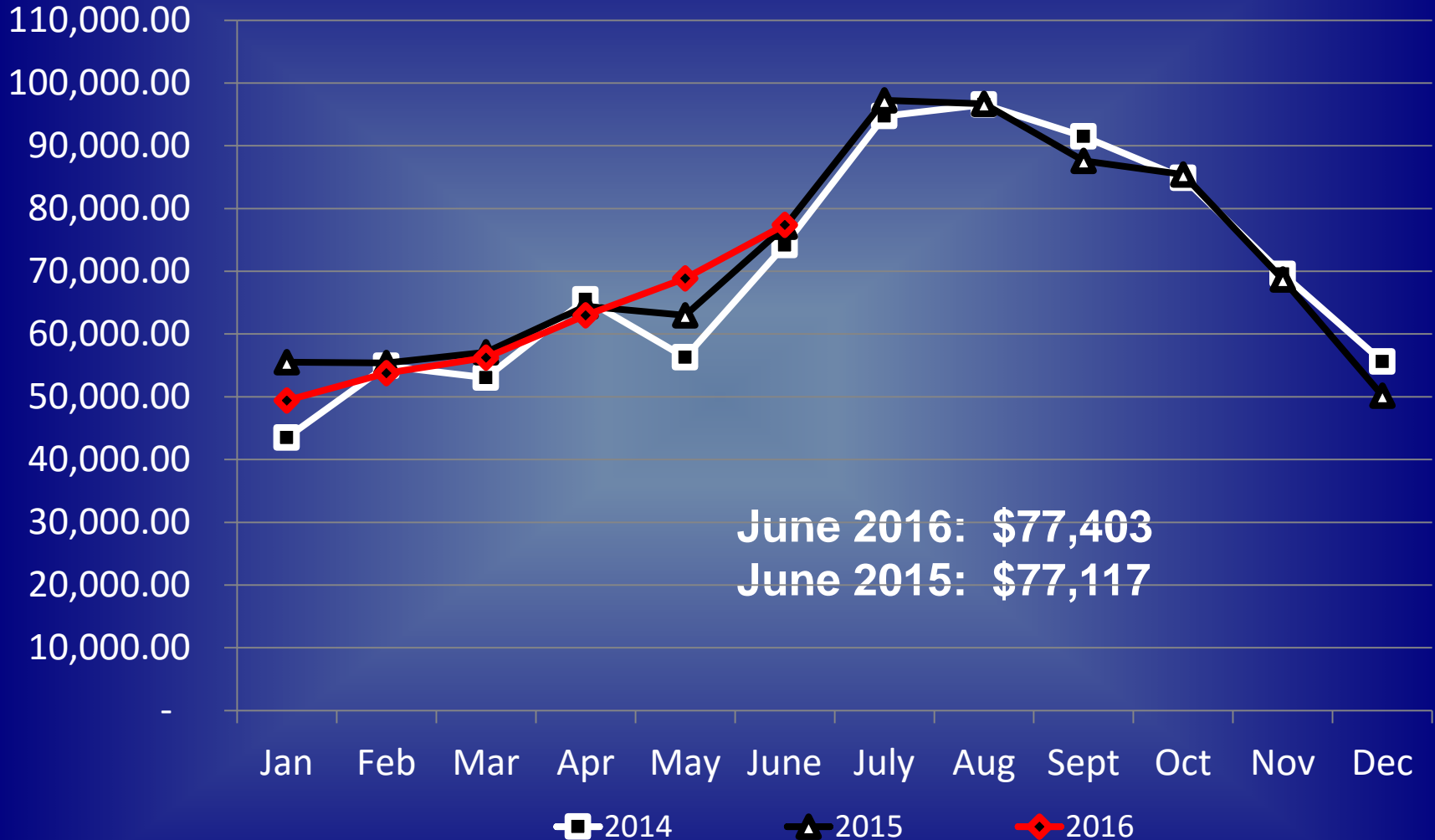
- General Fund Expenditures
 - \$37.1 million YTD, excluding transfers
 - 9.7% below budget projections

- General Fund Expenditures Exceed Revenues by \$700 thousand

- Health Claims
 - June Claims \$762 thousand
 - 2016 YTD decreased slightly by 3.4%.

June 2016 Snapshot

Lodging Tax



➤ Lodging tax YTD is \$368,662 (1.1% lower than 2015 YTD).



Flood Report

Cost Estimates			
Emergency Response		\$ 2,000,000	
Business Assistance		600,000	
Capital		27,906,129	
Total		\$30,506,129	

Actual Expenditures			
		<u>June</u>	<u>To Date</u>
Total	\$	56,635	\$ 22,886,877

Reimbursements Applied For			
		<u>June</u>	<u>To Date</u>
FEMA	\$	180,386	\$ 11,773,207
CIRSA		-	7,119,891
Other		-	1,247,127
Total	\$	180,386	\$ 20,140,225

Reimbursements Received			
		<u>June</u>	<u>To Date</u>
FEMA	\$	123,627	\$ 8,735,730
CIRSA		-	\$ 7,119,891
Other		-	\$ 1,247,127
Total	\$	123,627	\$ 17,102,748



June 2016 Snapshot

P. 176



Questions?

Brent Worthington
Finance Director

Presented
August 2, 2016

SnapShot



Citywide Revenues & Expenditures	2-3
General Fund Revenues & Expenditures	4-5
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Tax Totals & Comparison	6-7
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Activity Measures	14
Rialto Quarterly Report	15

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



Monthly Financial Report



- ◆ Citywide Revenue, excluding transfers between funds, \$138.5 million (3.5% under budget projections)
- ◆ Sales & Use Tax Collection, \$23.8 million (4.4% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$131.5 million (35.3% below budget projections)
- ◆ Citywide Revenues exceed Expenditures by \$7.0 million; Citywide Operating Revenues exceed Operating Expenditures by \$26.8 million.
- ◆ General Fund Revenue, excluding transfers between funds, \$46.1 million (3.7% above budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$37.1 million, (9.7% below budget projections)
- ◆ General Fund Expenditures (including transfers) exceed Revenues (including transfers) by \$700 thousand; General Fund Year-to-Date Operating Revenues (excluding transfers) exceed Fund Year-to-Date Operating Expenditures (excluding transfers and capital) by \$9.0 million.



Sales / Use Tax Basics

June 2016	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2016	\$ 20,758,879	\$ 1,129,394	\$ 938,163	\$ 22,826,436
Actual 2016	20,552,897	1,744,101	1,544,183	23,841,181
% of Budget	99.0%	154.4%	164.6%	104.4%
Actual 2015	\$ 20,073,292	\$ 1,583,373	\$ 1,698,757	\$ 23,355,422
Change from prior yr	2.4%	10.2%	-9.1%	2.1%

Citywide Revenues & Expenditures

Combined Statement of Revenues and Expenditures				
June 2016				
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget
General Governmental				
1	General Fund	\$ 8,040,761	\$ 46,112,338	\$ 44,464,060 103.7%
2	Special Revenue	643,682	4,003,762	4,486,309 89.2% ¹
3	Other Entities	3,164,487	19,866,457	15,762,532 126.0%
4	Internal Service	1,831,190	10,026,098	9,480,524 105.8%
5	<i>Subtotal General Govt Operations</i>	<i>13,680,120</i>	<i>80,008,656</i>	<i>74,193,425 107.8%</i>
6	Capital Projects	1,294,244	6,328,651	4,555,430 138.9%
Enterprise Fund				
7	Water & Power	7,868,393	43,865,901	56,632,955 77.5% ²
8	Stormwater	527,164	3,096,053	2,908,075 106.5%
9	Golf	541,958	1,905,093	1,988,005 95.8%
10	Solid Waste	659,180	3,304,634	3,281,794 100.7%
11	<i>Subtotal Enterprise</i>	<i>9,596,696</i>	<i>52,171,681</i>	<i>64,810,829 80.5%</i>
12	Total Revenue	\$ 24,571,060	\$ 138,508,988	\$ 143,559,684 96.5%
	<i>Prior Year External Revenue</i>		<i>131,472,710</i>	
	<i>Increase From Prior Year</i>		<i>5.4%</i>	
13	Internal Transfers	4,157,298	14,221,446	34,072,694 41.7%
14	Grand Total Revenues	\$ 28,728,358	\$ 152,730,434	\$ 177,632,378 86.0%
EXPENDITURES				
General Governmental				
15	General Fund	5,709,773	36,389,100	37,704,812 96.5%
16	Special Revenue	734,447	5,044,389	6,733,315 74.9%
17	Other Entities	2,073,292	16,735,506	16,244,703 103.0%
18	Internal Services	2,584,876	8,302,225	10,730,876 77.4%
19	<i>Subtotal General Gov't Operations</i>	<i>11,102,387</i>	<i>66,471,220</i>	<i>71,413,707 93.1%</i>
20	Capital	4,416,121	26,093,471	84,149,557 31.0%
Enterprise Fund				
21	Water & Power	7,021,649	33,454,193	41,265,124 81.1%
22	Stormwater	341,476	1,436,060	1,930,100 74.4%
23	Golf	325,596	1,469,910	1,691,050 86.9%
24	Solid Waste	476,199	2,580,679	2,784,612 92.7%
25	<i>Subtotal Enterprise</i>	<i>8,164,920</i>	<i>38,940,842</i>	<i>47,670,886 81.7%</i>
26	Total Expenditures	\$ 23,683,429	\$ 131,505,533	\$ 203,234,150 64.7%
	<i>Prior Year External Expenditures</i>		<i>125,047,230</i>	
	<i>Increase (-Decrease) From Prior Year</i>		<i>5.2%</i>	
27	Internal Transfers	4,157,298	14,221,446	37,491,560 37.9%
28	Grand Total Expenditures	\$ 27,840,726	\$ 145,726,980	\$ 240,725,710 60.5%

¹ Revenue is lower than projected due to timing of when capital projects are done, and federal grants are drawn on those projects.

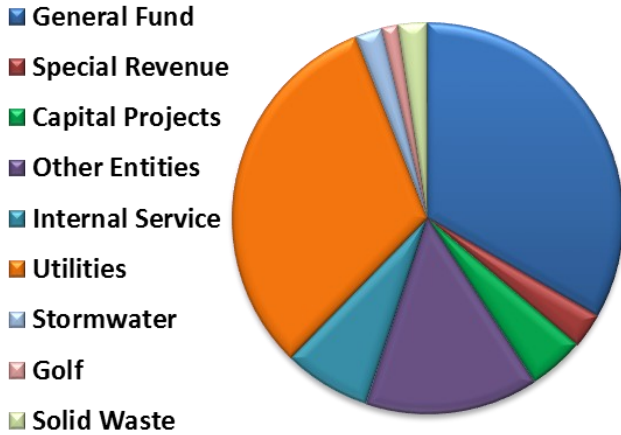
² Revenue is lower than projected due to timing of when capital projects are done, and federal grants are drawn on those projects.

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

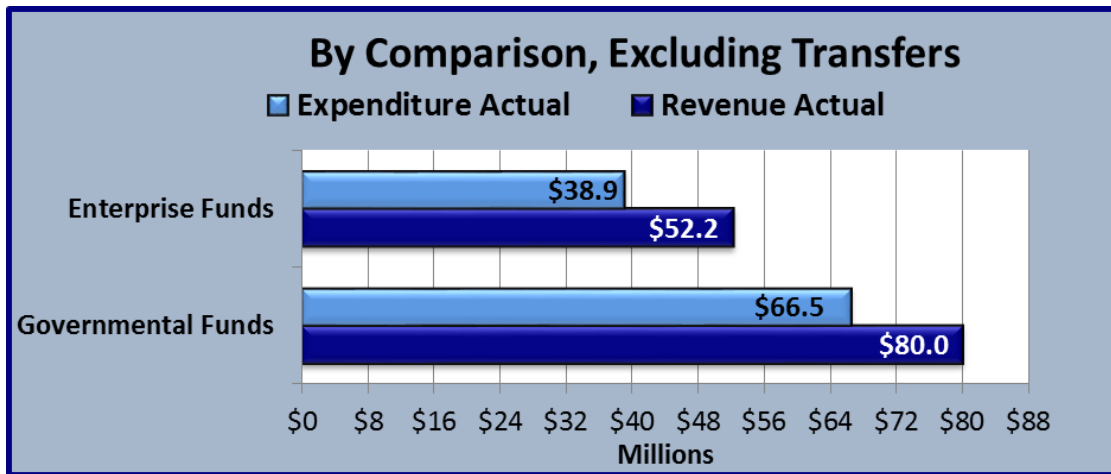
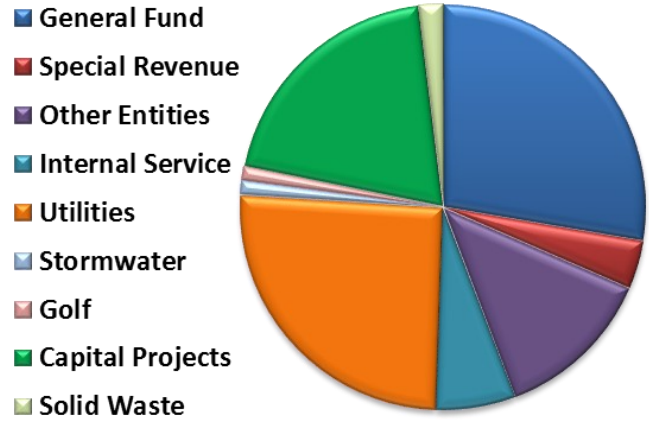
Other Entities Fund: Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority, Loveland Fire and Rescue Authority.

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

YTD Operating Revenues of \$138.5 Million



YTD Operating Expenditures of \$131.5 Million



- ◆ General Fund Revenue, excluding capital and transfers between funds, \$46.1 million (3.7% above budget projections)
 - * 2.5% above 2015 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$36.4 million (3.5% below budget projections)
 - * 9.1% above 2015 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$43.9 million (22.5% below budget projections)
 - * 2.2% above 2015 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$33.5 million (18.9% below budget projections)
 - * 1.0% above 2015 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$19.9 million (26.0% above budget projections)
 - * 25.0% above 2015 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$16.7 million (3.0% above budget projections)
 - * 8.9% above 2015 YTD

General Fund Revenues & Expenditures

General Fund Revenue & Expenditures June 2016				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 1,080,959	\$ 6,476,302	\$ 6,308,199	102.7%
3 Sales tax	3,346,764	20,552,897	20,758,879	99.0%
4 Building use tax	578,163	1,544,183	938,163	164.6%
5 Auto use tax	257,333	1,744,101	1,129,394	154.4%
6 Other taxes	248,990	1,544,613	1,486,826	103.9%
7 Intergovernmental	55,778	315,410	167,385	188.4%
8 License & Permits				
9 Building Permits	308,616	1,287,182	1,473,600	87.3% ¹
10 Other Permits	(13,326)	119,750	85,260	140.5%
11 Charges for Services	1,310,591	8,006,373	7,862,766	101.8%
12 Fines & Forfeitures	87,691	499,754	459,230	108.8%
13 Interest Income	73,402	263,246	164,220	160.3%
14 Miscellaneous	705,800	3,758,527	3,630,138	103.5%
15 <i>Subtotal</i>	<i>8,040,761</i>	<i>46,112,338</i>	<i>44,464,060</i>	<i>103.7%</i>
16 Interfund Transfers	6,850	66,100	66,100	100.0%
17 Total Revenue	\$ 8,047,611	\$ 46,178,438	\$ 44,530,160	103.7%
EXPENDITURES				
Operating Expenditures				
18 Legislative	13,903	82,367	69,390	118.7% ²
19 Executive & Legal	313,661	1,314,443	1,230,030	106.9% ³
20 City Clerk & Court Admin	64,183	350,780	399,478	87.8%
21 Economic Development	207,635	1,164,322	2,867,041	40.6%
22 Cultural Services	159,041	952,737	983,330	96.9%
23 Development Services	322,774	1,892,602	2,496,323	75.8%
24 Finance	388,009	2,453,006	2,537,445	96.7%
25 Fire & Rescue	-	-	-	0.0%
26 Human Resources	99,836	589,817	615,680	95.8%
27 Information Technology	334,162	2,009,055	2,686,714	74.8%
28 Library	235,465	1,589,906	1,713,101	92.8%
29 Parks & Recreation	859,185	4,669,349	6,082,953	76.8%
30 Police	1,643,561	10,662,260	10,788,244	98.8%
31 Public Works	388,823	2,582,719	2,859,552	90.3%
32 Water/ Waste Operations	-	-	-	0.0%
33 Non-Departmental	798,346	6,760,241	5,711,249	118.4% ⁴
34 <i>Subtotal Operating</i>	<i>5,828,583</i>	<i>37,073,604</i>	<i>41,040,530</i>	<i>90.3%</i>
35 Internal Transfers	3,092,753	9,776,771	19,150,186	51.1%
36 Total Expenditures	\$ 8,921,336	\$ 46,850,375	\$ 60,190,716	77.8%

¹ Revenue is lower than projected due to less Multi-Family construction and commercial improvements.

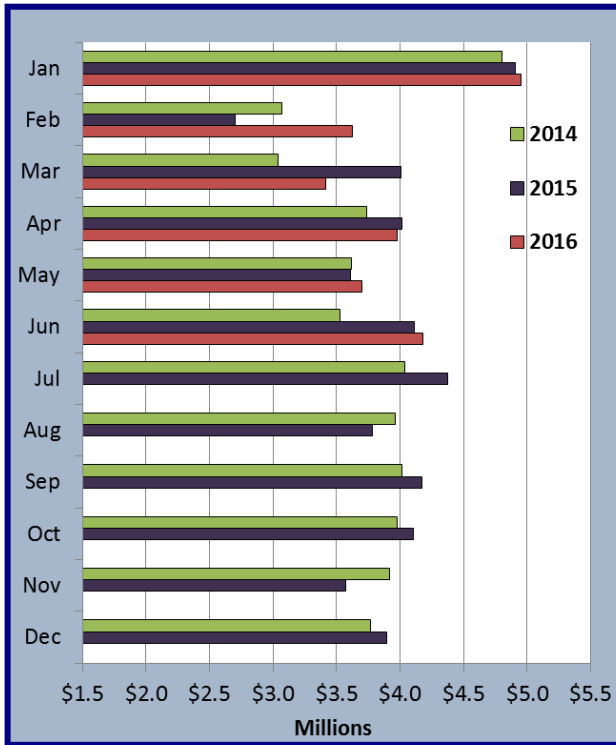
² Expenditures are higher than anticipated due to expenses related to the City Council Workshop and new City Council Portrait.

³ Expenditures are higher than projected due to the City Manager's payout.

⁴ Expenditures are higher than projected due to timing of transfers.

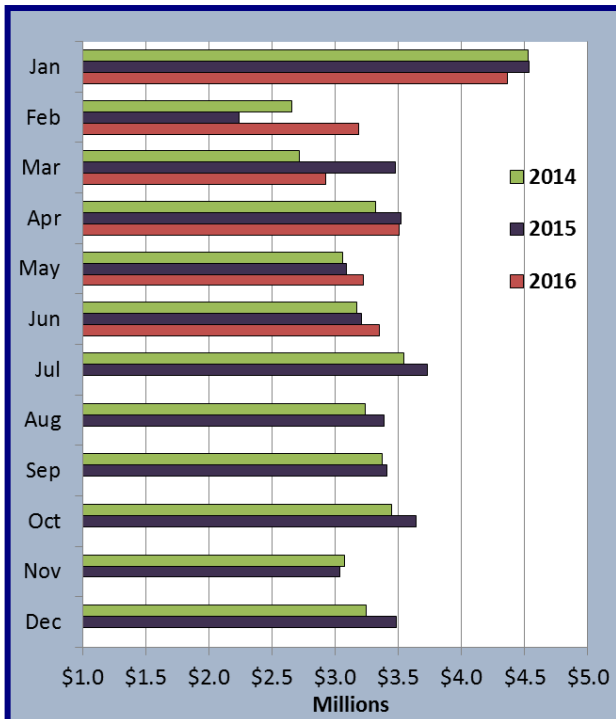
Capital Projects \$500,000+

Project Title	2016 Budget	2016 Expenditures	Remaining 2016	% of 2016 Budget
Water Capital				
WTP Phase II Expansion (38 MGD)	\$ 6,672,691	\$ 4,166,611	\$ 2,506,080	62.44%
2015 Water Line Replacement	859,633	249,969	609,664	29.08%
2016 Water Line Replacement	622,800	131,547	491,253	21.12%
Raw Water Capital				
Windy Gap Firming Project	2,406,660	1,118,956	1,287,704	46.49%
Wastewater Utility Capital				
WWTP Expansion	27,101,493	597,112	26,504,381	2.20%
Southside Lift Station Improvements	1,716,631	423,060	1,293,571	24.64%
Lakeside Terrace & Boedecker Lift Station	534,912	219,415	315,497	41.02%
Power Capital				
Phase 2 of Canyon Voltage Conversion - Glade Rd to WTP	754,250	516,095	238,155	68.42%
OH to UG conversion Circuit 411	555,660	-	555,660	0.00%
OH to UG conversion 29th St - Madison to Hwy 287	750,000	26,401	723,599	3.52%
OH to UG conversion - RR tracks N of 10th	1,400,000	-	1,400,000	0.00%
OH to UG conversion - Downtown Catalyst	1,400,000	2,698	1,397,302	0.19%
Land purchase for new substation	1,700,000	-	1,700,000	0.00%
Transfer load from 1012-621 - Crossroads to Fairgrounds	950,000	424	949,576	0.04%
Install 750 AL - Crossroads Sub N. to CR30, E. to I-25	1,000,000	-	1,000,000	0.00%
Extend feeders - Crossroads C2 into system	700,000	-	700,000	0.00%
Stormwater Capital				
Benson Park Culvert Improvements	1,000,509	1,081	999,428	0.11%
Airport Basin North Outfall	1,505,773	9,151	1,496,622	0.61%
Streets Transportation Program				
Boise & 37th Intersection	1,864,844	-	1,864,844	0.00%
Boyd Lake Avenue @ Grlv-LvInD	1,632,000	-	1,632,000	0.00%
Taft Avenue @ Big Barnes Ditch	2,227,031	154,614	2,072,417	6.94%
Byrd Drive Extension	1,713,000	9,543	1,703,457	0.56%
Railroad Avenue Flood Repairs FHWA@20038ER1	7,144,215	172,627	6,971,588	2.42%
All Other				
Replace General Spartan Engine	652,300	-	652,300	0.00%
Viestenz-Smith Mountain Park Redevelopment	2,865,610	30,082	2,835,528	1.05%
Museum Collections Storage Building	2,400,000	2,079,779	320,222	86.66%
Open Lands Acquisition & Restoration	5,899,433	3,923,186	1,976,247	66.50%
Neighborhood Park East	1,900,000	300,000	1,600,000	15.79%
Wilson Pedestrian Bridge & Flood Trail Reconstruction	600,000	3,296	596,704	0.55%
Fire Administration Building (FAB) Remodel	1,884,036	443,132	1,440,904	23.52%
Mariana Butte Flood River & Bridge Enhancements	564,091	167,566	396,525	29.71%
Airport - Snow Removal Equipment Building	1,252,549	649,745	602,804	51.87%
Maintenance & Operation Center (MOC) Remodel	\$934,660	\$318,160	\$45,102	34.04%



Sales & Use Tax

	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 4,801,433	\$ 4,908,517	\$ 4,950,022	\$ 5,026,356	-1.5%
Feb	3,066,965	2,700,204	3,622,959	3,115,503	16.3%
Mar	3,037,688	4,007,386	3,411,932	3,410,801	0.0%
Apr	3,737,255	4,011,633	3,974,366	3,950,876	0.6%
May	3,614,459	3,611,468	3,699,643	3,686,850	0.3%
Jun	3,525,536	4,116,214	4,182,259	3,636,050	15.0%
Jul	4,038,555	4,375,627		4,286,198	
Aug	3,962,915	3,783,694		4,104,437	
Sep	4,014,321	4,170,066		4,103,238	
Oct	3,974,590	4,102,720		4,138,714	
Nov	3,919,205	3,572,713		3,898,651	
Dec	3,763,933	3,894,616		3,933,615	
	\$ 45,456,855	\$ 47,254,859	\$ 23,841,181	\$ 47,291,289	
YTD	\$ 21,783,336	\$ 23,355,422	\$ 23,841,181	\$ 22,826,436	4.4%

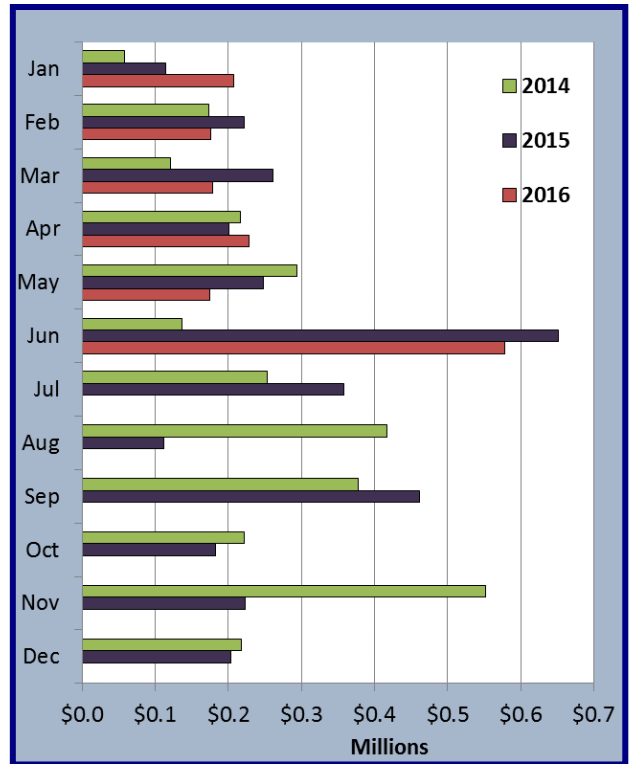


Retail Sales Tax

	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 4,531,650	\$ 4,535,554	\$ 4,365,416	4,697,419	-7.1%
Feb	2,658,798	2,235,775	3,190,005	2,770,381	15.1%
Mar	2,719,254	3,480,164	2,924,575	3,141,451	-6.9%
Apr	3,317,905	3,521,350	3,504,812	3,596,856	-2.6%
May	3,059,076	3,092,253	3,221,324	3,217,352	0.1%
Jun	3,170,467	3,208,195	3,346,764	3,335,420	0.3%
Jul	3,546,945	3,727,389		3,870,943	
Aug	3,241,521	3,389,010		3,495,655	
Sep	3,374,248	3,408,259		3,563,123	
Oct	3,448,473	3,642,285		3,693,841	
Nov	3,077,404	3,034,997		3,289,036	
Dec	3,246,097	3,486,297		3,495,655	
	\$ 39,391,838	\$ 40,761,528	\$ 20,552,897	\$ 42,167,132	
YTD	\$ 19,457,150	\$ 20,073,292	\$ 20,552,897	\$ 20,758,879	-1.0%

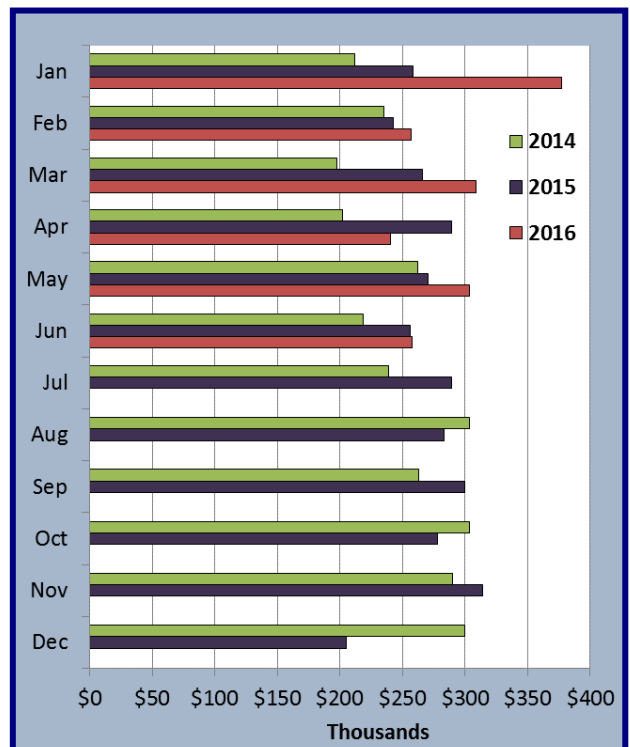
Building Materials Use Tax

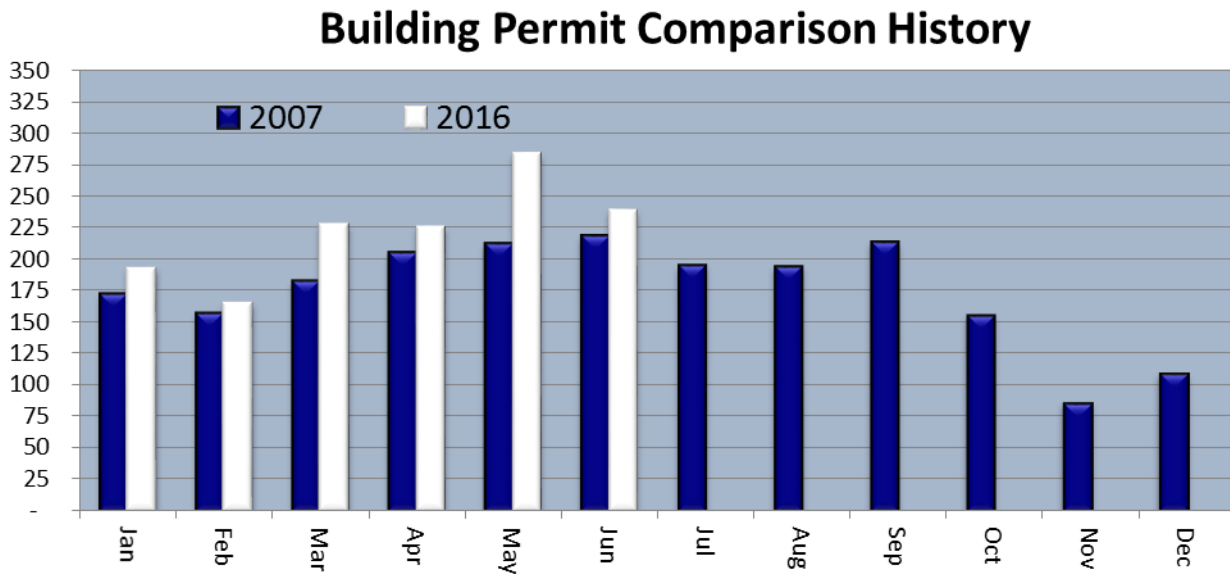
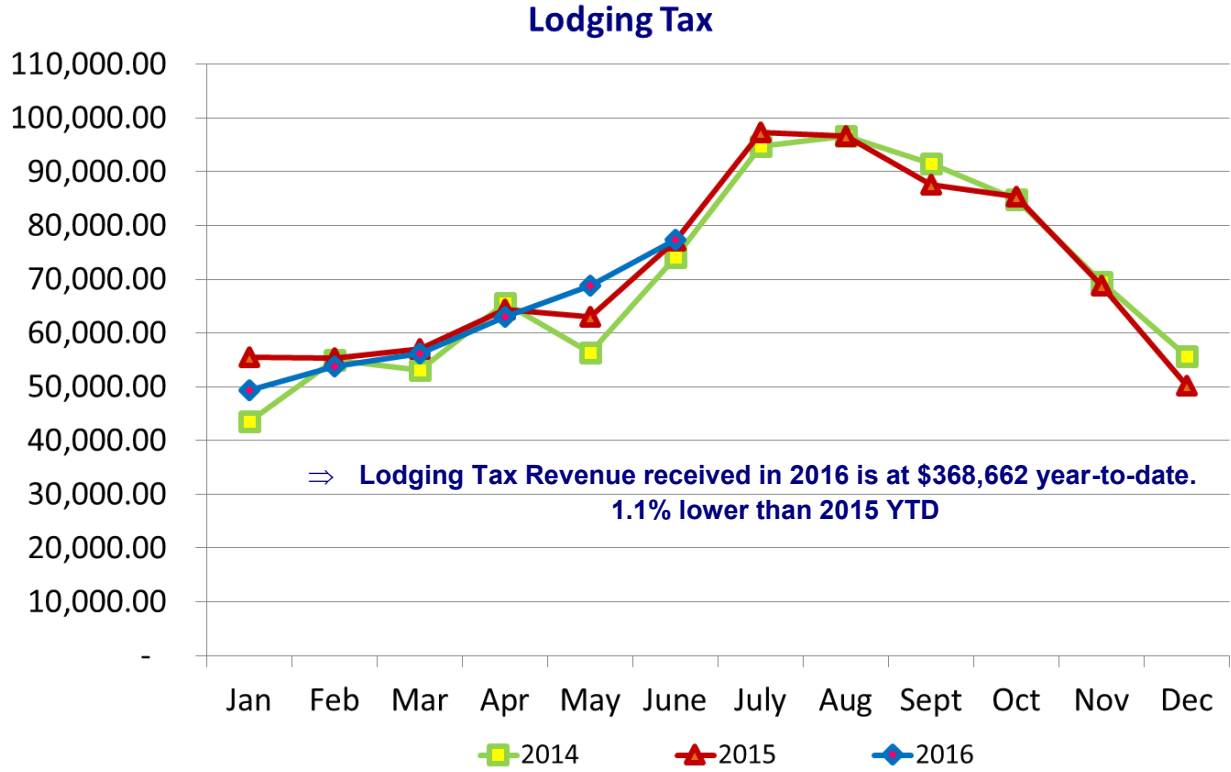
	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 57,942	\$ 114,444	\$ 207,531	148,689	39.6%
Feb	173,295	221,517	175,706	145,302	20.9%
Mar	120,768	261,500	178,825	101,202	76.7%
Apr	217,134	200,708	229,024	182,010	25.8%
May	293,543	248,738	174,935	246,503	-29.0%
Jun	136,432	651,849	578,163	114,457	405.1%
Jul	253,077	358,806		212,345	
Aug	417,801	111,575		350,509	
Sep	377,319	462,146		316,605	
Oct	222,297	182,690		186,343	
Nov	551,682	223,788		362,672	
Dec	217,712	203,069		182,520	
<hr/>					
	\$3,039,002	\$3,240,831	\$1,544,183	\$2,549,157	
YTD	\$ 999,114	\$1,698,757	\$1,544,183	\$ 938,163	64.6%



Motor Vehicle Use Tax

	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 211,841	\$ 258,519	\$ 377,075	\$ 180,248	109.2%
Feb	234,872	242,911	257,248	199,820	28.7%
Mar	197,666	265,721	308,532	168,148	83.5%
Apr	202,216	289,575	240,529	172,010	39.8%
May	261,840	270,477	303,384	222,995	36.0%
Jun	218,637	256,170	257,333	186,173	38.2%
Jul	238,533	289,432		202,910	
Aug	303,593	283,109		258,273	
Sep	262,754	299,661		223,510	
Oct	303,820	277,746		258,530	
Nov	290,119	313,928		246,943	
Dec	300,124	205,249		255,440	
<hr/>					
	\$3,026,015	\$3,252,500	\$1,744,101	\$2,575,000	
YTD	\$1,327,072	\$1,583,373	\$1,744,101	\$1,129,394	54.4%





Cost Estimates			
Emergency Response		\$ 2,000,000	
Business Assistance		600,000	
Capital		27,906,129	
Total		\$ 30,506,129	
Actual Expenditures			
		June	To Date
Total	\$	56,635	\$ 22,886,877
Reimbursements Applied For			
		June	To Date
FEMA	\$	180,386	\$ 11,773,207
CIRSA		-	7,119,891
Other			1,247,127
Total	\$	180,386	\$ 20,140,225
Reimbursements Received			
		June	To Date
FEMA	\$	123,627	\$ 8,735,730
CIRSA		-	\$ 7,119,891
Other			\$ 1,247,127
Total	\$	123,627	\$ 17,102,748

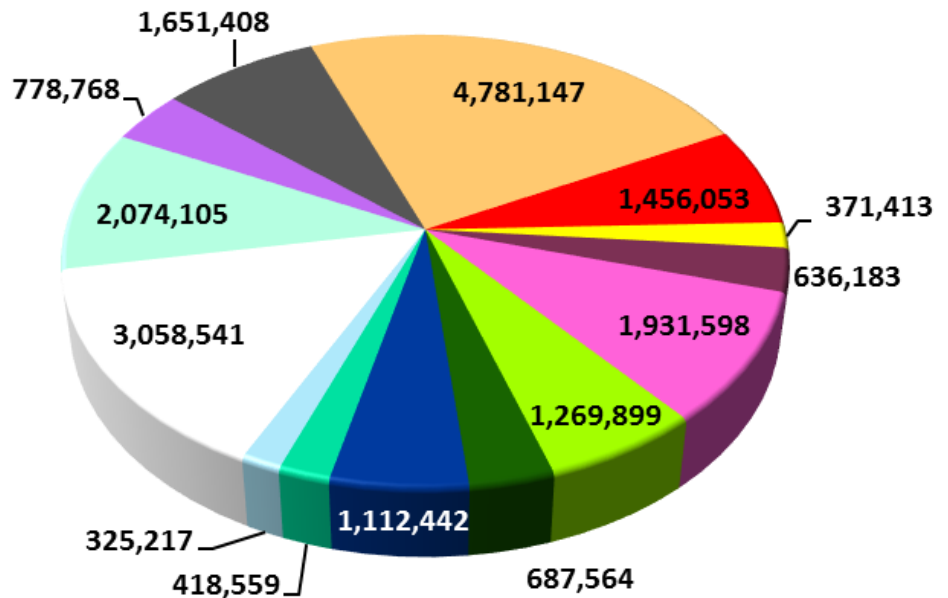


Geographical Codes

Geographical Area	YTD 2016	YTD 2015	Change
South East Loveland	\$ 4,781,147	\$ 4,701,826	1.7%
North West Loveland	2,074,105	2,034,396	2.0%
Centerra	1,931,598	1,926,144	0.3%
North East Loveland	1,651,408	1,613,341	2.4%
Orchards Shopping Center	1,456,053	1,329,020	9.6%
Promenade Shops	1,269,899	1,385,147	-8.3%
Thompson Valley Shopping Center	1,112,442	1,062,081	4.7%
South West Loveland	778,768	720,725	8.1%
Outlet Mall	687,564	725,051	-5.2%
Downtown	636,183	618,227	2.9%
The Ranch	418,559	399,393	4.8%
Columbine Shopping Center	371,413	354,462	4.8%
Airport	325,217	226,429	43.6%
All Other Areas (1)	3,058,541	2,977,050	2.7%
Total	\$20,552,897	\$20,073,292	2.4%

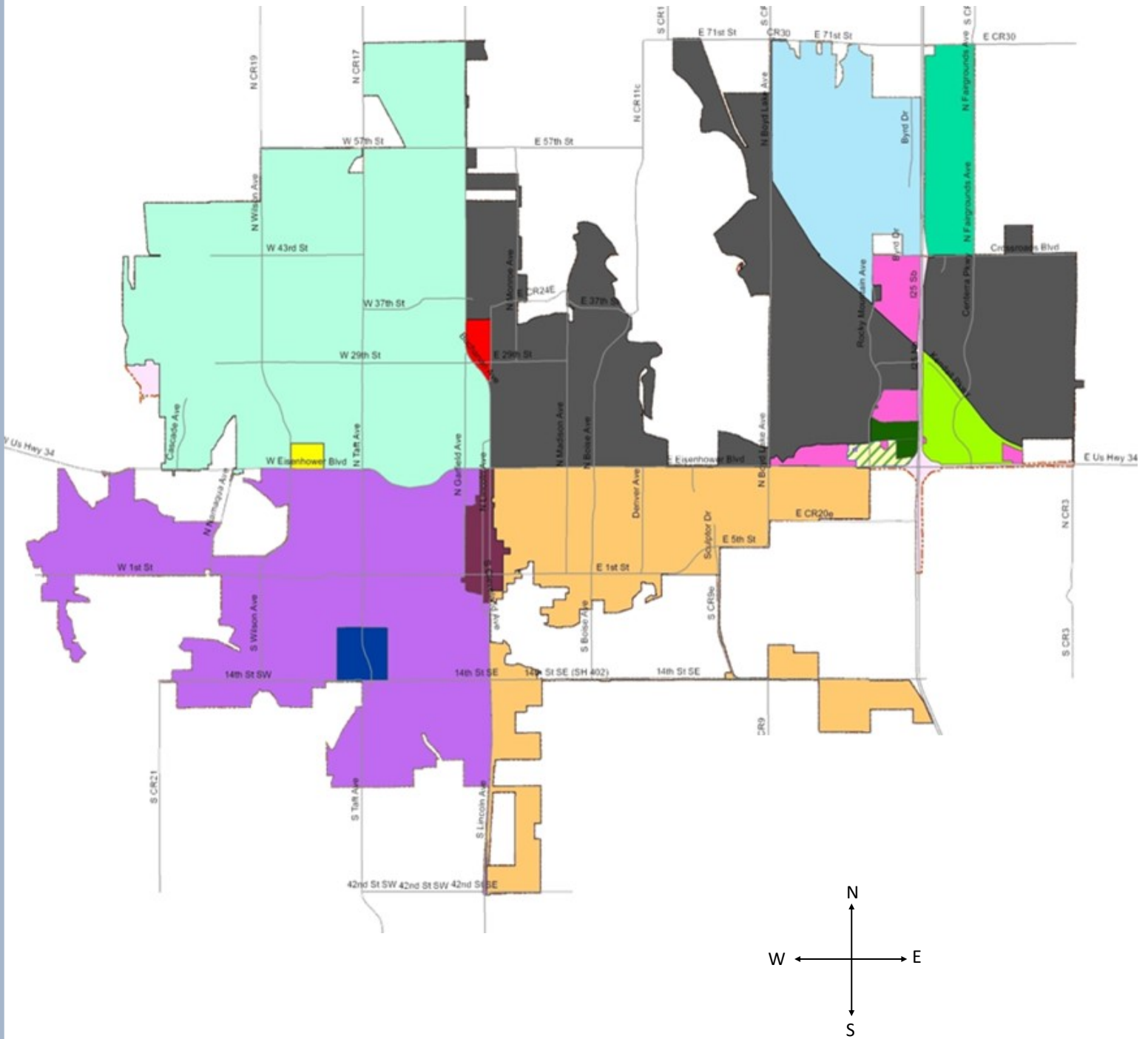
(1) Refers to sales tax remitted by vendors who are located outside of the City but make sales to customers within Loveland.

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



Map →

Geographical Codes



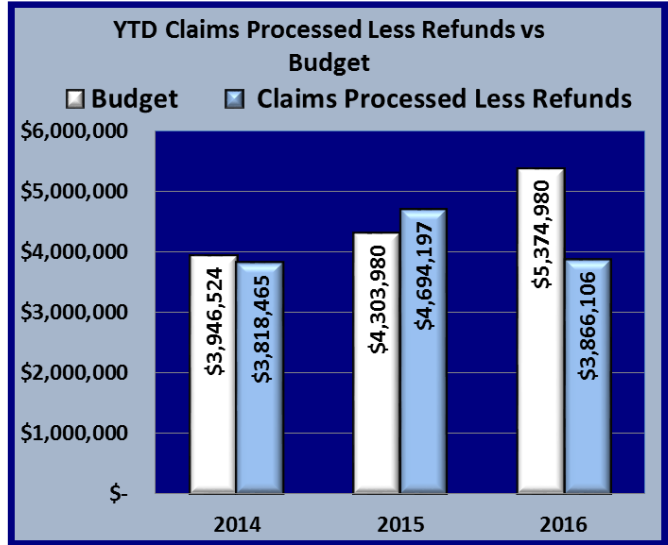
Sales Tax Collections

Description	YTD 2016	YTD 2015	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 3,838,529	\$ 3,909,166	\$ (70,637)	-1.8%	18.7%	18.7%
Restaurants & Bars	2,726,738	2,665,361	61,377	2.3%	13.3%	31.9%
Grocery Stores & Specialty Foods	2,319,375	2,186,287	133,088	6.1%	11.3%	43.2%
Building Material & Lawn & Garden Supplies	1,639,958	1,476,602	163,356	11.1%	8.0%	51.2%
Motor Vehicle Dealers, Auto Parts & Leasing	1,538,045	1,463,525	74,520	5.1%	7.5%	58.7%
Clothing & Clothing Accessories Stores	1,332,875	1,450,225	(117,350)	-8.1%	6.5%	65.2%
Utilities	1,026,801	1,056,867	(30,066)	-2.8%	5.0%	70.2%
Sporting Goods, Hobby, Book & Music Stores	880,394	870,334	10,060	1.2%	4.3%	74.5%
Used Merchandise Stores	755,586	701,488	54,098	7.7%	3.7%	78.1%
Broadcasting & Telecommunications	584,275	680,734	(96,459)	-14.2%	2.8%	81.0%
Beer, Wine & Liquor Stores	523,727	490,540	33,187	6.8%	2.5%	83.5%
Consumer Goods & Commercial Equipment Rental	510,327	419,820	90,507	21.6%	2.5%	86.0%
Hotels, Motels & Other Accommodations	442,763	439,621	3,142	0.7%	2.2%	88.2%
Electronics & Appliance Stores	385,650	325,949	59,701	18.3%	1.9%	90.0%
Health & Personal Care Stores	360,534	350,868	9,666	2.8%	1.8%	91.8%
Electronic Shopping & Mail-Order Houses	347,796	302,655	45,141	14.9%	1.7%	93.5%
Furniture & Home Furnishing Stores	288,534	267,545	20,989	7.8%	1.4%	94.9%
Gasoline Stations with Convenience Stores	206,266	198,672	7,594	3.8%	1.0%	95.9%
Office Supplies, Stationery & Gift Stores	131,911	162,490	(30,579)	-18.8%	0.6%	96.5%
All Other Categories	712,813	654,543	58,270	8.9%	3.5%	100.0%
Total	\$20,552,897	\$ 20,073,292	\$ 479,605	2.4%	100.0%	

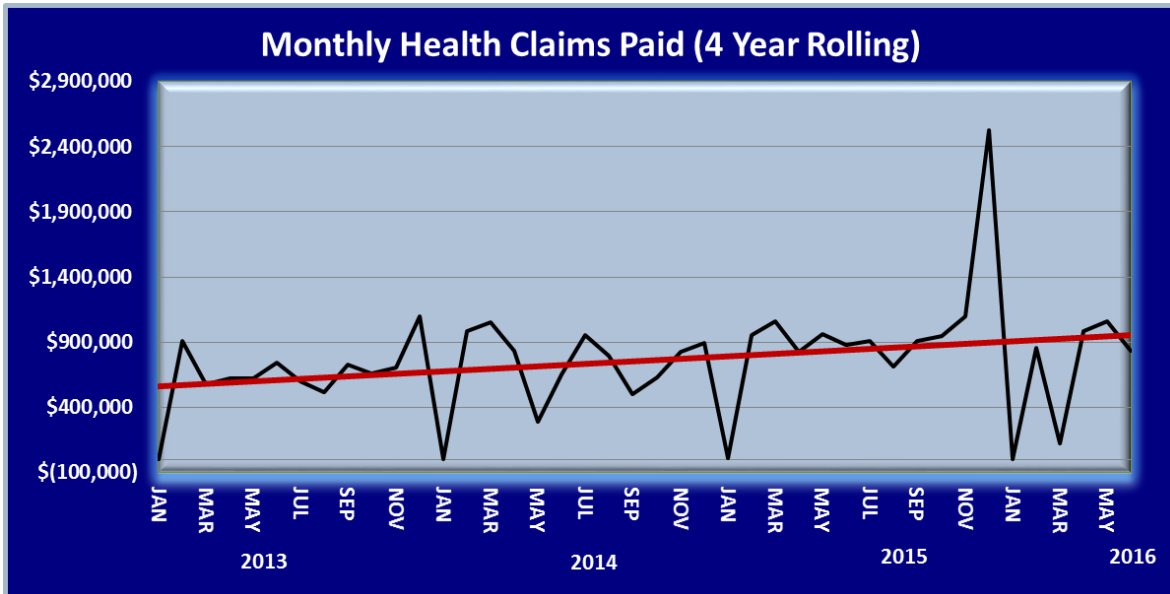
Claims Incurred

		OAP	HRA	Total
2016	June	668,339	93,633	761,972
	YTD	4,576,750	918,626	5,495,376
2015	June	615,462	298,468	913,930
	YTD	4,260,958	1,429,276	5,690,235
Change	June	52,877	(204,835)	(151,958)
	June	8.6%	-68.6%	-16.6%
	YTD	315,792	(510,651)	(194,859)
	% YTD	7.4%	-35.7%	-3.4%

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



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



June	2013	2014	2015	2016
# of claims	32	36	40	38
YTD Cost of high claims	\$1,703,735	\$3,340,125	\$3,302,791	\$3,091,305

- ⇒ 2016 # of StopLoss claims: 4
- ⇒ Projected YTD Reimbursements: \$115,466 (claims over \$175k paid by StopLoss Carrier)

Activity Measures

Measures	Jun 2014	Jun 2015	Jun 2016	2014 YTD	2015 YTD	2016 YTD
# of Building Permits	216	313	238	1,085	1,297	1,330
Building Permit Valuations	\$ 26,281,281	\$ 43,336,478	\$ 52,908,127	\$ 103,151,300	\$113,902,942	\$132,983,979
# of Certified Occupancies	21	36	101	103	181	418
Net # of Sales Tax Licenses	34	(43)	22	(114)	(89)	(26)
New Residential Electric Meter Sets	14	67	95	168	401	310
# of Utility Bills Sent	36,795	37,520	38,387	220,757	224,592	229,668
Rounds of Golf	17,814	17,648	17,740	46,368	49,745	47,203
\$ Average Health Claim Costs/Emp.	\$ 1,470	\$ 1,273	\$ 1,091	\$ 1,030	\$ 1,418	\$ 1,390
KWH Demand (kH)	123,388	132,087	147,111	606,195	590,509	585,657
KWH Purchased (kwh)	63,340,677	66,540,877	68,379,544	303,071,516	362,165,808	353,813,263
Gallons of Water Sold	417,383,294	231,984,603	366,305,524	1,292,752,441	1,060,477,336	1,134,446,980
# of Workers' Comp Claims 2015	11	7	10	46	47	45
\$ of Workers' Comp Claims Paid 2015	\$ 79,981	\$ 18,641	\$ 80,284	\$ 362,089	\$ 280,312	\$ 231,300
# of Total Open Claims	22	14	17	<i>Not Cumulative</i>		
\$ of Total Open Claims	\$ 426,052	\$ 457,804	\$ 480,048	<i>Not Cumulative</i>		
\$ of Lodging Tax Collected	\$ 74,171	\$ 77,117	\$ 77,403	\$ 347,434	\$ 373,106	\$ 368,662

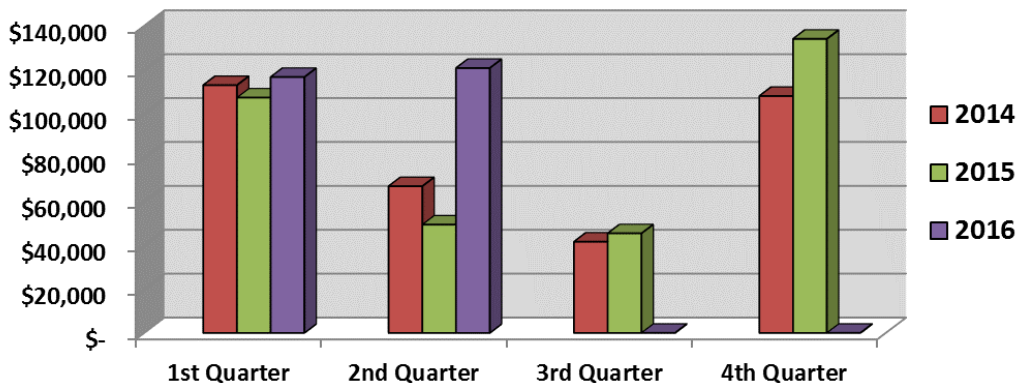


Quarterly Rialto Report

City of Loveland
Statement of Results of Operations for Rialto Theater Center
 For Quarter Ending 6/30/2016

	2016 YTD Amount	2016 YTD Budget	% of Budget	2015 YTD	Change from Prior Year
Rialto Theater					
Rialto Theater Revenues					
Revenues from Operations	141,344	102,300	138.17%	104,146	35.72%
Gifts/Donations	60,500	15,000	403.33%	20,000	202.50%
Transfers from Lodging Tax Fund	25,000	25,000	100.00%	25,000	0.00%
Total Rialto Theater Revenues	226,844	142,300	159.41%	149,146	52.09%
Rialto Theatre Expenses					
Personnel Costs	160,377	134,680	119.08%	143,001	12.15%
Supplies	13,827	11,815	117.03%	10,915	26.68%
Purchased Services	89,009	63,365	140.47%	89,690	-0.76%
Capital Outlay	-	-	0.00%	-	0.00%
Total Direct Costs	263,213	209,860	125.42%	243,606	8.05%
Administrative Allocations	91,800	91,800	100.00%	76,190	20.49%
Total Rialto Theater Expenses	355,013	301,660	117.69%	319,796	11.01%
Rialto Theater Net Income (Loss)	(128,170)	(159,360)	80.43%	(170,650)	-24.89%
Rialto Event Center					
Rialto Event Center Revenues					
Revenues from Operations	10,415	8,340	124.88%	7,401	40.72%
Gifts/Donations	-	-	0.00%	-	0.00%
Total Event Center Revenues	10,415	8,340	124.88%	7,401	40.72%
Rialto Event Center Expenses					
Personal Services	9,315	14,120	65.97%	14,284	-34.79%
Supplies	59	630	9.30%	-	#DIV/0!
Purchased Services	16,272	25,910	0.00%	2,959	449.99%
Capital Outlay	-	-	0.00%	-	0.00%
Total Rialto Event Center Expenses	25,645	40,660	63.07%	17,243	48.73%
Rialto Event Center Net Income (Loss)	(15,230)	(32,320)	47.12%	(9,842)	54.75%
Grand Total Rialto Theater Center Revenues	237,259	150,640	157.50%	156,547	51.56%
Grand Total Rialto Theater Center Expenses	380,659	342,320	111.20%	337,039	12.94%
Rialto Theater Center Net Income (Loss)	(143,400)	(191,680)	74.81%	(180,491)	-20.55%

Rialto Theater Center Quarterly Revenue Comparison



SnapShot

June 2016



Financial Sustainability Strategies Can Be

Found At:

CityofLoveland.org

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

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

For more information regarding this report contact:

Brent Worthington

Finance Director

970.962.2300 or brent.worthington@cityofloveland.org



AGENDA ITEM: 14
MEETING DATE: 8/2/2016
TO: City Council
FROM: Alan Krcmarik
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor



TITLE:
Investment Report for June 2016

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the June monthly report, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.07%. For the year-to-date, total earnings of \$1,206,918 have been posted to City fund accounts. U.S. short-term Treasury interest rates fell sharply in June; the portfolio's change in unrealized gain for the year-to-date rose to nearly \$2.3 million. The end of June portfolio market value is estimated to be \$220.5 million. The total market value of the portfolio is now higher than the end of 2015 by about \$3.2 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of \$226.3 million.

BACKGROUND:

At the end of June, the City's portfolio had an estimated market value of \$220.5 million, about \$2.7 million more than a month ago. Of this amount, USBank held \$194.7 million (including accrued interest) in trust accounts; other funds are held in local government investment pools, in operating accounts at First National Bank, and a few other miscellaneous accounts. Interest rates trended to all-time record lows in 2012-2013 before rising in the second half of 2014. Through 2015 interest rates cycled down, up, down, and back up through December. Despite rising in April and May, rates were still down sharply from the end of 2015. The volatile swings in rates have continued into 2016. The June interest rates were down sharply due to the uncertainty of impacts caused by the vote in Great Britain to leave the European Union. Short-term rates are projected to rise later in 2016 and are dependent upon the actions of the Federal Open Market Committee. City investments are in U.S. Treasury Notes, high-rated U.S. Agency Bonds, highly-rated corporate bonds, money market accounts, insured certificates of deposit and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to nearly \$2.2 million annually.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Investment Focus June 2016



Loveland Municipal Building

Investment Focus

Monthly Investment Report

June 2016

What's in here?

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

Focal Points

- * **The 2016 targets for the City's portfolio:**
 1) interest rate = **1.02%**; 2) earnings = **\$2,199,328.**
- * **City investments are in high-quality, low-risk securities to comply with Colorado law and the City's investment policy.**
- * **Interest earnings posted for the month totaled \$345,388. Year-to-date earnings total \$1,206,918.**
- * **Each 1% of market value amounts to nearly \$2.2 million.**
- * **The month-end market value shows the unrealized gain is estimated to be **\$1,559,115** at the end of June.**

Wealth Bubble In 'Scary Graph' Flashes Warning About Future U.S. Downturn
Rising asset prices stoke worries about bubbles forming

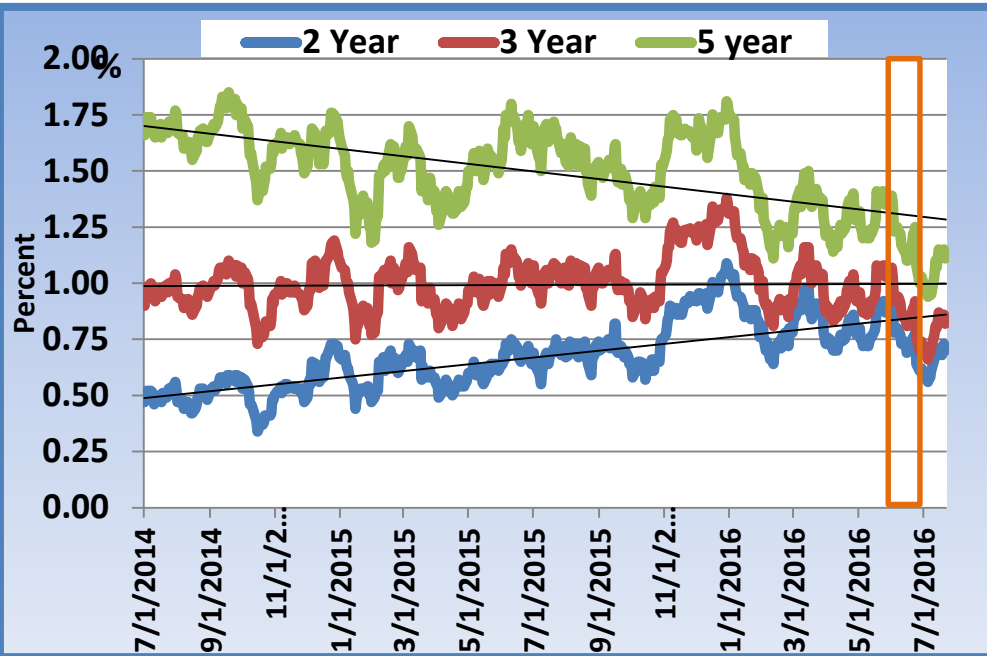
"Veteran economists Daniel Thornton and Joe Carson are concerned that the swelling of wealth could prove unsustainable because it has far out-stripped the growth of the economy since mid-2009." "Household net worth ballooned in the late 1990s and early 2000s; in the first instance pumped up by rising stock prices, in the second by expanding home values. Both cases ended badly, with the economy falling into recession after the bubble burst."

continued on page 2

Type of Investment	Purchase Price	Market Price	Unrealized Gain/Loss
Checking Accounts	\$ 20,679,369	\$ 20,679,369	-
Investment Pools	\$ 5,044,150	\$ 5,044,150	-
Money Markets	\$ 35,044,881	\$ 35,044,881	-
Subtotal	\$ 60,768,400	\$ 60,768,400	-
Notes, Bonds, and CDs	\$ 158,135,483	\$ 159,694,598	\$ 1,559,115
Total Portfolio	\$ 218,903,883	\$ 220,462,998	\$ 1,559,115
Data sources	(Morgan Stanley)	(US Bank)	6/30/2016

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

Treasury Rate Trends/Household Wealth Bubble



Interest rates on U.S. Treasury notes fell sharply in June. The 2-year note was down 29 basis points, the 3-year note fell 32 basis points, and the 5-year Treasury was down 36 basis points.

When rates moved lower, the price of securities held in the portfolio increased, resulting in a much higher unrealized gain at month end.

Continued from Page 1. "As a share of disposable personal income, household net worth hit a record high 652.7 percent in the first quarter of last year. (For comparison purposes, the high during the housing boom was 648.3 percent at the end of 2006.)...The problem is that 'the financial cycle is way ahead of the economic cycle.' That's a worry given that the past two downturns were driven by asset-price deflation."

Household Wealth Flashes Warning Sign Last two run-ups preceded recessions



(Source: "Wealth Bubble in 'Scary Graph'" by Rich Miller from Benchmark, July 22, 2016.)

Bottom Line: Plus 1.8% to Beginning Balance

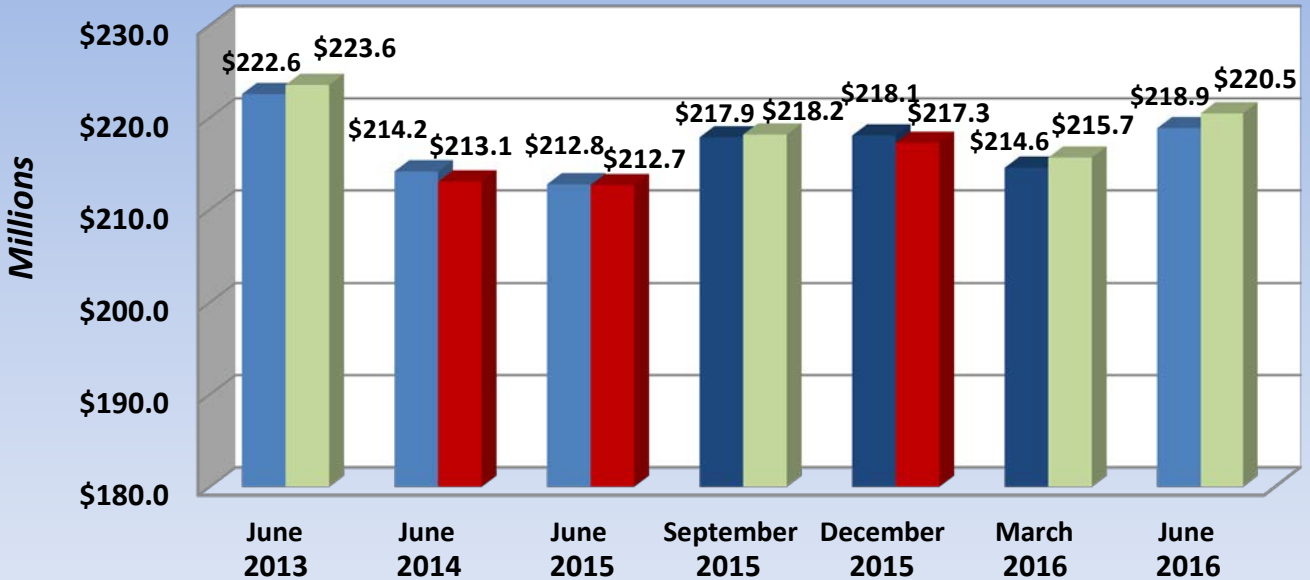
		2016 Beginning	YTD Activity	Month End Total
Restricted Reserves				
1	Capital Expansion Fees	\$ 30,529,948	\$ 1,160,612	\$ 31,690,561
2	Water System Improvement Fees	3,463,847	(1,515,986)	1,947,861
3	Raw Water Revenue - Windy Gap	21,258,069	(1,247,225)	20,010,844
4	Wastewater System Imp. Fees	8,190,570	143,595	8,334,164
5	Storm Drainage System Imp. Fees	2,029,191	192,930	2,222,121
6	Power Plant Investment Fees	2,882,209	302,017	3,184,226
7	Cemetery Perpetual Care	2,765,890	7,330	2,773,220
8	Other Restricted	31,401,906	(3,229,564)	28,172,342
9	Total Restricted	\$ 102,521,630	\$ (4,186,291)	\$ 98,335,340
Committed / Assigned				
10	General Fund	\$ 11,224,908	\$ 2,200	\$ 11,227,108
11	Enterprise Funds	6,693,603	221,427	6,915,030
12	Internal Service Funds	12,313,489	6,123,681	18,437,170
13	Total Committed / Assigned	\$ 30,232,000	\$ 6,347,309	\$ 36,579,308
14	Total Restricted/Committed/Assigned	\$ 132,753,630	\$ 2,161,018	\$ 134,914,648
Unassigned Balance				
15	General Fund	\$ 34,406,367	\$ (904,543)	\$ 33,501,824
16	Airport	1,830,922	120,811	1,951,733
17	Internal Service - Vehicle Maint.	5,670	91,007	96,677
18	Enterprise Funds	46,105,905	2,333,193	48,439,098
19	Total Unassigned	\$ 82,348,864	\$ 1,640,468	\$ 83,989,332
20	TOTAL FUND BALANCE	\$ 215,102,494	\$ 3,801,486	\$ 218,903,980

Source: City of Loveland Budget Office

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

Portfolio Growth Trend / Types of Investments

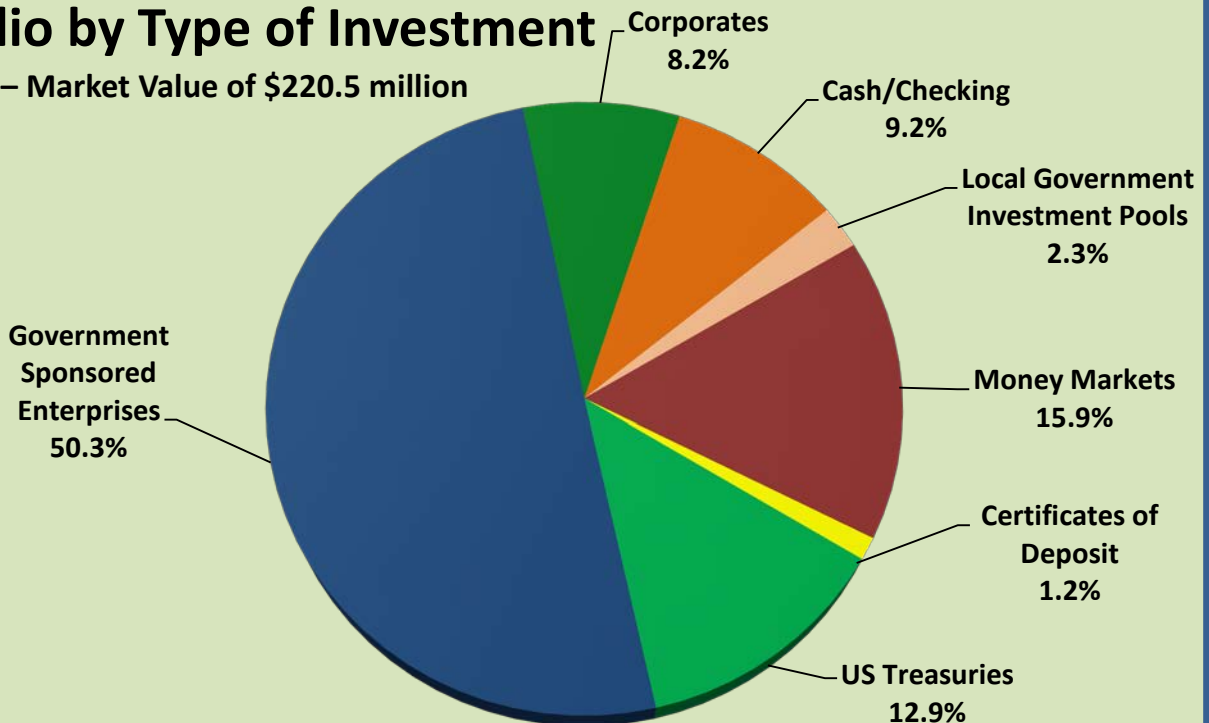
Portfolio Size Since June 2013



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

Portfolio by Type of Investment

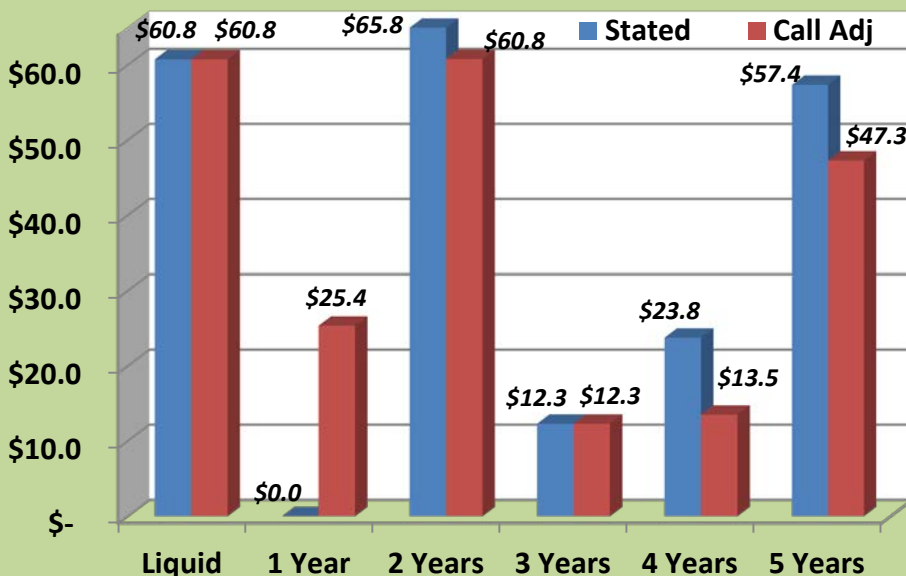
June 2016 – Market Value of \$220.5 million



Transactions / Portfolio by Maturity

	Maturity Date	Face Value \$	Purchase \$	Rate
Purchases				
Federal Home Loan Bank	6/16/2023	\$ 5,000,000.00	\$ 4,999,750.00	2.010%
Fed. Home Loan Mortgage Corp.	6/30/2021	5,000,000.00	5,000,000.00	1.750%
Wells Fargo Company	3/02/2021	<u>3,000,000.00</u>	<u>3,061,950.00</u>	2.500%
		\$ 13,000,000.00	\$ 13,061,700.00	
Matured				
None this month				
Called				
			Call Value \$	
Fed. Home Loan Mortgage Corp.	06/12/2018	\$ 5,000,000.00	\$ 5,000,000.00	1.200%
Federal Farm Credit Bank	09/30/2020	<u>5,000,000.00</u>	<u>5,000,000.00</u>	1.000%
		\$ 10,000,000.00	\$ 10,000,000.00	
Sales				
			Gain/(Loss) \$	
U.S. Treasury Note	09/30/2019	\$ 4,000,000.00	\$ 127,516.78	1.750%
Westpac Banking Corp.	11/23/2018	<u>\$ 1,000,000.00</u>	<u>\$ 8,872.99</u>	1.950%
		\$ 5,000,000.00	\$ 136,389.77	

Portfolio by Estimated Maturity Term
(in millions - Total = \$220.5 at the end of the month)



The target interest earnings rate for 2016 is 1.02%. Rates have been volatile over recent months and reached all-time lows for the 10-year treasury.

To support earnings, or to reposition the portfolio, bonds may be sold. Sales have netted \$190,948.13 this year.

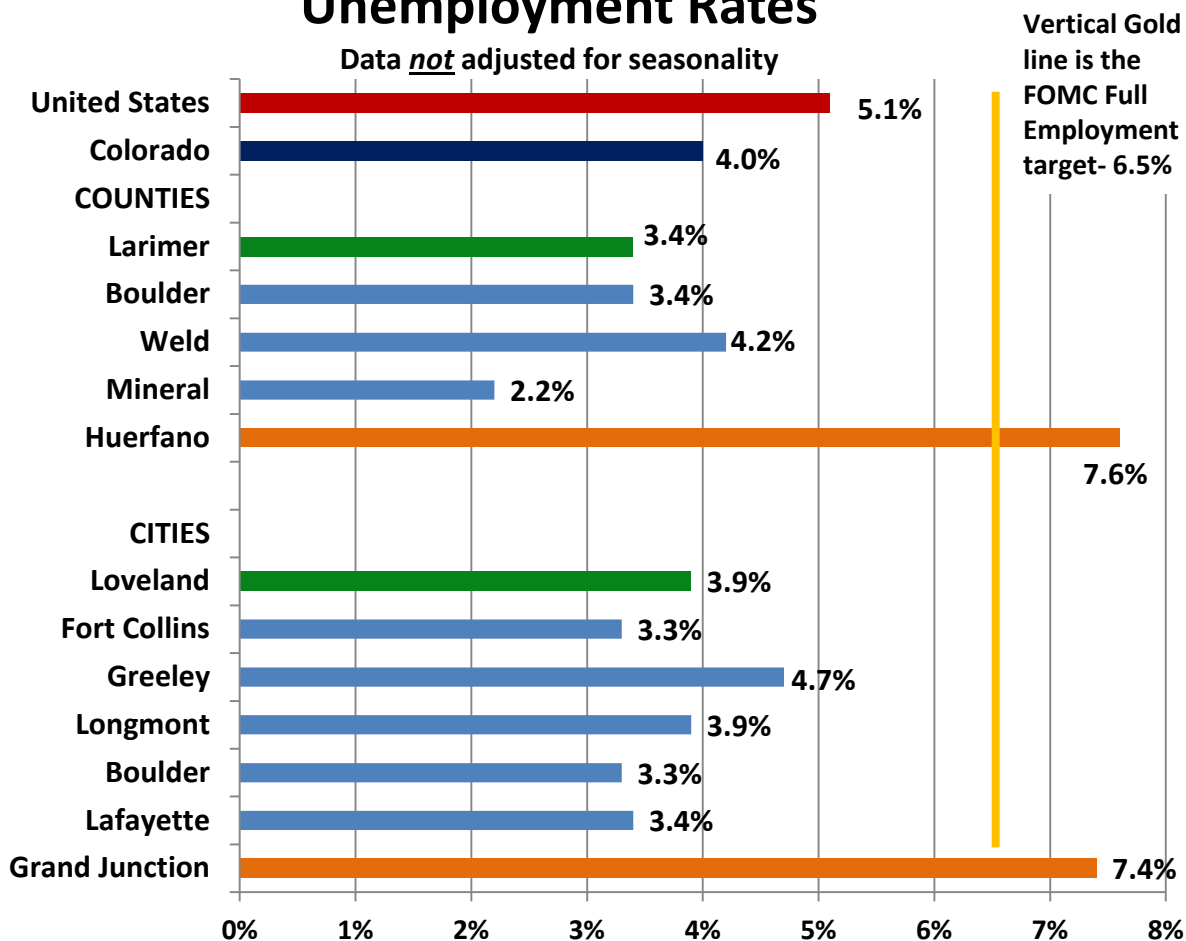
Blue bars show the stated term; red bars show possible calls.

- ❑ Loveland’s employed workforce contracted in June, **down 81** jobs from May.
- ❑ Compared to June of 2015, there are **829 more** jobs reported by Loveland residents.

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

Unemployment Rates

Data *not* adjusted for seasonality



Current “missing worker” estimates at a glance

Updated July 8, 2016, based on most current data available.

Total missing workers,
June 2016:
2,630,000

Unemployment rate if
missing workers were
looking for work:
6.4%

Official
unemployment rate:
4.9%

In today’s labor market, the unemployment rate drastically understates the weakness of job opportunities. This is due to the existence of a large pool of “missing workers”—potential workers who, because of weak job opportunities, are neither employed nor actively seeking a job. In other words, these are people who would be either working or looking for work if job opportunities were significantly stronger. Because jobless workers are only counted as unemployed if they are actively seeking work, these “missing workers” are not reflected in the unemployment rate. When persons marginally attached to the labor force plus those employed part time for economic reasons are added to the official unemployment rate (the 4.70% number above right), the rate rises to **9.6%** (the seasonally adjusted U-6 number; the unadjusted number is **9.9%**).

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





Future Scan: Fed Meeting Outlook, Indicators, State Employment, Recession Data

❖ **June 26-27, 2016: The Fed to Meet – Expect No Change in Fed Fund Rates**

- “The dollar on Monday hovered near the four-month high as investors braced for monetary-policy decisions by the Federal Reserve and the Bank of Japan later this week.”
- “Though the Fed is widely expected to hold interest rates steady at the end of its two-day meeting on Wednesday, the anticipation of a more hawkish U.S. central bank appeared to be behind the dollar’s recent strength, analysts said.”
- “ ‘It is finally sinking in that domestic fundamentals in the U.S. are painting a better picture of the economy than what we saw post-Brexit and even pre-Brexit,’ said Juan Perez, a currency Trader at Tempus Inc., referring to the U.K.’s June 23 vote to leave the European Union. Recent economic data, including an upbeat reading of U.S. manufacturing released Friday, “cemented the idea that the dollar’s strength has reasons behind it—it’s not just speculation, but rather the difference in economic fundamentals between the U.S. and the EU.”

(Source: “Dollar hovers near 4-month high” by Ellie Ismailidou and Hiroyuki Kachi in *MarketWatch* online, July 25, 2016.)

❖ **Economic Indicators for mid-July, 2016**

- **Retail sales volume.** 17 of 23 countries reported that retail sales increased in the latest reporting period. The rate in the U.S. was 4.7%. Luxembourg was the high at 9.1%; Switzerland was the low at -1.6%.
- **Producer prices.** Of 23 countries in a survey, only New Zealand reported Producer Prices being higher in the current month than the prior month. Compared to a year ago, only four countries reported higher numbers. This suggests that very little inflation is in the global markets; deflation is a threat.
- **Wages/earnings.** Iceland led the year-over-year growth rated, up 5.3% The low was Belgium at -1.7%. The U.S. was at 2.0% growth in the middle of the pack.

(Source: “Retail sales, producer prices, wages,” in *The Economist* online extra, July 21, 2016.)

❖ **The June 2016 Colorado Employment Situation** was released July 22nd. Total nonfarm payroll jobs increased by 5,000 from May to June. Over the last 12 months, nonfarm payroll jobs increased by 61,500. The latest household survey data show Loveland’s unemployment rate to be 3.9%, ½% higher than May. Other cities and counties showed similar increases in their rates. The chart is on page 6. (Next Update August 19, 2016)

(Source: Colorado Department of Labor and Employment **June 2016 Colorado Employment Situation**, July 22, 2016.)

❖ **Recession Indicators:** Four indicators (Industrial Production, Nonfarm Employment, Real Personal Income, and Real Retail Sales) are the basis for determining a recession. Based on June data, Employment was **up 0.20%**, Industrial Production was **up 0.60%** and Real Retail Sales were up **0.36%**. May Real Income was **up just 0.08%**. “The US economy has been slow in recovering from the Great Recession, and the overall picture has been a mixed bag for well over a year and counting. Employment and Income have been relatively strong. Real Retail Sales have been weak at best over the past year, and Industrial Production has essentially been in a recession.”

(Source: **Advisor Perspectives**, Doug Short, July 15, 2016.)

For more information about this report please contact:

Alan Krcmarik, Executive Fiscal Advisor 970 962-2625 Alan.Krcmarik@cityofloveland.org



AGENDA ITEM: 15
MEETING DATE: 8/2/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Kerri Burchett, Current Planning



TITLE:

1. **An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Waters Edge Addition" To The City Of Loveland**
2. **An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Waters Edge Addition" To The City Of Loveland**

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action as recommended by the Planning Commission:

1. Move to adopt on second reading the ordinance annexing the Waters Edge Addition to the City of Loveland; and
2. Move to adopt on second reading the ordinance zoning the Waters Edge Addition to the City of Loveland to R1-Developing Low Density Residential.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The property would remain outside city limits and the applicant could request development in unincorporated Larimer County.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the applicant in proceeding to the additional city applications necessary for development of the property.

SUMMARY:

This is a consideration of the following items on second reading:

- A legislative action to adopt an ordinance to annex 82.6 acres of property to be known as the Waters Edge Addition; and
- A quasi-judicial action to zone the 82.6 acres to R1 Developing Low Density Residential District.

The property is located north of 28th Street SW, south of Ryan’s Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. The applicant is Lynda Beierwaltes with Luxor, LLC.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

The proposal is to annex and zone the Waters Edge Addition, as the first step towards developing a low density residential subdivision. The property is contiguous to city limits and borders the Lakeside Terrace Estates developments. The proposal is to zone the property R1-Developing Low Density Residential, which is consistent with the City's Comprehensive Master Plan designation.

The public hearing for the annexation and zoning proposal was held on June 7th. At the hearing, neighborhood residents expressed concerns with the annexation and development and requested that the City consider purchasing the property as open space. The consensus of the Council was for the developer and homeowners to explore the possibilities of a joint purchase with a possible match of some kind from the City. City Council unanimously adopted the annexation and zoning ordinances on first reading, however second reading was postponed to August 2nd to allow the neighborhood time to research and pursue possible funding mechanisms to purchase the property.

After the City Council hearing, residents from the Lakeside Terrace neighborhoods organized and met several times with the applicant, Bill Beierwaltes, and Alan Krcmarik, the City's Economic Advisor, to research special tax districts and other possible funding solutions. The residents have scheduled a neighborhood meeting that will be held on July 21st and will be prepared to present an update to City Council at the hearing.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. Ordinance approving the annexation
2. Ordinance relating to zoning
3. Signed Annexation Agreement
4. Staff PowerPoint Presentation

FIRST READING: June 7, 2016

SECOND READING: August 2, 2016

ORDINANCE NO. 6034

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "WATERS EDGE ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That a Petition for Annexation, together with copies of the map of said territory as required by law, was filed with the City on April 14, 2016, by more than fifty percent (50%) of the owners who own more than fifty percent (50%) of the area of the territory hereinafter described, exclusive of public streets and alleys. The Council, by resolution at its regular meeting on June 7, 2016, found and determined that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S. and further determined that an election was not required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S. and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as "**WATERS EDGE ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

That portion of the South Half of Section 27 and that portion of the North Half of Section 34, all being in Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 27 as bearing North 89°46'28" West and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of the Southeast Quarter of said Section 27; thence along the South line of the Southwest Quarter of said Section 27 North 89°46'49" West 952.24 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of said Section 27 and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 1256.77 feet; thence departing said Westerly right-of-way of Larimer County Road No. 16 South 89°31'29" East 30.00 feet, more or less, to a point on the Westerly line of that certain parcel of land as described in Deed recorded at Reception No. 97073349, records of said County; thence along said Westerly line of said certain parcel of land as described in Deed recorded at Reception

No. 97073349 North 00°28'31" East 225.76 feet and again North 51°31'32" East 179.34 feet, more or less, to a point in the Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309, records of said County; thence departing said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 and along said Southerly lines of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 the following nine (9) courses and distances: 1) South 52°15'00" East 24.41 feet; 2) North 89°40'00" East 643.24 feet; 3) North 70°31'30" East 355.66 feet; 4) North 00°00'00" East 368.32 feet; 5) North 57°43'00" West 271.65 feet; 6) North 10°46'00" East 216.89 feet; 7) North 55°40'00" East 210.16 feet; 8) South 73°01'30" East 489.04 feet; 9) South 29°17'30" East 306.32 feet, more or less, to the Northwest corner of Lakeside Terrace Third Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 and along the Westerly line of said Lakeside Terrace Third Addition South 00°13'32" West 1585.18 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; thence departing said Westerly line of said Lakeside Terrace Third Addition and along the Southerly line of said Lakeside Terrace Third Addition South 89°46'28" East 340.00 feet, more or less, to a point on the Westerly line of Lakeside Terrace Estates P.U.D. Second Addition And Subdivision to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of said Lakeside Terrace Third Addition and along the Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision the following five (5) courses and distances: 1) South 00°13'32" West 60.00 feet; 2) South 24°23'19" West 225.78 feet; 3) South 00°13'32" West 180.00 feet; 4) North 89°46'28" West 10.00 feet; 5) South 00°13'32" West 141.99 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; said point also being a point on the Southerly right-of-way line of Larimer County Road No. 16; thence departing said Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision and along said Southerly right-of-way line of Larimer County Road No. 16 North 89°46'28" West 1059.46 feet and again North 89°46'49" West 952.37 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16; thence departing said Southerly right-of-way line of Larimer County Road and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the annexation of said territory is subject to the conditions set forth in the annexation agreement filed with the City of Loveland.

Section 5. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to Section 37-45-136 (3.6), C.R.S.

Section 6. Should any court of competent jurisdiction determine that any portion of the land annexed in this ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

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

Section 8. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

ADOPTED the 2nd day of August, 2016.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Assistant City Attorney

Ordinance # 6034

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 July 19, 2016 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 23, 2016 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on August 6, 2016.

City Clerk

Effective Date: August 16, 2016

FIRST READING: June 7, 2016

SECOND READING: August 2, 2016

ORDINANCE NO. 6035

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "WATERS EDGE ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "WATERS EDGE ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

R1 – DEVELOPING LOW-DENSITY RESIDENTIAL:

That portion of the South Half of Section 27 and that portion of the North Half of Section 34, all being in Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 27 as bearing North 89°46'28" West and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of the Southeast Quarter of said Section 27; thence along the South line of the Southwest Quarter of said Section 27 North 89°46'49" West 952.24 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of said Section 27 and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 1256.77 feet; thence departing said Westerly right-of-way of Larimer County Road No. 16 South 89°31'29" East 30.00 feet, more or less, to a point on the Westerly line of that certain parcel of land as described in Deed recorded at Reception No. 97073349, records of said County; thence along said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 North 00°28'31" East 225.76 feet and again North 51°31'32" East 179.34 feet, more or less, to a point in the Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309, records of said County; thence departing said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 and along said Southerly lines of that certain parcel of land as

described in Deed recorded in Book 1933 at Page 309 the following nine (9) courses and distances: 1) South 52°15'00" East 24.41 feet; 2) North 89°40'00" East 643.24 feet; 3) North 70°31'30" East 355.66 feet; 4) North 00°00'00" East 368.32 feet; 5) North 57°43'00" West 271.65 feet; 6) North 10°46'00" East 216.89 feet; 7) North 55°40'00" East 210.16 feet; 8) South 73°01'30" East 489.04 feet; 9) South 29°17'30" East 306.32 feet, more or less, to the Northwest corner of Lakeside Terrace Third Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 and along the Westerly line of said Lakeside Terrace Third Addition South 00°13'32" West 1585.18 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; thence departing said Westerly line of said Lakeside Terrace Third Addition and along the Southerly line of said Lakeside Terrace Third Addition South 89°46'28" East 340.00 feet, more or less, to a point on the Westerly line of Lakeside Terrace Estates P.U.D. Second Addition And Subdivision to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of said Lakeside Terrace Third Addition and along the Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision the following five (5) courses and distances: 1) South 00°13'32" West 60.00 feet; 2) South 24°23'19" West 225.78 feet; 3) South 00°13'32" West 180.00 feet; 4) North 89°46'28" West 10.00 feet; 5) South 00°13'32" West 141.99 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; said point also being a point on the Southerly right-of-way line of Larimer County Road No. 16; thence departing said Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision and along said Southerly right-of-way line of Larimer County Road No. 16 North 89°46'28" West 1059.46 feet and again North 89°46'49" West 952.37 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16; thence departing said Southerly right-of-way line of Larimer County Road and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

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

ADOPTED the 2nd day of August, 2016.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Assistant City Attorney

Ordinance # 6035

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 July 19, 2016 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 23, 2016 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on August 6, 2016.

City Clerk

Effective Date: August 16, 2016

**ANNEXATION AGREEMENT
PERTAINING TO THE
WATERS EDGE ADDITION
TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO**

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into this 19th day of May, 2016, by and between Luxor, LLC, (the "Developer"); and the CITY OF LOVELAND, COLORADO, a home rule municipality (the "City").

RECITALS

WHEREAS, the Developer owns +/- 82.68 acres, more or less, of real property located in Larimer County, Colorado, more particularly described in Exhibit A attached hereto, but not including any existing public streets and highways which may be included in said description, which description, by this reference, is incorporated herein and designated as "the Property";

WHEREAS, the Developer is requesting that the City annex and zone said Property to allow for the coordinated development of the Property to the benefit of the parties, including the City; and

WHEREAS, the City is unable to annex the Property under the terms of this Agreement without the consent of the Developer.

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

AGREEMENT

1. Consent to annexation. Developer has petitioned for the annexation of the Property described in the attached Exhibit A. The Developer hereby consents to the annexation of the Property subject to the terms of the Petition for Annexation and this Agreement. In the event the City enters into this Agreement prior to approval by the City Council of the annexation, the parties agree that the binding effect of this Agreement and the effectiveness of the annexation and zoning of the Property in accordance with the Developer's application is expressly conditioned upon such approval by the City Council and the execution and delivery of this Agreement by all parties thereto.

2. Terms of annexation.

A. CURRENT PLANNING

- i. Development of the property shall not exceed a gross density of 3 units per acre, as identified in the Low Density Residential Classification in the Comprehensive Master Plan. This density shall be calculated based on the developable area of the property, excluding environmentally sensitive areas identified in the Environmental Sensitive Areas Report dated December 14, 2015.
- ii. Subsequent development plans and subdivision plats for the property shall include residential design standards to demonstrate compliance with the City's Comprehensive Master Plan and the city policies for creating non-garage dominated streetscapes.
- iii. The streetscape on 28th Street SW shall include a detached meandering sidewalk within a 40 foot landscape bufferyard. Landscaping within the bufferyard shall be consistent with the rural character of the surrounding area, incorporating an informally arranged mix of deciduous and coniferous trees and shrubs with naturalized grasses.
- iv. The concept plan submitted with the annexation proposal is not vested or approved as part of the annexation and zoning of the property.

B. PARKS AND RECREATION

- i. This project is adjacent to the future Front Range Regional Trail (former CR 16 ROW on west side being abandoned for trail and utility access). No permanent structures or landscape shall be permitted within this easement without Parks and Recreation permission. The City may allow some permanent landscape improvements if such improvements meet the Parks and Recreation Dept. planting standards. Any improvements or connections to the future trail shall be installed, owned and maintained by the developer.
- ii. Future development plans and subdivision plats shall demonstrate compliance with the findings and recommendations from the submitted Environmentally Sensitive Areas Report (ESAR) dated December 14, 2015.
- iii. Any environmental buffer setbacks resulting from the findings in the Environmentally Sensitive Areas Report shall be located within a separate tract or outlot that will be owned and maintained by the homeowners association.

C. TRANSPORTATION

- i. All public street improvements will need to comply with the Larimer County Urban Area Street Standards. Residential street lengths shall not exceed 660 feet. No dead end streets are permitted. Standards require the development to connect

to adjacent developed parcels at exiting street stubs or provide for a future connection to adjacent developable parcels every 1320 feet minimum around the all sides.

D. WATER/WASTEWATER

- i. With any development plans or subdivision plat the developer shall provide a 25 foot wide utility easement for a future water main at a location as shown in the current water master plan at the time of development.
- ii. With any development plans or subdivision plat the developer shall submit an approvable water and wastewater impact demand analysis that also determines a feasible wastewater solution for the development area.
- iii. With any development plans or subdivision plat the developer shall, unless previously constructed by others, design and construct a wastewater solution for this development.

E. STORMWATER

- i. Prior to approval of a Final Plat, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the minimum abutting rear lot corner elevations are no lower than 5019.28 (NGVD29 datum). In addition, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the residential home basement finished floor elevations are no lower than 5020.28 (NGVD 29 datum).

GENERAL PROVISIONS

3. Waiver of Damages. In the future, the Developer may be granted vested property rights associated with the approval of a site specific development plan within the Property. In the event that such vested property rights are granted, and the City applies an initiated or referred measure to the property which would (a) change any term of this Agreement, (b) impose a moratorium on development within the Property, or otherwise materially delay the development of the Property, or (c) limit the number of building or utility permits to which the Developer would otherwise be entitled, the Developer agrees to waive any right to damages against the City to which Developer may otherwise be entitled under the Vested Rights Statute.
4. Incorporation. The terms of this Agreement shall be deemed to be incorporated into the Developer's Petition for annexation of the Property.
5. Integration and Amendment. This Agreement represents the entire Agreement between the parties with respect to the Property and supersedes all prior written or oral agreements or understandings with regard to the obligations of the parties with regard to the Property. If conflicts between the Annexation Conditions listed in the

Loveland, CO 80537

A party may at any time designate a different person or address for the purposes of receiving notice by so informing the other party in writing. Notice by certified, return receipt requested mail shall be deemed effective as of the date it is deposited in the United States mail.

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

11. Applicable Law/Severability. This Agreement shall be construed in accordance with the laws of the State of Colorado. The parties to this Agreement recognize that there are legal restraints imposed upon the City by the constitution, statutes and laws of the State of Colorado, and that, subject to such restraints, the parties intend to carry out the terms and conditions of this Agreement. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement or any application thereof to a particular situation shall be held invalid by a court of competent jurisdiction, such provision or application thereof shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or any other provision of this Agreement. Provided, however, if any obligation of this Agreement is declared invalid, the party deprived of the benefit thereof, shall be entitled to an equitable adjustment in its corresponding obligations and/or benefits and, in that event, the parties agree to negotiate in good faith to accomplish such equitable adjustment.

12. Paragraph or Section Headings. Paragraph or Section headings in this Agreement are for convenience only and are not to be construed as a part of this Agreement or in any way limiting or amplifying the provisions hereof.

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

THE CITY OF LOVELAND, COLORADO

By: _____
William Cahill, City Manager

ATTEST:

City Clerk

EXHIBIT A
(legal description)

PROPERTY DESCRIPTION – WATERS EDGE ADDITION

That portion of the South Half of Section 27 and that portion of the North Half of Section 34, all being in Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 27 as bearing North 89°46'28" West and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of the Southeast Quarter of said Section 27; thence along the South line of the Southwest Quarter of said Section 27 North 89°46'49" West 952.24 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of said Section 27 and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 1256.77 feet; thence departing said Westerly right-of-way of Larimer County Road No. 16 South 89°31'29" East 30.00 feet, more or less, to a point on the Westerly line of that certain parcel of land as described in Deed recorded at Reception No. 97073349, records of said County; thence along said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 North 00°28'31" East 225.76 feet and again North 51°31'32" East 179.34 feet, more or less, to a point in the Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309, records of said County; thence departing said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 and along said Southerly lines of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 the following nine (9) courses and distances: 1) South 52°15'00" East 24.41 feet; 2) North 89°40'00" East 643.24 feet; 3) North 70°31'30" East 355.66 feet; 4) North 00°00'00" East 368.32 feet; 5) North 57°43'00" West 271.65 feet; 6) North 10°46'00" East 216.89 feet; 7) North 55°40'00" East 210.16 feet; 8) South 73°01'30" East 489.04 feet; 9) South 29°17'30" East 306.32 feet, more or less, to the Northwest corner of Lakeside Terrace Third Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 and along the Westerly line of said Lakeside Terrace Third Addition South 00°13'32" West 1585.18 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; thence departing said Westerly line of said Lakeside Terrace Third Addition and along the Southerly line of said Lakeside Terrace Third Addition South 89°46'28" East 340.00 feet, more or less, to a point on the Westerly line of Lakeside Terrace Estates P.U.D. Second Addition And Subdivision to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of said Lakeside Terrace Third Addition and along the Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision the following five (5) courses and distances: 1) South

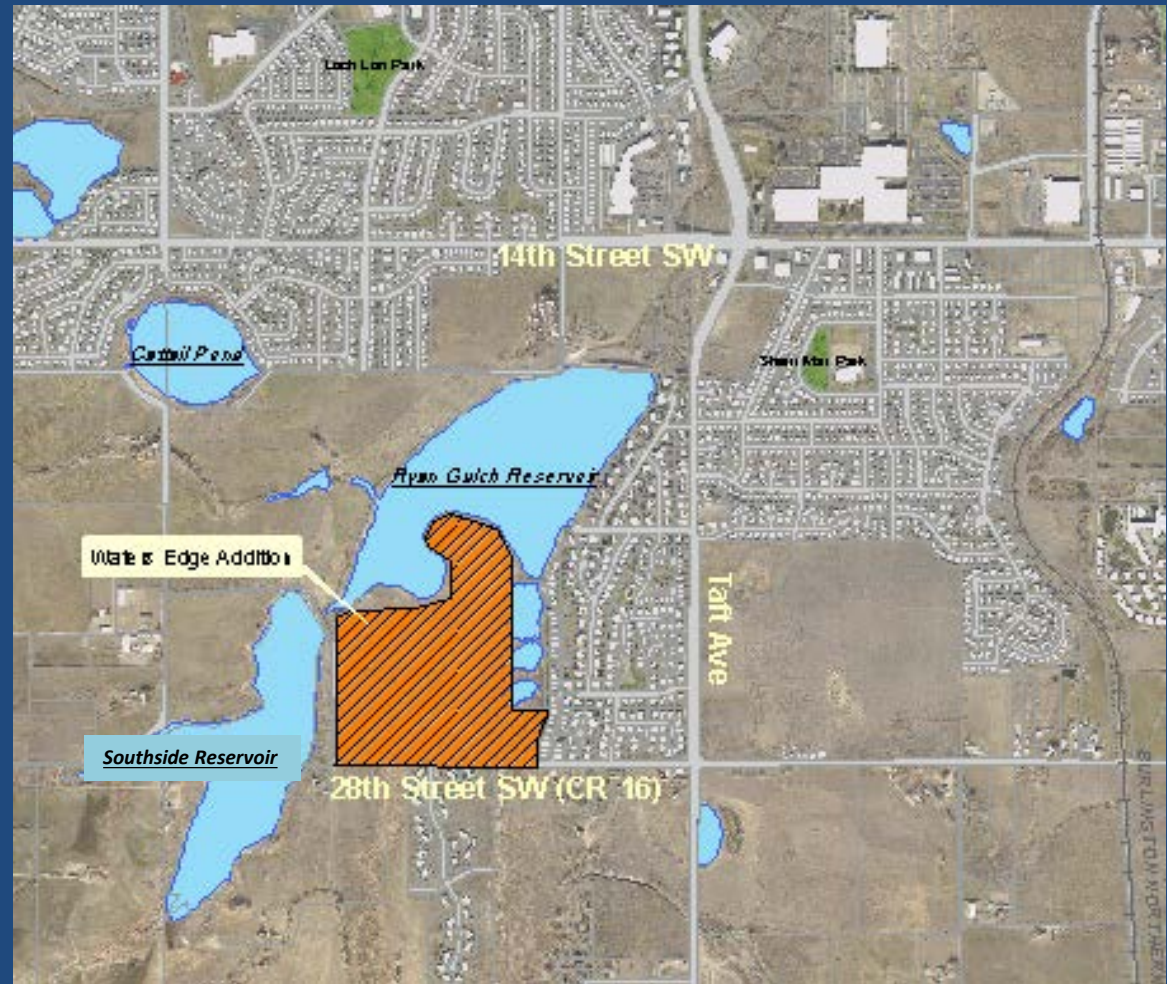
00°13'32" West 60.00 feet; 2) South 24°23'19" West 225.78 feet; 3) South 00°13'32" West 180.00 feet; 4) North 89°46'28" West 10.00 feet; 5) South 00°13'32" West 141.99 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; said point also being a point on the Southerly right-of-way line of Larimer County Road No. 16; thence departing said Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision and along said Southerly right-of-way line of Larimer County Road No. 16 North 89°46'28" West 1059.46 feet and again North 89°46'49" West 952.37 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16; thence departing said Southerly right-of-way line of Larimer County Road and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.

Waters Edge Addition

Property Description:

- North of 28th Street SW (CR 16), south of Ryans Gulch, west of Taft Ave.
- 82.6 acres
- Zoning Requested
R1-Developing Low Density Residential
- Comprehensive Plan Designation: Low Density Residential 2-4 units per acre



City Staff & Planning Commission

- Recommending approval

City Council:

- Public hearing held on June 7th
- Neighborhood requested the property be purchased for open space.
- Annexation and zoning approved unanimously; delayed 2nd reading to allow neighborhood time to pursue funding possibilities.
- Representatives of Lakeside Terrace Estates met several times with the applicant and city staff to discuss special tax districts and other funding possibilities.
- A neighborhood meeting to discuss funding was held on June 21st. A representative from the neighborhood has prepared an update to present to City Council.

AGENDA ITEM: 16
MEETING DATE: 8/2/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Bob Paulsen, Current Planning Manager

**TITLE:**

An Ordinance Amending Title 18 Of The Loveland Municipal Code To Add A New Chapter 18.44 Regarding A Flexible Zoning Overlay District

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If denied, the flexibility to waive zoning standards would not be available, which may reduce reinvestment and redevelopment opportunities.
3. Adopt a modified action. Any modifications to the proposed would need to be specified in the motion.
4. Refer back to staff for further development and consideration. Substantive changes to the ordinance will require further review by the Title 18 Committee and a public hearing before the Planning Commission, delaying Council action by sixty days or more.

SUMMARY:

This is a legislative action item to consider adoption of the Flexible Zoning Overlay District provisions. This new chapter of the zoning code responds to the interest of City Council in providing property owners with relief from regulatory standards that may be restraining development. The provisions are intended to promote development and redevelopment opportunities in locations experiencing disinvestment or underutilization of land. Applications for overlay districts would require a neighborhood meeting, a public hearing before the Planning Commission, and an adoption hearing by City Council. This public input process is designed to ensure that resulting projects would be well-vetted and compatible with surrounding development.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The Flexible Zoning Overlay District provisions create a process for applicants (property owners/developers) to establish an overlay district and district plan that would specify development standards within the district boundaries. The plans submitted by an applicant could eliminate or modify any or all existing zoning standards, including standards for landscaping, architectural design, building height, setbacks or use allowances. However, standards relating to street improvements, stormwater and other infrastructure could not be waived or modified; nor could building safety, fire or emergency services requirements be modified through this process. City Council would have final authority to approve (or deny) overlay districts on a case-by-case basis. No properties would be automatically designated for "overlay status" with the adoption of this ordinance.

The overlay district would “float over” the existing zoning. On a case-by-case basis, the Council would have latitude to place conditions on the overlay districts to ensure compatibility with nearby land uses and timely project completion, including the option of setting expiration dates whereupon the overlay district would sunset. Once a district expires, the requirements of the underlying zoning would resume. A primary reason for establishing the flexible zoning standards through the overlay district approach versus an actual zone change is to allow this flexibility on a temporary or trial basis, averting the need for a permanent zone change.

The establishment of an overlay district and the approval of initial planning documents are designed to be accomplished with limited cost to applicants. The submittal of narrative descriptions and conceptual plans would be required at the discretionary stage; detailed engineering and architectural plans would be required at a subsequent, administrative stage. The building permit review process would follow the planning review process.

The overlay district provisions have been developed with guidance from the Title 18 Committee and the Planning Commission. The Title 18 Committee reviewed the proposal extensively in 2015 and 2016. The Commission conducted a study session on the provisions on January 25, 2016 and reviewed the materials in a series of public hearings starting in March. On May 9th, the Commission recommended approval of the provisions to City Council as part of the consent agenda.

Public outreach included a prominent article published in the Reporter Herald on February 13, 2016 followed by publication of an editorial on this topic. In addition, there have been numerous postings on the City web site as development of the provisions progressed. Prior to the study session and initial public hearing, an email announcement to over one hundred customers of the City’s development review process was provided. Standard notice requirements for public hearings have also been met. Public feedback has been limited; however, several private sector engineering and design consultants have responded favorably to the proposal.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance amending Title 18 to incorporate new chapter 18.44 into the Municipal Code
2. Flexible Zoning District Overlay Summary (June 20, 2016)
3. Staff Memorandum (including attachments thereto)
4. Planning Commission Minutes: April 25, 2016 and March 14, 2016
5. Powerpoint Presentation Slides

FIRST READING: August 2, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ADD A NEW CHAPTER 18.44 REGARDING A FLEXIBLE ZONING OVERLAY DISTRICT

WHEREAS, the City desires to provide an overlay zoning district with more flexible land use controls in areas of the community that are experiencing disinvestment or underutilization of land to stimulate innovative development and promote reinvestment; and

WHEREAS, the Planning Commission reviewed the proposed Chapter 18.44 Flexible Zoning Overlay District set forth below and, on May 9, 2016, made a recommendation to City Council to adopt such chapter.

WHEREAS, City Council desires to follow such recommendation and finds that an ordinance to provide a flexible zoning overlay district is in the City’s best interest.

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

Section 1. Title 18 of the Loveland Municipal Code is hereby amended by the addition of a new Chapter 18.44 which chapter shall read in full as follows:

Chapter 18.44

FLEXIBLE ZONING OVERLAY DISTRICT

Sections:

- 18.44.010 Purpose.**
- 18.44.020 Objectives of the flexible zoning overlay district.**
- 18.44.030 Definitions.**
- 18.44.040 Establishment of flexible zoning overlay districts.**
- 18.44.050 Eligibility criteria.**
- 18.44.060 Permitted uses and applicable development standards.**
- 18.44.070 Overlay district application requirements.**
- 18.44.080 Procedures for approval of flexible zoning overlay districts.**
- 18.44.090 Flexible zoning project plan application requirements.**
- 18.44.100 Procedures for approval of flexible zoning project plans.**
- 18.44.110 Expiration of a district and termination of a district plan.**

18.44.010 Purpose.

The purpose of this chapter is to provide standards and procedures for the establishment of flexible zoning overlay districts in areas of the community that are experiencing disinvestment or under-utilization of land. The flexible zoning overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls, including the opportunity for relief from use restrictions, development intensity limitations and associated standards included in the provisions of the underlying zoning.

18.44.020 Objectives of the flexible zoning overlay district.

Objectives to be achieved through the establishment of a flexible overlay zoning district are to:

- A. Further the intent and goals of adopted land use plans;
- B. Encourage investment in areas experiencing blight, disinvestment or underutilization of land;
- C. Create opportunities for development and redevelopment that would otherwise be unachievable.
- D. Promote coordination and cooperation between property owners that are interested in pursuing redevelopment initiatives;
- E. Facilitate design innovation with the reduction or elimination of certain land use and zoning controls;
- F. Ensure adequate public safety within and adjacent to district boundaries;
- G. Maintain quality standards for the provision of city services for properties within and adjacent to district boundaries; and
- H. Protect land uses and neighborhoods that are adjacent to flexible overlay zoning districts from material negative impacts.

18.44.030 Definitions.

The words, terms and phrases in this section shall have the meanings as set forth below, unless the context requires otherwise.

- A. “Flexible zoning overlay district” or “district” shall mean all land within a designated area that has been approved by the council following a public hearing with public notice that will be subject to the provisions of this chapter.
- B. “Flexible zoning overlay district plan” or “district plan” shall mean a general plan of development that complies with the requirements specified in this chapter.
- C. “Flexible zoning project” or “project” shall mean a development project located within a district that conforms to the established district plan.
- D. “Flexible zoning project plan” or “project plan” shall mean a site specific plan of development located within a district that complies with the requirements specified in this chapter.
- E. “Greenfield sites” shall mean open land that is not surrounded by or substantially constrained by development, including leapfrog development, and where there has

been no previous development activity other than agricultural uses or similar low-intensity uses.

- F. “Sensitive uses” shall mean single family and two-family homes, schools and daycare facilities, medical care facilities including hospitals, clinics and nursing facilities, or other uses that may be materially impacted in a negative manner by the location of a district or development project.

18.44.040 Establishment of flexible zoning overlay districts.

Establishment of a flexible zoning overlay district includes the following:

- A. Submittal of a complete application signed by owners of real property within the district boundaries;
- B. Review of the application by the development review team for completeness;
- C. Conducting a neighborhood meeting and public hearings by the planning commission and the council all of which shall be publicly noticed; and
- D. Approval of the district, district plan, and, if applicable, the project plan by council following the public hearing.

18.44.050 Eligibility criteria.

All districts shall meet the following eligibility requirements:

- A. District boundaries shall be consistent with the city’s infill definition where at least eighty percent of the district boundary is contiguous to properties within the city limits; greenfield sites are unsuitable for district designation;
- B. Property within the district boundaries is contiguous or separated only by public rights-of-way;
- C. District boundaries are reasonably discernable and distinguishable from adjacent land;
- D. The district use meets applicable Adequate Community Facilities (ACF) standards set forth in chapter 16.41;
- E. The district plan is consistent with the intent and goals of applicable land use plans and policies; however, a district plan may vary from the use, density and intensity provisions specified in the land use plan component of the Comprehensive Plan;
- F. The district plan has been designed to prevent incompatibility with adjacent and nearby property and land uses, particularly sensitive uses;
- G. Community benefits of the flexible zoning overlay district and the associated district plan shall outweigh any negative impacts to surrounding properties or to the community; and
- H. Establishment of the district encourages property investment and development which might otherwise not occur, and furthers a valid public purpose.

18.44.060 Permitted uses and applicable development standards.

- A. When a flexible zoning overlay district is established, the underlying zoning designation remains in place except as modified by the district plan.
- B. Once a district has been established and a district plan approved, subsequent development and redevelopment within the district must conform to the district plan.
- C. All property within a flexible zoning overlay district is subject to this title, except where specifically exempted in the district plan.

18.44.070 Overlay district application requirements.

- A. An application for establishment of a flexible zoning overlay district may be submitted by a property owner within the proposed district boundaries or by written consent of three city council members.
- B. An applicant must present preliminary plans for a proposed district at a concept review meeting prior to making an application to establish a district.
- C. Written consent from all owners of property within the proposed district boundaries must be provided before notice of a public hearing before the planning commission.
- D. The application shall include the following information along with information specified on the city's submittal checklist for establishment of a district:
 - 1. A written explanation of the community benefit that the district and district plan will provide and how the proposed development furthers the intent and goals of applicable land use plans and policies;
 - 2. A written explanation of how the proposed development achieves compatibility with surrounding uses, particularly sensitive uses;
 - 3. A purpose statement indicating how the district plan achieves compliance with the eligibility criteria listed in Section 18.44.050;
 - 4. A map of the proposed district boundaries, including all lots, tracts, outlots and rights-of-way;
 - 5. A list of all owners of real property within the district boundaries;
 - 6. A district plan which specifies the type and extent of development proposed, including the following components:
 - a. A master plan indicating the intensity and general configuration of the proposed use or uses;
 - b. An architectural concept plan that includes a building massing and height study;
 - c. A phasing plan, including a projected timeframe for each phase; and,
 - d. A listing of zoning standards that will be applicable to development within the district.

18.44.080 Procedures for approval of flexible zoning overlay districts.

- A. Review process. Upon receipt of a complete application within the allowed timeframe, the development review team will undertake the review procedures specified in chapter 18.39 of this title.
- B. Public notice requirements. Notice shall be provided in accordance with chapter 18.05, and conform to the notice distance requirements for rezoning applications as specified in Table 18.05-1.
- C. Neighborhood meeting. Prior to completion of the review process by the development review team, the applicant shall provide public notice for and conduct a neighborhood meeting.
- D. Planning commission.
 - 1. A public hearing shall be conducted with public notice before the planning commission following the neighborhood meeting.
 - 2. Notes from the neighborhood meeting, relevant application materials, written input from interested parties and a recommendation from the current planning manager as to whether the district plan meets the eligibility criteria of section 18.44.050 shall be forwarded to the planning commission for review at the public hearing.
 - 3. Based upon information received at the public hearing, the planning commission shall, by resolution within thirty days of the hearing, recommend approval, approval with conditions or denial of the district and district plan based on eligibility criteria of Section 18.44.050.
 - 4. The public hearing may be continued if the planning commission determines that additional information is necessary to consider before a decision can be rendered.
 - 5. If the applicant objects to any condition of approval placed by the planning commission upon the district plan, the planning commission shall recommend denial.
 - 6. The planning commission's recommendation shall be forwarded to the council along with the approved minutes of the public hearing and all other material considered by the planning commission in making its recommendation.
- E. City council. The council shall conduct a public hearing with public notice upon receipt of the recommendation of the planning commission, the approved minutes of any planning commission public hearing, and all materials considered by the planning commission in making its recommendation, and any materials submitted following any such planning commission hearing.
 - 1. Council shall approve, approve with conditions or to deny the district and the associated district plan based on eligibility criteria of section 18.44.050.
 - 2. Council may establish an expiration date for a district and for associated district plans.
 - 3. If the applicant objects to any condition of approval placed upon the district plan by the council, the district plan shall not be approved.

4. The council may remand a district plan to the planning commission for any reason.
 5. If the council approves a district plan, it shall adopt an ordinance establishing the district and the district plan. The adopted plan, signed by the mayor, the city attorney and the current planning manager, shall be recorded with the Larimer County clerk and recorder's office along with the adopting ordinance.
 6. The adopted overlay zone shall be designated on the official zoning map.
- F. A project plan may be considered concurrently with a district plan. When a concurrent submittal is made, the council shall have final decision making authority on both plans.
- G. A district plan shall be amended in the same manner it was approved unless the current planning manager determines that the proposed amendment meets the following criteria:
1. The amendment would not allow new uses;
 2. The amendment would not allow a change in development density or intensity greater than 20%;
 3. The amendment would not alter a condition approved by council; and
 4. There is no reason to believe that any party would be aggrieved by the amendment. Where these criteria have been met, the amendment shall be considered minor and the current planning manager shall have the authority to approve, approve with conditions or deny the amendment. Alternatively, the current planning manager may forward a minor amendment to the planning commission for determination at a public hearing with public notice.
- H. Planning commission decisions on district plan amendments may be appealed to council by a party in interest. The appeal shall be processed and heard as specified in chapter 18.80.

18.44.085 Flexible zoning project plan required.

Project plans are approved subsequent to or concurrently with approval of an associated district and district plan. Project plans are specific and detailed development plans that are reviewed and approved administratively unless approved concurrently with a district or district plan as specified in Section 18.44.80. Development within a flexible zoning overlay district must conform to an approved project plan.

18.44.090 Flexible zoning project plan application requirements.

Applications for flexible zoning project plans, including associated subdivision, infrastructure and related applications, shall be subject to the requirements for site development plans specified in chapter 18.46 and any conditions adopted by Council.

18.44.100 Procedures for approval of flexible zoning project plans.

- A. Development within an established district must be consistent with the approved district plan.

- B. Applications for approving or amending project plans shall be subject to the procedures for site development plans specified in chapter 18.39 and 18.46 unless project plans are approved as otherwise authorized by this chapter.
- C. Building permits. Any building permit issued for development or redevelopment within a district shall be consistent with the district plan and with the project plan approved for the property.

18.44.110 Establishment, extension, expiration and termination of a district and district plan.

Council has exclusive authority to establish with or without conditions, limit, terminate and extend districts and district plans.

- A. Districts and associated district plans shall be established for a period of forty-eight months from the date of the approval of the adopting ordinance, unless such ordinance specifies otherwise. When a district expires or is terminated, the district overlay designation on the official zoning map is removed and the authority of the underlying zoning regulations is reestablished. Any nonconforming uses or buildings resulting from a district expiration or termination will be subject to Chapter 18.56 of this title.
- B. The established expiration date for a flexible zoning overlay district may be extended by the council at the request of all property owners within the district. To be considered, a written extension request must be submitted to the city prior to the expiration date.
- C. Any district with an expiration date shall be approved only after the applicant has provided an agreement, in a form approved by the city attorney, that acknowledges the limited term of the district and the absence of any right to use or rely on the district beyond such term and indemnifies the city for any claim related to the expiration of the district.
- D. At the request of all property owners within a district or upon failure of the property owners to maintain any ongoing conditions of the district or district plan, or upon abandonment of the use permitted by the district and district plan, council may terminate the district and district plan.
- E. Subject to the foregoing, once a project plan is approved and any and all district or district plan conditions set by council have been fully satisfied, the district and the district plan shall not expire or terminate.
 - 1. Upon such approval and full satisfaction of any and all such conditions, the district property owner may request written certification from the current planning manager to this effect; and
 - 2. Upon receipt of such certification, the city clerk's office shall record the ordinance establishing the district and the district plan with the Larimer County clerk and recorder's office.

Section2. 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).

Dated this ____ day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

SUMMARY: FLEXIBLE ZONING OVERLAY DISTRICT

1. The Flexible Zoning District Overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls.
2. The City Council would have final authority to approve an Overlay District and a District Plan following staff review, a neighborhood meeting and a Planning Commission hearing.
3. Flexible Zoning Districts could be located anywhere in the City, except in greenfield areas (open land that is not surrounded by or constrained by development) or sites which do not meet the definition for infill.
4. The approved District Plan would supersede existing zoning requirements.
5. Flexible Zoning Overlay Districts would allow development that does not meet standard zoning requirements. Requirements such as building setbacks, height limitations, parking, landscaping and architectural standards, and use limitations could be reduced or completely waived.
6. Building code and infrastructure requirements for development could not be waived. Standards for street, stormwater, water, sewer, emergency services and building safety would still apply.
7. Flexible Zoning Overlay Districts would be established for specific locations and would “float” over existing zoning. Therefore, the underlying zoning would not change, but would be suspended unless the District expired or was terminated by the City Council.
8. Property owners (or City Council) could apply to establish a Flexible Zoning Overlay District.
9. Each district could include one or more properties, with no minimum size requirement.
10. Prior to submitting an application for an Overlay District, participating owners would be required to have a concept review meeting with development review staff.
11. To apply for Overlay District designation, applicants would be required to submit conceptual plans for the project area, provide a narrative explanation, and indicate what standard zoning requirements they are seeking to apply and which zone district requirements they would intend to modify or eliminate.
12. Upon staff review of an Overlay District application, a neighborhood meeting would be conducted with notice provided to property owners within an established radius of the site.
13. The Overlay District request could proceed to a Planning Commission hearing only if the development review team determined that infrastructure is available to serve the site.
14. The Planning Commission would review the proposal in a public hearing and make a recommendation to City Council, including any recommended conditions.
15. Council would conduct a public hearing and approve, approve with conditions or deny. Conditions could address expiration or termination of the Overlay.
16. Once approved, the applicant could submit a site development plan for (administrative) approval of any sites within the Overlay. Projects would only be subject to zoning standards specified in the approved Overlay District Plan plus other city infrastructure standards.



Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org/DC

STAFF MEMORANDUM

August 2, 2016

FROM: Bob Paulsen, Current Planning Manager, Development Services Department
TO: Loveland City Council
SUBJECT: Proposed amendment to Title 18 of the Municipal Code to incorporate new chapter 18.44 - Flexible Zoning Overlay District

SUMMARY OF THE FLEXIBLE ZONING OVERLAY DISTRICT

On August 2, 2016 the City Council is scheduled to conduct a public hearing on an ordinance that would establish a new chapter in the zoning code: Chapter 18.44 -- Flexible Zoning Overlay District. The chapter would allow property owners to pursue the establishment of a defined district and a plan for development that would allow relief from zoning standards. The district and district plan could specify partial or full waiver of zoning standards, including standards for use, setbacks, landscaping, building height, architectural design, lot size and lot coverage.

As an alternative to the provision of City financial incentives, the purpose of the overlay district is to stimulate development or redevelopment in areas where physical or financial obstacles are constraining development or reinvestment. To accomplish this purpose, the provisions have been designed minimize an owner's initial investment (and financial risk) by delaying the development of detailed engineering and architectural plans until discretionary approvals have been achieved. Detailed plans would be reviewed at the administrative level through the site development plan review process. Efforts to ensure compatibility would occur in the initial review and approval process where a neighborhood meeting and public hearings before the Planning Commission and City Council would be required.

The overlay provisions have been developed by the Planning staff with significant guidance from the Title 18 Committee and from the City Attorney's office. On May 9th, the Planning Commission, as part of the consent agenda, recommended that the City Council approve the overlay provisions. The Planning Commission's approval came after two previous public hearings and a study session at which the overlay provisions were reviewed in detail.

The annotated timeline beginning on the following page provides a summary of the development of the overlay provisions and the public review and hearing process which has occurred in the first half of 2016.

ATTACHMENTS

- A. Planning Commission staff report materials from the May 9, 2016, April 25, 2016 and March 14, 2016 public hearings.

ANNOTATED REVIEW AND HEARING TIMELINE

Throughout 2015

The Title 18 Committee reviewed draft versions of the Flexible Zoning Overlay District amendments (as prepared by staff) at a series of meetings in 2015. The primary objectives of the Committee are as follows:

- Provide regulatory relief as a viable alternative to public financial incentives.
- Make this tool available broadly throughout the community, requiring few location and size limitations but emphasis that it is a tool to stimulate development on difficult sites and sites that might otherwise not develop or redevelop.
- Keep initial costs low for developers. Engineering and architectural requirements should be required after discretionary approvals have been secured.
- The provisions should be available on a trial basis, avoiding permanent land use allowances that may not be desired.
- Allow Council to set expiration dates for the Districts.
- Use the neighborhood meeting and public hearing process to ensure that projects are well-vetted and compatible with surrounding development.

Late 2015 / 2016

Current Planning provided several web postings related to the proposed overlay provisions.

January 25, 2016

A Planning Commission study session was conducted on the Flexible Zoning Overlay District. The Commission was supportive of the purpose and content of the provisions as presented and directed staff to refine the provisions and conduct community outreach, with focus on obtaining feedback from development community customers.

February 13, 2016

A prominent Reporter-Herald article was published describing the overlay provisions. Planning staff worked with the newspaper to facilitate the article in effort to facilitate community awareness.

February 15, 2016

Reporter-Herald editorial supporting use of flexible overlay.

February 26, 2016

Email on flexible overlay sent to 60+ development review and Current Planning customers describing the provisions and providing a link to the text that would be presented to the Planning Commission on March 14th.

March 14, 2016

Planning Commission public hearing. The Commission voted to recommend the flexible overlay to City Council for adoption.

April 14, 2016

Title 18 Committee review. Upon further review of the provisions with Planning and Legal staff, it was determined that the provisions should be brought back to the Planning Commission on April 25, 2016 following review by the Title 18 Committee. The primary concern was the need to address the termination and/or expiration of approved overlay districts for which development proposals had not been acted upon within a reasonable timeframe. Neither staff nor the Title 18 Committee was comfortable allowing dormant districts to remain in place indefinitely.

April 25, 2016

Planning Commission public hearing. A number adjustments for clarity were proposed, including that the provisions would be available citywide, except on greenfield sites. The Commission continued the hearing to May 9th so that further adjustments relating to district expiration/termination provisions be made.

May 9, 2016

Planning Commission public hearing. The Commission approved the flexible overlay provisions as part of the consent agenda—consequently, there are no Planning Commission minutes from this meeting being forwarded to the City Council. Minutes from previous Planning Commission hearings are included in the Council review packet.



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Staff Report: Flexible Zoning Overlay District

May 9, 2016

FROM: Bob Paulsen, Current Planning Manager, Development Services Department
TO: Loveland Planning Commission
SUBJECT: Proposed amendment to Title 18 of the Municipal Code to incorporate new chapter 18.44 - Flexible Zoning Overlay District

SUMMARY

On April 25, 2016, the Planning Commission conducted a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. This was the Commission’s second hearing on the proposed code amendments. The primary areas of Commission concern at the April 25th meeting addressed the provisions for termination and expiration of Flexible Zoning Overlay Districts and associated District Plans. Related to this issue was the issue of vesting: meaning, what threshold of investment or level of progress in pursuit of an approved plan would need to be made by a property owner to ensure that the district and associated plans could be relied upon in perpetuity. The Commission did not come to consensus on these matters at the meeting and voted to continue the public hearing until May 9, 2016. The Commission directed staff to review and amend the provisions in order to remedy the concerns.

On March 14, 2016, the Planning Commission conducted an initial public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. After review of the provisions, the Planning Commission unanimously voted to recommend that City Council approve the provisions as presented.

Subsequent to the March 14, 2016 Planning Commission hearing, staff determined that the code provisions would benefit from clarifications and minor adjustments prior to consideration by the City Council. On March 28th, Planning staff requested that the Planning Commission consent to further consideration of the proposed code provisions by staff along with review by the Title 18 Committee. The Commission agreed to this request with the understanding that the delay would be minimal.

The attached redline version (**ATTACHMENT A**) of the proposed code provisions incorporate the recent revisions prepared by Current Planning staff.

This staff report is an updated supplement to the April 25, 2016 and March 14, 2016 staff reports.

RECOMMENDED ACTION

Staff recommends that the Commission recommend approval of the Flexible Zoning Overlay District to the City Council.

RECOMMENDED MOTION

Move to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on May 9, 2016 and as described in the Planning Commission staff report dated May 9, 2016 as specified in the attachments thereto and as further amended on the record.

ATTACHMENTS

- A. Chapter 18.44 FLEXIBLE ZONING OVERLAY DISTRICT (Revised for 5-9-16)
- B. April 25, 2016 Planning Commission Staff Report Packet addressing the Flexible Zoning Overlay District, including attachments thereto and further including the March 14, 2016 Staff Report Packet. The footers of the attachments have been given a color-coding by date to provide easy reference.

SUMMARY OF THE FLEXIBLE ZONING OVERLAY DISTRICT

As proposed, the Flexible Zoning Overlay District provisions would establish a new chapter of the zoning code (18.44). The provisions represent a departure from traditional practice of establishing new or revised standards, as these provisions would allow development to be partially or completely exempt from existing zoning standards like landscaping, building setbacks, architectural design and parking requirements. As such, the provisions are designed to stimulate development and redevelopment on properties that are experiencing disinvestment or under-utilization. The provisions would allow a property owner or group of owners to pursue a development plan that does not conform to some or all existing zoning standards, thereby increasing the financial feasibility of the project and allowing for design innovations that would otherwise be unavailable. In short, the intent is to provide regulatory relief that will encourage investment and new development.

The Flexible Zoning Overlay District provisions could be applied to property anywhere in the city, with the exception of greenfield sites. An overlay district, once approved, would “float over” the existing zoning designation establishing a set of tailored or exclusive development standards for the designated property. All new development occurring within an approved district would have to meet the specified standards. The standards could provide relief from any or all zoning standards of the underlying zoning district. An established district could not exempt development from the Building Code or from the City’s street standards or infrastructure requirements; exemptions would be limited to zoning.

For a more detailed description of the code provisions, please refer to the April 25, 2016 Planning Commission staff report packet; see **ATTACHMENT B**.

SUMMARY OF MAJOR REVISIONS AS PRESENTED ON MAY 9, 2016

Revisions to the proposed code provisions as presented to the Planning Commission in a public hearing on April 25, 2015 are indicated by redline adjustments as shown in **ATTACHMENT A**. The main revisions are itemized below with an explanation for each change.

1. Adjustment to **Subsection 18.44.050.E** clarifies that district plans can vary in terms of use, density and intensity from the policies specified in the land use plan component of the Comprehensive Plan.
2. New **Section 18.44.085 – Flexible zoning project plan required** has been inserted. The purpose of this Section is to clarify that a *project plan* must be approved prior to development. A project plan is equivalent to a site development plan, and it is reviewed and typically approved administratively.
3. **Section 18.44.110** has been relabeled **Continuance, expiration and termination of districts and district plans** to clarify an expanded purpose of this Section.
4. **Subsection 18.44.110.A** has been amended to address the issue of “substantial development-related activity.” This term relates to the next subsection.
5. New text has been inserted into **Subsection 18.44.110.B**. This new text specifies that districts, district plans and project plans continue in force if substantial development-related activity, as defined with the Council’s approval of the district and district plan, has been achieved. Once the specified threshold is demonstrated, the district, the district plan and any approved project plans remain in effect unless vacated by the property owner. This status is certified by the current planning manager and this certification is recorded.

Flexible Zoning Overlay District Provisions / May 5 Revision

Chapter 18.44

FLEXIBLE ZONING OVERLAY DISTRICT

Sections:

- 18.44.010 Purpose.**
- 18.44.020 Objectives of the flexible zoning overlay district.**
- 18.44.030 Definitions.**
- 18.44.040 Establishment of flexible zoning overlay districts.**
- 18.44.050 Eligibility criteria.**
- 18.44.060 Permitted uses and applicable development standards.**
- 18.44.070 Overlay district application requirements.**
- 18.44.080 Procedures for approval of flexible zoning overlay districts.**
- 18.44.090 Flexible zoning project plan application requirements.**
- 18.44.100 Procedures for approval of flexible zoning project plans.**
- 18.44.110 Expiration of a district and termination of a district plan.**

18.44.010 Purpose.

The purpose of this chapter is to provide standards and procedures for the establishment of flexible zoning overlay districts in areas of the community that are experiencing disinvestment or under-utilization of land. The flexible zoning overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls, including the opportunity for relief from use restrictions, development intensity limitations and associated standards included in the provisions of the underlying zoning.

18.44.020 Objectives of the flexible zoning overlay district.

Objectives to be achieved through the establishment of a flexible overlay zoning district are to:

- A. Further the intent and goals of adopted land use plans;
- B. Encourage investment in areas experiencing blight, disinvestment or underutilization of land;
- C. Create opportunities for development and redevelopment that would otherwise be unachievable.
- D. Promote coordination and cooperation between property owners that are interested in pursuing redevelopment initiatives;
- E. Facilitate design innovation with the reduction or elimination of certain land use and zoning controls;
- F. Ensure adequate public safety within and adjacent to district boundaries;
- G. Maintain quality standards for the provision of city services for properties within and adjacent to district boundaries; and
- H. Protect land uses and neighborhoods that are adjacent to flexible overlay zoning districts from material negative impacts.

Flexible Zoning Overlay District Provisions / May 5 Revision

18.44.030 Definitions.

The words, terms and phrases in this section shall have the meanings as set forth below, unless the context requires otherwise.

- A. “Flexible zoning overlay district” or “district” shall mean all land within a designated area that has been approved by the council following a public hearing with public notice that will be subject to the provisions of this chapter.
- B. “Flexible zoning overlay district plan” or “district plan” shall mean a general plan of development that complies with the requirements specified in this chapter.
- C. “Flexible zoning project” or “project” shall mean a development project located within a district that conforms to the established district plan.
- D. “Flexible zoning project plan” or “project plan” shall mean a site specific plan of development located within a district that complies with the requirements specified in this chapter.
- E. “Greenfield sites” shall mean open land that is not surrounded by or substantially constrained by development, including leapfrog development, and where there has been no previous development activity other than agricultural uses or similar low-intensity uses.
- F. “Sensitive uses” shall mean single family and two-family homes, ~~public and private~~ schools ~~with on-site enrollment of 25 or more students and daycare facilities~~, medical care facilities including hospitals, clinics and nursing facilities, or other uses that may be materially impacted in a negative manner by the location of a district or development project.

18.44.040 Establishment of flexible zoning overlay districts.

Establishment of a flexible zoning overlay district includes the following:

- A. Submittal of a complete application signed by owners of real property within the district boundaries;
- B. Review of the application by the development review team for completeness;
- C. Conducting a neighborhood meeting and public hearings by the planning commission and the council all of which shall be publicly noticed; and
- D. Approval of the district, district plan, and, if applicable, the project plan by council following the public hearing.

18.44.050 Eligibility criteria.

All districts shall meet the following eligibility requirements:

- A. District boundaries shall be consistent with the city’s infill definition where at least eighty percent of the district boundary is ~~abutting and~~ contiguous to properties within the city limits; greenfield sites are unsuitable for district designation;
- B. Property within the district boundaries is contiguous or separated only by public rights-of-way;
- C. District boundaries are reasonably discernable and distinguishable from adjacent land;

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- D. The district use meets applicable Adequate Community Facilities (ACF) standards set forth in chapter 16.41;
- E. The district plan is consistent with the intent and goals of applicable land use plans and policies; however, a district plan may ~~exceed~~ vary from the use, density and intensity provisions specified in the land use plan component of the Comprehensive Plan;
- F. The district plan has been designed to prevent incompatibility with adjacent and nearby property and land uses, particularly sensitive uses;
- G. Community benefits of the flexible zoning overlay district and the associated district plan shall outweigh any negative impacts to surrounding properties or to the community; and
- H. Establishment of the district encourages property investment and development which might otherwise not occur, and furthers a valid public purpose.

18.44.060 Permitted uses and applicable development standards.

- A. When a flexible zoning overlay district is established, the underlying zoning designation remains in place except as modified by the district plan.
- B. Once a district has been established and a district plan approved, subsequent development and redevelopment within the district must conform to the district plan.
- C. All property within a flexible zoning overlay district is subject to this title, except where specifically exempted in the district plan.

18.44.070 Overlay district application requirements.

- A. An application for establishment of a flexible zoning overlay district may be submitted by a property owner within the proposed district boundaries or by written consent of three city council members.
- B. An applicant must present preliminary plans for a proposed district at a concept review meeting prior to making an application to establish a district.
- C. Written consent from all owners of property within the proposed district boundaries must be provided before notice of a public hearing before the planning commission.
- D. The application shall include the following information along with information specified on the city's submittal checklist for establishment of a district:
 - 1. A written explanation of the community benefit that the district and district plan will provide and how the proposed development furthers the intent and goals of applicable land use plans and policies;
 - 2. A written explanation of how the proposed development achieves compatibility with surrounding uses, particularly sensitive uses;
 - 3. A purpose statement indicating how the district plan achieves compliance with the eligibility criteria listed in Section 18.44.050;
 - 4. A map of the proposed district boundaries, including all lots, tracts, outlots and rights-of-way;
 - 5. A list of all owners of real property within the district boundaries;

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6. A district plan which specifies the type and extent of development proposed, including the following components:
 - a. A master plan indicating the intensity and general configuration of the proposed use or uses;
 - b. An architectural concept plan that includes a building massing and height study;
 - c. A phasing plan, including a projected timeframe for each phase; and,
 - d. A listing of zoning standards that will be applicable to development within the district.

18.44.080 Procedures for approval of flexible zoning overlay districts.

- A. Review process. Upon receipt of a complete application within the allowed timeframe, the development review team will undertake the review procedures specified in chapter 18.39 of this title.
- B. Public notice requirements. Notice shall be provided in accordance with chapter 18.05, and conform to the notice distance requirements for rezoning applications as specified in Table 18.05-1.
- C. Neighborhood meeting. Prior to completion of the review process by the development review team, the applicant shall provide public notice for and conduct a neighborhood meeting.
- D. Planning commission.
 1. A public hearing shall be conducted with public notice before the planning commission following the neighborhood meeting.
 2. Notes from the neighborhood meeting, relevant application materials, written input from interested parties and a recommendation from the current planning manager as to whether the district plan meets the eligibility criteria of section 18.44.050 shall be forwarded to the planning commission for review at the public hearing.
 3. Based upon information received at the public hearing, the planning commission shall, by resolution within thirty days of the hearing, recommend approval, approval with conditions or denial of the district and district plan based on eligibility criteria of Section 18.44.050.
 4. The public hearing may be continued if the planning commission determines that additional information is necessary to consider before a decision can be rendered.
 5. If the applicant objects to any condition of approval placed by the planning commission upon the district plan, the planning commission shall recommend denial.
 6. The planning commission's recommendation shall be forwarded to the council along with the approved minutes of the public hearing and all other material considered by the planning commission in making its recommendation.
- E. City council. The council shall conduct a public hearing with public notice upon receipt of the recommendation of the planning commission, the approved minutes of any planning commission public hearing, and all materials considered by the planning commission in

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making its recommendation, and any materials submitted following any such planning commission hearing.

1. Council shall approve, approve with conditions or to deny the district and the associated district plan based on eligibility criteria of section 18.44.050.
2. Council may establish an expiration date for a district and for associated district plans.
3. If the applicant objects to any condition of approval placed upon the district plan by the council, the district plan shall not be approved.
4. The council may remand a district plan to the planning commission for any reason.
5. If the council approves a district plan, it shall adopt an ordinance establishing the district and the district plan. The adopted plan, signed by the mayor, the city attorney and the current planning manager, shall be recorded with the Larimer Ceounty clerk and recorder's office along with the adopting ordinance.
6. The adopted overlay zone shall be designated on the official zoning map.

~~F. Development within a designated overlay zone shall not occur unless a project plan has been approved for the district.~~

~~G-F.~~ A project plan may be considered concurrently with a district plan. When a concurrent submittal is made, the council shall have final decision making authority on both plans.

~~H.G.~~ A district plan shall be amended in the same manner it was approved unless the current planning manager determines that the proposed amendment meets the following criteria:

1. The amendment would not allow new uses;
2. The amendment would not allow an ~~increase~~ change in development density or intensity greater than 20%;
3. The amendment would not alter a condition approved by council; and
4. There is no reason to believe that any party would be aggrieved by the amendment.

Where these criteria have been met, the amendment shall be considered minor and the current planning manager shall have the authority to approve, approve with conditions or deny the amendment. Alternatively, the current planning manager may forward a minor amendment to the planning commission for determination at a public hearing with public notice.

~~I.H.~~ Planning commission decisions on district plan amendments may be appealed to council by a party in interest. The appeal shall be processed and heard as specified in chapter 18.80.

18.44.085 Flexible zoning project plan required.

Project plans are approved subsequent to or concurrently with approval of an associated district and district plan. Project plans are specific and detailed development plans that are reviewed and approved administratively unless approved concurrently with a district or district plan as specified in Section 18.44.80. Development within a flexible zoning overlay district must conform to an approved project plan.

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18.44.090 Flexible zoning project plan application requirements.

Applications for flexible zoning project plans, including associated subdivision, infrastructure and related applications, shall be subject to the requirements for site development plans specified in chapter 18.46 and any conditions adopted by Council.

18.44.100 Procedures for approval of flexible zoning project plans.

- A. Development within an established district must be consistent with the approved district plan.
- B. Applications for approving or amending project plans shall be subject to the procedures for site development plans specified in chapter 18.39 and 18.46 unless project plans are approved as otherwise authorized by this chapter.
- ~~C. Once a project plan is approved, the approval runs with the land unless the district or the district plan expires or is terminated prior to the issuance of a building permit for one or more structures within the district boundaries.~~
- ~~D.C.~~ Building permits. Any building permit issued for development or redevelopment within a district shall be consistent with the district plan and with the project plan approved for the property.

18.44.110 Establishment, extension, expiration and termination of a district and district plan.

Council has exclusive authority to establish with or without conditions, limit, terminate and extend districts and district plans.

- A. Districts and associated district plans shall be established for a period of forty-eight months from the date of the approval of the adopting ordinance, unless such ordinance specifies otherwise. When a district expires or is terminated, the district overlay designation on the official zoning map is removed and the authority of the underlying zoning regulations is reestablished. Any nonconforming uses or buildings resulting from a district expiration or termination will be subject to Chapter 18.56 of this title.
- B. The established expiration date for a flexible zoning overlay district may be extended by the council at the request of all property owners within the district. To be considered, a written extension request must be submitted to the city prior to the expiration date.
- C. Any district with an expiration date shall be approved only after the applicant has provided an agreement, in a form approved by the city attorney, that acknowledges the limited term of the district and the absence of any right to use or rely on the district beyond such term and indemnifies the city for any claim related to the expiration of the district.
- D. At the request of all property owners within a district or upon failure of the property owners to maintain any ongoing conditions of the district or district plan, or upon abandonment of the use permitted by the district and district plan, council may terminate the district and district plan.

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- E. Subject to the foregoing, once a project plan is approved and any and all district or district plan conditions set by council have been fully satisfied, the district and the district plan shall not expire or terminate.
1. Upon such approval and full satisfaction of any and all such conditions, the district property owner may request written certification from the current planning manager to this effect; and
 2. Upon receipt of such certification, the city clerk's office shall record the ordinance establishing the district and the district plan with the Larimer County clerk and recorder's office.



Development Services Current Planning

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Staff Report: Flexible Zoning Overlay District

April 25, 2016

FROM: Bob Paulsen, Current Planning Manager, Development Services Department
TO: Loveland Planning Commission
SUBJECT: Proposed amendment to Title 18 of the Municipal Code to incorporate new chapter 18.44 - Flexible Zoning Overlay District

SUMMARY

On March 14, 2016, the Planning Commission conducted a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. After review of the provisions, the Planning Commission unanimously voted to recommend that City Council approve the provisions as presented.

Subsequent to the March 14, 2016 Planning Commission hearing, staff determined that the code provisions would benefit from clarifications and minor adjustments prior to consideration by the City Council. On March 28th, Planning staff requested that the Planning Commission consent to further consideration of the proposed code provisions by staff along with review by the Title 18 Committee. The Commission agreed to this request with the understanding that the delay would be minimal.

The attached redline version of the proposed code provisions incorporate the recent revisions prepared by Current Planning staff. These adjustments were reviewed and agreed upon at the Title 18 Committee meeting on April 14, 2016. This staff report is an updated supplement to the April 14, 2016 staff report.

RECOMMENDED ACTION

Staff recommends that the Commission recommend approval of the Flexible Zoning Overlay District to the City Council.

RECOMMENDED MOTION

Move to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on April 25, 2016 and as described in the Planning Commission staff report dated April 25, 2016 as specified in the attachments thereto and as further amended on the record.

ATTACHMENTS

- A. Chapter 18.44 FLEXIBLE ZONING OVERLAY DISTRICT (Revised for 4-25-16)
- B. Flexible Zoning Summary (Revised for 4-25-16)
- C. March 14, 2016 Planning Commission Staff Report: Flexible Zoning Overlay District

SUMMARY OF THE FLEXIBLE ZONING OVERLAY DISTRICT

As proposed, the Flexible Zoning Overlay District provisions would establish a new chapter of the zoning code (18.44). The provisions represent a departure from traditional practice of establishing new or revised standards, as these provisions would allow development to be partially or completely exempt from existing zoning standards like landscaping, building setbacks, architectural design and parking requirements. As such, the provisions are designed to stimulate development and redevelopment on properties that are experiencing disinvestment or under-utilization. The provisions would allow a property owner or group of owners to pursue a development plan that does not conform to some or all existing zoning standards, thereby increasing the financial feasibility of the project and allowing for design innovations that would otherwise be unavailable. In short, the intent is to provide regulatory relief that will encourage investment and new development.

The Flexible Zoning Overlay District provisions could be applied across the city, with the exception of greenfield sites. An overlay district, once approved, would “float over” the existing zoning designation establishing a set of tailored or exclusive development standards for the designated property. All new development occurring within an approved district would have to meet the specified standards. The standards could provide relief from any or all zoning standards of the underlying zoning district. An established district could not exempt development from the Building Code or from the City’s street standards or infrastructure requirements; exemptions would be limited to zoning.

For a more detailed description of the code provisions, please refer to the March 14, 2016 Planning Commission staff report; see **ATTACHMENT C**.

SUMMARY OF THE REVISIONS AS PRESENTED ON APRIL 25, 2016

Revisions to the proposed code provisions as presented to the Planning Commission in a public hearing on April 14, 2015 are indicated by redline adjustments as shown in **ATTACHMENT A**. The revisions are itemized below with an explanation for each change.

1. Text has been inserted into two sections of the provisions indicating that the Flexible Zoning Districts and District Plans are to be consistent with the intent and goals of adopted plans; see Sections 18.44.020.A and 18.44.050.E. The purpose of these two insertions is to guide city decision making that furthers the intent of adopted plans, including the Comprehensive Plan, the Highway 287 Strategic Plan and the Downtown Heart Improvement Project Plan.
2. Inserted text in Section 18.44.050.E referenced above, includes a clarification that a District Plan may exceed the density and intensity policies specified in the Land Use Plan component of the Comprehensive Plan. This clarification is provided to give City decision makers the clear authority to approve a District Plan that does not comport with this specific policy.

3. A definition of “Greenfield sites” has been added. This definition ties to the district eligibility criteria in Section 18.44.050.A. This adjustment specifies that Districts must fit the City’s infill definition and further states that Districts are unsuitable for greenfield sites. The purpose of these additions is to strengthen the policy emphasis that the Flexible Overlay Districts are designed to encourage reinvestment in properties that are experiencing blight or disinvestment. Greenfield sites are not generally subject to such factors.
4. Two additions have been made to Section 18.44.070 which addresses application requirements, including the requirement that an applicant provide an explanation as to the community benefit of the District and how it furthers the policies and goals of applicable plans; secondly, an additional application requirement specifies that the applicant explain how the proposed development achieves compatibility with surrounding uses. The purpose of these additions is ensure that the applicant has a clear purpose and justification for the waiving zoning requirements and articulates how compatibility with other uses is to be achieved.
5. A third adjustment to the application requirements is provided in Subsection 18.44.070.D.6 that better clarifies that a District Plan includes a master plan for the property.
6. In Section 18.44.080.B replacement text specifies that the public notice distance requirements for Districts is the same as the distance requirements for rezonings. This adjustment ties the notice process to existing standards, creating more consistency within the code.
7. Inserted text in Section 18.44.080.H specifies that the current planning manager has authority to amend District Plans with proposed density and intensity increases of up to 20%. This adjustment provides more flexibility to grant administrative approvals, but within clear limitations.
8. A minor clarification has been added to 18.44.090 to specify that Project Plans, in addition other requirements, are subject to conditions adopted by Council.
9. New Subsection 18.44.100.C addresses the issue of nonconformity, specifying that if a District Plan is approved and a building permit is issued for property within the established District, then the District Plan approval runs with the land and does not terminate even if District expires or the City Council terminates the District Plan. This addition protects a property owner who has relied on and invested in a District Plan.
10. Based on direction at the April 14th Title 18 Committee meeting, Subsection 18.44.110.A has been adjusted to specify that Districts and District Plans shall be established for a period of 48 months unless the City Council specifies otherwise when approving a District. Committee members indicated that they did not want Districts, especially Districts that were not active, to extend beyond a time period that is reasonable for development to occur.
11. On April 14th, the Title 18 Committee also requested that new Subsection 18.44.110.D be added to clarify that property owners within an established District can request vacation of the District by City Council.

Flexible Zoning Overlay District Provisions

Chapter 18.44

FLEXIBLE ZONING OVERLAY DISTRICT

Sections:

- 18.44.010 Purpose.**
- 18.44.020 Objectives of the flexible zoning overlay district.**
- 18.44.030 Definitions.**
- 18.44.040 Establishment of flexible zoning overlay districts.**
- 18.44.050 Eligibility criteria.**
- 18.44.060 Permitted uses and applicable development standards.**
- 18.44.070 Overlay district application requirements.**
- 18.44.080 Procedures for approval of flexible zoning overlay districts.**
- 18.44.090 Flexible zoning project plan application requirements.**
- 18.44.100 Procedures for approval of flexible zoning project plans.**
- 18.44.110 Expiration of a district and termination of a district plan.**

18.44.010 Purpose.

The purpose of this chapter is to provide standards and procedures for the establishment of flexible zoning overlay districts in areas of the community that are experiencing disinvestment or under-utilization of land. The flexible zoning overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls, including the opportunity for relief from use restrictions, development intensity limitations and associated standards included in the provisions of the underlying zoning.

18.44.020 Objectives of the flexible zoning overlay district.

Objectives to be achieved through the establishment of a flexible overlay zoning district are to:

- A. Further the intent and goals of adopted land use plans;
- B. Encourage investment in areas experiencing blight, disinvestment or underutilization of land;
- C. Create opportunities for development and redevelopment that would otherwise be unachievable.
- D. Promote coordination and cooperation between property owners that are interested in pursuing redevelopment initiatives;
- E. Facilitate design innovation with the reduction or elimination of certain land use and zoning controls;
- F. Ensure adequate public safety within and adjacent to district boundaries;
- G. Maintain quality standards for the provision of city services for properties within and adjacent to district boundaries; and
- H. Protect land uses and neighborhoods that are adjacent to flexible overlay zoning districts from material negative impacts.

Flexible Zoning Overlay District Provisions

18.44.030 Definitions.

The words, terms and phrases in this section shall have the meanings as set forth below, unless the context requires otherwise.

- A. “Flexible zoning overlay district” or “district” shall mean all land within a designated area that has been approved by the council following a public hearing with public notice that will be subject to the provisions of this chapter.
- B. “Flexible zoning overlay district plan” or “district plan” shall mean a general plan of development that complies with the requirements specified in this chapter.
- C. “Flexible zoning project” or “project” shall mean a development project located within a district that conforms to the established district plan.
- D. “Flexible zoning project plan” or “project plan” shall mean a site specific plan of development located within a district that complies with the requirements specified in this chapter.
- E. “Greenfield sites” shall mean open land that is not surrounded by or substantially constrained by development, including leapfrog development, and where there has been no previous development activity other than agricultural uses or similar low-intensity uses.
- ~~E.F.~~ “Sensitive uses” shall mean single family and two-family homes, public and private schools with on-site enrollment of 25 or more students, medical care facilities including hospitals, clinics and nursing facilities, or other uses that may be materially impacted in a negative manner by the location of a district or development project.

18.44.040 Establishment of flexible zoning overlay districts.

Establishment of a flexible zoning overlay district includes the following:

- A. Submittal of a complete application signed by owners of real property within the district boundaries;
- B. Review of the application by the development review team for completeness;
- C. Conducting a neighborhood meeting and public hearings by the planning commission and the council all of which shall be publicly noticed; and
- D. Approval of the district, district plan, and, if applicable, the project plan by council following the public hearing.

18.44.050 Eligibility criteria.

~~Property within a proposed district shall meet~~ All districts shall meet the following eligibility requirements:

- A. District boundaries shall be consistent with the city’s infill definition where at least eighty percent of the district boundary is abutting and contiguous to properties within the city limits; greenfield sites are unsuitable for district designation;
- B. Property within the district boundaries is contiguous or separated only by public rights-of-way;
- C. District boundaries are reasonably discernable and distinguishable from adjacent land;

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- D. The district use meets applicable Adequate Community Facilities (ACF) standards set forth in chapter 16.41;
- E. The district plan is consistent with the intent and goals of applicable land use plans and policies; however, a district plan may exceed the density and intensity provisions specified in the land use plan component of the Comprehensive Plan;
- F. The district plan has been designed to prevent incompatibility with adjacent and nearby property and land uses, particularly sensitive uses;
- G. Community benefits of the flexible zoning overlay district and the associated district plan shall outweigh any negative impacts to surrounding properties or to the community; and
- H. Establishment of the district encourages property investment and development which might otherwise not occur, and furthers a valid public purpose.

18.44.60 Permitted uses and applicable development standards.

- A. When a flexible zoning overlay district is established, the underlying zoning designation remains in place except as modified by the district plan.
- B. Once a district has been established and a district plan approved, subsequent development and redevelopment within the district must conform to the district plan.
- C. All property within a flexible zoning overlay district is subject to this title, except where specifically exempted in the district plan.

18.44.070 Overlay district application requirements.

- A. An application for establishment of a flexible zoning overlay district may be submitted by a property owner within the proposed district boundaries or by written consent of three city council members.
- B. An applicant must present preliminary plans for a proposed district at a concept review meeting prior to making an application to establish a district.
- C. Written consent from all owners of property within the proposed district boundaries must be provided before notice of a public hearing before the planning commission.
- D. The application shall include the following information along with information specified on the city's submittal checklist for establishment of a district:
 1. A written explanation of the community benefit that the district and district plan will provide and how the proposed development furthers the intent and goals of applicable land use plans and policies;
 2. A written explanation of how the proposed development achieves compatibility with surrounding uses;
 3. A purpose statement indicating how the district plan achieves compliance with the eligibility criteria listed in Section 18.44.050;
 4. A map of the proposed district boundaries, including all lots, tracts, outlots and rights-of-way;
 5. A list of all owners of real property within the district boundaries;

Flexible Zoning Overlay District Provisions

6. A district plan which specifies the type and extent of development proposed, including the following components:
- a. ~~The district plan shall~~ A master plan indicating the intensity and configuration of the proposed use or uses;
 - b. ~~an~~ An architectural concept plan that includes a building massing and height study;
 - c. ~~a~~ A phasing plan, including a projected timeframe for each phase; and,
 - d. ~~a~~ A listing of zoning standards that will be applicable to development within the district.

18.44.080 Procedures for approval of flexible zoning overlay districts.

- A. Review process. Upon receipt of a complete application within the allowed timeframe, the development review team will undertake the review procedures specified in chapter 18.39 of this title.
- B. Public notice requirements. Notice shall be provided in accordance with chapter 18.05, and conform to the notice distance requirements for rezoning applications as specified in Table 18.05-1. except that mailed notice distance shall be six hundred feet from the boundaries of an overlay district that is less than five acres and one thousand and two hundred feet for a district larger than five acres.
- C. Neighborhood meeting. Prior to completion of the review process by the development review team, the applicant shall provide public notice for and conduct a neighborhood meeting.
- D. Planning commission.
 1. A public hearing shall be conducted with public notice before the planning commission following the neighborhood meeting.
 2. Notes from the neighborhood meeting, relevant application materials, written input from interested parties and a recommendation from the current planning manager as to whether the district plan meets the eligibility criteria of section 18.44.050 shall be forwarded to the planning commission for review at the public hearing.
 3. Based upon information received at the public hearing, the planning commission shall, by resolution within thirty days of the hearing, recommend approval, approval with conditions or denial of the district and district plan based on eligibility criteria of Section 18.44.050.
 4. The public hearing may be continued if the planning commission determines that additional information is necessary to consider before a decision can be rendered.
 5. If the applicant objects to any condition of approval placed by the planning commission upon the district plan, the planning commission shall recommend denial.
 6. The planning commission's recommendation shall be forwarded to the council along with the approved minutes of the public hearing and all other material considered by the planning commission in making its recommendation.

Flexible Zoning Overlay District Provisions

- E. City council. The council shall conduct a public hearing with public notice upon receipt of the recommendation of the planning commission, the approved minutes of any planning commission public hearing, and all materials considered by the planning commission in making its recommendation, and any materials submitted following any such planning commission hearing.
1. Council shall approve, approve with conditions or to deny the district and the associated district plan based on eligibility criteria of section 18.44.050.
 2. Council may establish an expiration date for a district and for associated district plans.
 3. If the applicant objects to any condition of approval placed upon the district plan by the council, the district plan shall not be approved.
 4. The council may remand a district plan to the planning commission for any reason.
 5. If the council approves a district plan, it shall adopt an ordinance establishing the district and the district plan. The adopted plan, signed by the mayor, the city attorney and the current planning manager, shall be recorded with the county clerk and recorder's office along with the adopting ordinance.
 6. The adopted overlay zone shall be designated on the official zoning map.
- F. Development within a designated overlay zone shall not occur unless a project plan has been approved for the district.
- G. A project plan may be considered concurrently with a district plan. When a concurrent submittal is made, the council shall have final decision making authority on both plans.
- H. A district plan shall be amended in the same manner it was approved unless the current planning manager determines that the proposed amendment meets the following criteria:
1. The amendment would not allow new uses;
 2. The amendment would not allow an increase in development density or intensity greater than 20%;
 3. The amendment would not alter a condition approved by council; and
 4. There is no reason to believe that any party would be aggrieved by the amendment.
- Where these criteria have been met, the amendment shall be considered minor and the current planning manager shall have the authority to approve, approve with conditions or deny the amendment. Alternatively, the current planning manager may forward a minor amendment to the planning commission for determination at a public hearing with public notice.
- I. Planning commission decisions on district plan amendments may be appealed to council by a party in interest. The appeal shall be processed and heard as specified in chapter 18.80.

18.44.90 Flexible zoning project plan application requirements.

Applications for flexible zoning project plans, including associated subdivision, infrastructure and related applications, shall be subject to the requirements for site development plans specified in chapter 18.46 and any conditions adopted by Council.

Flexible Zoning Overlay District Provisions

18.44.100 Procedures for approval of flexible zoning project plans.

- A. Development within an established district must be consistent with the approved district plan.
- B. Applications for approving or amending project plans shall be subject to the procedures for site development plans specified in chapter 18.39 and 18.46 unless project plans are approved as otherwise authorized by this chapter.
- C. Once a project plan is approved, the approval runs with the land unless the district or the district plan expires or is terminated prior to the issuance of a building permit for one or more structures within the district boundaries.
- D. Building permits. Any building permit issued for development or redevelopment within a district shall be consistent with the district plan and with the project plan approved for the property.

18.44.110 Expiration of a district and termination of a district plan.

Council has exclusive authority to establish, terminate, vacate, limit and extend districts, and to approve and terminate district plans.

- A. Districts and associated district plans shall be established for a period of forty-eight months from the date of the approval of the adopting ordinance, unless the adopting ordinance specifies otherwise. ~~When establishing a district, the council may specify a date upon which the district designation would expire and any associated plans would be terminated.~~ Expiration of a district results in the removal of the district overlay designation on the official zoning map ~~and~~. When a district expires or is terminated or removed, reestablishment of the authority of the underlying zoning regulations is reestablished except as specified in Section 18.44.100.
- B. The established expiration date for a flexible zoning overlay district may be extended by the council at the request of all property owners within the district. An extension must occur prior to the expiration date.
- C. Any district with an expiration date shall be approved only after the applicant has provided an agreement, in a form approved by the city attorney, that acknowledges the limited term of the district and the absence of any right to use or rely on the district beyond such term and indemnifies the city for any claim related to the expiration of the district.
- D. At the request of all property owners within a district, council may vacate the approval of the district and terminate district plans. Upon council approval, the district overlay designation on the official zoning map is removed and the authority of the underlying zoning regulations is reestablished. Any nonconforming uses or buildings resulting from a district vacation will be subject to Chapter 18.56 of this title.

FLEXIBLE ZONING DISTRICT OVERLAY SUMMARY [Last Revision: 4-20-16]

1. The Flexible Zoning District Overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls.
2. The City Council would have final authority to approve an Overlay District and a District Plan following staff review, a neighborhood meeting and a Planning Commission hearing.
3. Flexible Zoning Districts could be located anywhere in the City, except in greenfield areas or sites which do not meet the definition for infill.
4. The approved District Plan would replace standard zoning requirements.
5. Flexible Zoning Overlay Districts would allow development that does not meet standard zoning requirements. Requirements like building setbacks, height limitations, parking, landscaping and architectural standards could be reduced or completely eliminated.
6. Building code and infrastructure requirements for development could not be waived. Existing standards for street, stormwater, water, sewer, emergency services and building safety would still apply.
7. Flexible Zoning Overlay Districts would be established for specific locations and would “float” over existing zoning. Therefore, the existing, underlying zoning would not change, but would be suspended unless the District expired or was terminated by the City Council.
8. Property owners (or City Council) could apply to establish a Flexible Zoning Overlay District.
9. Each district could include one or more properties, with no minimum size requirement.
10. Prior to submitting an application for an Overlay District, participating owners would be required to have a concept review meeting with development review staff.
11. To apply for Overlay District designation, applicants would be required to submit conceptual plans for the project area, provide a narrative explanation of their proposal, and indicate what standard zoning requirements (if any) they are seeking to apply—similar to a PUD.
12. Upon staff review of an Overlay District application, a neighborhood meeting would be conducted with notice provided to property owners within an established radius of the site.
13. The Overlay District request could proceed to a Planning Commission public hearing only if the development review team determined that the necessary infrastructure is available to serve the site—ie. the project is feasible in terms of the provision of adequate water, sewer, stormwater, fire and transportation facilities.
14. The Planning Commission would review the proposal in a public hearing and make a recommendation to City Council, including any recommended conditions.
15. Council would conduct a public hearing and approve, approve with conditions or deny.
16. If approved, the applicant(s) could then submit a site development plan for (administrative) review and approval of any sites within the overlay area. Projects would only be subject to the development standards specified in the approved Overlay District Plan. All other city standards/requirements would need to be met unless specifically waived by City Council.



Development Services Current Planning

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Staff Report: Flexible Zoning Overlay District

March 14, 2016

FROM: Bob Paulsen, Interim Director, Development Services Department

TO: Loveland Planning Commission

SUBJECT: Proposed amendment to Title 18 of the Municipal Code to incorporate new chapter 18.44 - Flexible Zoning Overlay District

SUMMARY

On March 14, 2016, the Planning Commission will conduct a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. Consideration of the proposed code amendment is a legislative matter and Planning Commissioners are free to discuss this material outside of the public hearing process. Upon action on this matter by the Planning Commission, this proposed amendment to the zoning code will be forwarded to the City Council for final action.

RECOMMENDED ACTION

Staff recommends that the Commission recommends approval of the Flexible Zoning Overlay District to the City Council.

RECOMMENDED MOTION

Move to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on March 14, 2016 and as described in the Planning Commission staff report dated March 14, 2016 as specified in the attachments thereto and as further amended on the record.

ATTACHMENTS

- A. Chapter 18.44 FLEXIBLE ZONING OVERLAY DISTRICT
- B. Flexible Zoning Summary
- C. February 13, 2016 Reporter Herald article on the Flexible Zoning Overlay District
- D. February 15, 2016 Reporter Herald editorial on the Flexible Zoning Overlay District

SUMMARY OF THE AMENDMENTS

As proposed, the Flexible Zoning Overlay District provisions would establish a new chapter of the zoning code (18.44). The provisions represent a significant departure from traditional practice of establishing new or revised standards, as these provisions would allow development to be partially or completely exempt from existing zoning standards like landscaping, building setbacks, architectural design and parking requirements. As such, the provisions are designed to stimulate development and redevelopment on properties that are experiencing disinvestment or under-utilization. The provisions would allow a property owner or group of owners to pursue a development plan that does not conform to some or all existing zoning standards, thereby increasing the financial feasibility of the project and allowing for design innovations that would otherwise be unavailable. In short, the intent is to provide regulatory relief that will encourage investment and new development.

The Flexible Zoning Overlay District provisions could be applied anywhere within the City. An overlay district, once approved, would “float over” the existing zoning designation establishing a set of tailored or exclusive development standards for the designated property. All new development occurring within an approved district would have to meet the specified standards. The standards could provide relief from any or all zoning standards of the underlying zoning district. An established district could not exempt development from the Building Code or from the City’s street standards or infrastructure requirements; exemptions would be limited to zoning.

The City Council would have exclusive authority to approve a Flexible Zoning Overlay District and the associated District Plan. The approval process would follow standard City development review approval procedures, including the following sequence:

1. Concept Review meeting with the development review team (DRT)
2. Administrative review by the DRT to ensure plans are complete and applicable City standards are adhered to
3. A noticed neighborhood meeting
4. A public hearing before the Planning Commission
5. A public hearing before the City Council

To achieve Council approval, the property owner(s) would need to identify the designated district and provide a district plan that identifies the scope of development within the district and indicates what the zoning exemptions will be. The Council would have the ability to establish any conditions and would be able to establish a sunset date for the district. The conceptual (district) plan is designed to set the parameters for development within the district without requiring detailed engineering or architectural plans until the district is established. This approach will allow developers to minimize their costs (and their financial risks) until the discretionary approvals are made. Once a district is established, site specific plans would proceed through the city’s development review process and building permit process. Site specific plans would need to comply with the approved district plan.

A summary of the proposed amendment is provided as Attachment B to this report.

BACKGROUND

The original concept for the Flexible Zoning Overlay emanated from discussions at the City Council level. This concept was viewed as a means to provide regulatory relief to incent development of difficult sites as an alternative to fee reductions or other financial incentives. In response to the Council’s interest in this topic, the City Manager directed staff to conduct research and to work with

Staff Report-

Flexible Zoning Overlay District for March 14, 2016 Planning Commission Public Hearing ATTACHMENT B

the Title 18 Committee in developing an ordinance to implement this concept. In early 2015, Planning staff brought forward a code amendment proposal to the Title 18 Committee that would allow for the waiving of zoning requirements within a specified or designated area. This was labeled the “No Zoning Zone.” Over a series of meetings, the Title 18 Committee worked with Current Planning staff to develop a more complete approach that has resulted in the provisions described in this Staff Report.

On January 25, 2016, the Planning Commission conducted a study session on the proposed Flexible Zoning Overlay District provisions. The Commission expressed support for the provisions and directed staff to move forward to the public hearing process. At the February 11, 2016 Title 18 Committee meeting, the Committee indicated support for Commission’s directive, requesting that a public outreach effort be conducted and that a final review of the provisions be completed by the City Attorney’s office.

Subsequent to the January 25th study session, staff has modified the provisions to allow overlay districts to be established anywhere within the municipal limits. In addition to this revision, Planning staff has incorporated numerous technical adjustments into the code provisions in response to comments from the City Attorney’s office. These adjustments have not substantially altered the purpose or application of the provisions.

NOTICE AND OUTREACH

In addition to the notice provided for the January 25th Planning Commission study session the following steps have been taken to inform the public of the proposed Flexible Zoning Overlay District provisions:

- A prominent feature article was published in the Reporter Herald on February 13th that described the purpose of the Flexible Zoning Overlay District.
- On February 15, 2016 the Reporter Herald published an editorial in qualified support of the Flexible Overlay provisions.
- The proposed code provisions have been posted on the Current Planning pages of the city’s web site. In addition to the actual code provisions, a one-page summary has also been posted.
- On February 26, 2016 an email was sent to over 100 planning and development review customers summarizing the Flexible Zoning Overlay District provisions, alerting recipients to the web site posting, informing them of the Planning Commission hearing on March 14th and offering to provide further information upon request. In response to this email, Planning staff have received approximately five inquiries; those inquiring were supportive of the content of the provisions.
- The March 14th public hearing has been properly noticed in the Report Herald.

Chapter 18.44

FLEXIBLE ZONING OVERLAY DISTRICT

Sections:

- 18.44.010 Purpose.**
- 18.44.020 Objectives of the flexible zoning overlay district.**
- 18.44.030 Definitions.**
- 18.44.040 Establishment of flexible zoning overlay districts.**
- 18.44.050 Eligibility criteria.**
- 18.44.060 Permitted uses and applicable development standards.**
- 18.44.070 Overlay district application requirements.**
- 18.44.080 Procedures for approval of flexible zoning overlay districts.**
- 18.44.090 Flexible zoning project plan application requirements.**
- 18.44.100 Procedures for approval of flexible zoning project plans.**
- 18.44.110 Expiration of a district and termination of a district plan.**

18.44.010 Purpose.

The purpose of this chapter is to provide standards and procedures for the establishment of flexible zoning overlay districts in areas of the community that are experiencing disinvestment or under-utilization of land. The flexible zoning overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls, including the opportunity for relief from use restrictions, development intensity limitations and associated standards included in the provisions of the underlying zoning.

18.44.020 Objectives of the flexible zoning overlay district.

Objectives to be achieved through the establishment of a flexible overlay zoning district are:

- A. Encourage investment in areas experiencing blight, disinvestment or underutilization of land;
- B. Create opportunities for development and redevelopment that would otherwise be unachievable.
- C. Promote coordination and cooperation between property owners that are interested in pursuing redevelopment initiatives;
- D. Facilitate design innovation with the reduction or elimination of certain land use and zoning controls;
- E. Ensure adequate public safety within and adjacent to district boundaries;
- F. Maintain quality standards for the provision of city services for properties within and adjacent to district boundaries; and

- G. Protect land uses and neighborhoods that are adjacent to flexible overlay zoning districts from material negative impacts.

18.44.030 Definitions.

The words, terms and phrases in this section shall have the meanings as set forth below, unless the context requires otherwise.

- A. “Flexible zoning overlay district” or “district” shall mean all land within a designated area that has been approved by the council following a public hearing with public notice that will be subject to the provisions of this chapter.
- B. “Flexible zoning overlay district plan” or “district plan” shall mean a general plan of development that complies with the requirements specified in this chapter.
- C. “Flexible zoning project” or “project” shall mean a development project located within a district that conforms to the established district plan.
- D. “Flexible zoning project plan” or “project plan” shall mean a site specific plan of development located within a district that complies with the requirements specified in this chapter.
- E. “Sensitive uses” shall mean single family and two-family homes, public and private schools with on-site enrollment of 25 or more students, medical care facilities including hospitals, clinics and nursing facilities, or other uses that may be materially impacted in a negative manner by the location of a district or development project.

18.44.040 Establishment of flexible zoning overlay districts.

Establishment of a flexible zoning overlay district includes the following:

- A. Submittal of a complete application signed by owners of real property within the district boundaries;
- B. Review of the application by the development review team for completeness;
- C. Conducting a neighborhood meeting and public hearings by the planning commission and the council all of which shall be publicly noticed; and
- D. Approval of the district, district plan, and, if applicable, the project plan by council following the public hearing.

18.44.050 Eligibility criteria.

Property within a proposed district shall meet the following eligibility requirements:

- A. Property within the district boundaries is contiguous or separated only by public rights-of-way;
- B. District boundaries are reasonably discernable and distinguishable from adjacent land;
- C. The district use meets applicable Adequate Community Facilities (ACF) standards set forth in chapter 16.41;
- D. The district plan has been designed to prevent incompatibility with adjacent and nearby property and land uses, particularly sensitive uses;

- E. Community benefits of the flexible zoning overlay district and the associated district plan shall outweigh any negative impacts to surrounding properties or to the community; and
- F. Establishment of the district encourages property investment and development which might otherwise not occur, and furthers a valid public purpose.

18.44.60 Permitted uses and applicable development standards.

- A. When a flexible zoning overlay district is established, the underlying zoning designation remains in place except as modified by the district plan.
- B. Once a district has been established and a district plan approved, subsequent development and redevelopment within the district must conform to the district plan.
- C. All property within a flexible zoning overlay district is subject to this title, except where specifically exempted in the district plan.

18.44.070 Overlay district application requirements.

- A. An application for establishment of a flexible zoning overlay district may be submitted by a property owner within the proposed district boundaries or by written consent of three city council members.
- B. An applicant must present preliminary plans for a proposed district at a concept review meeting prior to making an application to establish a district.
- C. Written consent from all owners of property within the proposed district boundaries must be provided before notice of a public hearing before the planning commission.
- D. The application shall include the following information along with information specified on the city's submittal checklist for establishment of a district:
 1. A map of the proposed district boundaries, including all lots, tracts, outlots and rights-of-way;
 2. A list of all owners of real property within the district boundaries;
 3. A purpose statement demonstrating compliance of the district plan with the eligibility criteria listed in Section 18.44.050; and
 4. A district plan which specifies the type and extent of development proposed. The district plan shall indicate the intensity and configuration of the proposed use or uses; an architectural concept plan that includes a building massing and height study; a phasing plan, including a projected timeframe for each phase; and, a listing of zoning standards that will be applicable to development within the district. The district plan must indicate how the proposed development achieves compatibility with surrounding uses and the community.

18.44.080 Procedures for approval of flexible zoning overlay districts.

- A. Review process. Upon receipt of a complete application within the allowed timeframe, the development review team will undertake the review procedures specified in chapter 18.39 of this title.
- B. Public notice requirements. Notice shall be provided in accordance with chapter 18.05, except that mailed notice distance shall be six hundred feet from the boundaries of an

overlay district that is less than five acres and one thousand and two-hundred feet for a district larger than five acres.

- C. Neighborhood meeting. Prior to completion of the review process by the development review team, the applicant shall provide public notice for and conduct a neighborhood meeting.
- D. Planning commission.
 1. A public hearing shall be conducted with public notice before the planning commission following the neighborhood meeting.
 2. Notes from the neighborhood meeting, relevant application materials, written input from interested parties and a recommendation from the current planning manager as to whether the district plan meets the eligibility criteria of section 18.44.050 shall be forwarded to the planning commission for review at the public hearing.
 3. Based upon information received at the public hearing, the planning commission shall, by resolution within thirty days of the hearing, recommend approval, approval with conditions or denial of the district and district plan based on eligibility criteria of Section 18.44.050.
 4. The public hearing may be continued if the planning commission determines that additional information is necessary to consider before a decision can be rendered.
 5. If the applicant objects to any condition of approval placed by the planning commission upon the district plan, the planning commission shall recommend denial.
 6. The planning commission's recommendation shall be forwarded to the council along with the approved minutes of the public hearing and all other material considered by the planning commission in making its recommendation.
- E. City council. The council shall conduct a public hearing with public notice upon receipt of the recommendation of the planning commission, the approved minutes of any planning commission public hearing, and all materials considered by the planning commission in making its recommendation, and any materials submitted following any such planning commission hearing.
 1. Council shall approve, approve with conditions or to deny the district and the associated district plan based on eligibility criteria of section 18.44.050.
 2. Council may establish an expiration date for a district and for associated district plans.
 3. If the applicant objects to any condition of approval placed upon the district plan by the council, the district plan shall not be approved.
 4. The council may remand a district plan to the planning commission for any reason.
 5. If the council approves a district plan, it shall adopt an ordinance establishing the district and the district plan. The adopted plan, signed by the mayor, the city attorney and the current planning manager, shall be recorded with the county clerk and recorder's office along with the adopting ordinance.
 6. The adopted overlay zone shall be designated on the official zoning map.
- F. Development within a designated overlay zone shall not occur unless a project plan has been approved for the district.

- G. A project plan may be considered concurrently with a district plan. When a concurrent submittal is made, the council shall have final decision making authority on both plans.
- H. A district plan shall be amended in the same manner it was approved unless the current planning manager determines that the proposed amendment meets the following criteria:
 - 1. The amendment would not allow new uses;
 - 2. The amendment would not allow an increase in development density or intensity;
 - 3. The amendment would not alter a condition approved by council; and
 - 4. There is no reason to believe that any party would be aggrieved by the amendment.
 Where these criteria have been met, the amendment shall be considered minor and the current planning manager shall have the authority to approve, approve with conditions or deny the amendment. Alternatively, the current planning may forward a minor amendment to the planning commission for determination at a public hearing with public notice.
- I. Planning commission decisions on district plan amendments may be appealed to council by a party in interest. The appeal shall be processed and heard as specified in chapter 18.80.

18.44.90 Flexible zoning project plan application requirements.

Applications for flexible zoning project plans, including associated subdivision, infrastructure and related applications, shall be subject to the requirements for site development plans specified in chapter 18.46.

18.44.100 Procedures for approval of flexible zoning project plans.

- A. Development within an established district must be consistent with the approved district plan.
- B. Applications for approving or amending project plans shall be subject to the procedures for site development plans specified in chapter 18.39 and 18.46 unless project plans are approved as otherwise authorized by this chapter.
- C. Building permits. Any building permit issued for development or redevelopment within a district shall be consistent with the district plan and with the project plan approved for the property.

18.44.110 Expiration of a district and termination of a district plan.

Council has exclusive authority to establish, terminate, limit and extend districts, and to approve and terminate district plans.

- A. When establishing a district, the council may specify a date upon which the district designation would expire and any associated plans would be terminated. Expiration of a district results in the removal of the district overlay designation on the official zoning map and reestablishment of the authority of the underlying zoning regulations.
- B. The established expiration date for a flexible zoning overlay district may be extended by the council at the request of all property owners within the district. An extension must occur prior to the expiration date.

- C. Any district with an expiration date shall be approved only after the applicant has provided an agreement, in a form approved by the city attorney, that acknowledges the limited term of the district and the absence of any right to use or rely on the district beyond such term and indemnifies the city for any claim related to the expiration of the district.

Provided by the Current Planning Division

1. The Flexible Zoning District Overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls.
2. The City Council would have final authority to approve an Overlay District and a District Plan following staff review, a neighborhood meeting and a Planning Commission hearing.
3. Flexible Zoning Districts could be located anywhere in the City, upon City Council approval.
4. The approved District Plan would replace standard zoning requirements.
5. Flexible Zoning Overlay Districts would allow development that does not meet standard zoning requirements. Requirements like building setbacks, height limitations, parking, landscaping and architectural standards could be reduced or completely eliminated.
6. Infrastructure requirements for development could not be waived. Existing standards for street, stormwater, water, sewer, emergency services and building safety would still apply.
7. Flexible Zoning Overlay Districts would be established for specific locations and would “float” over existing zoning. Therefore, the existing, underlying zoning would not change, but would be suspended unless the District expired or was terminated by the City Council.
8. Property owners (or City Council) could apply to establish a Flexible Zoning Overlay District.
9. Each district could include one or more properties, with no minimum size requirement.
10. Prior to submitting an application for an Overlay District, participating owners would be required to have a concept review meeting with development review staff.
11. To apply for Overlay District designation, applicants would be required to submit conceptual plans for the project area, provide a narrative explanation of their proposal, and indicate what standard zoning requirements (if any) they are seeking to apply—similar to a PUD.
12. Upon staff review of an Overlay District application, a neighborhood meeting would be conducted with notice provided to property owners within an established radius of the site.
13. The Overlay District request could proceed to a Planning Commission public hearing only if the development review team determined that the necessary infrastructure is available to serve the site—ie. the project is feasible in terms of the provision of adequate water, sewer, stormwater, fire and transportation facilities.
14. The Planning Commission would review the proposal in a public hearing and make a recommendation to City Council, including any recommended conditions.
15. Council would conduct a public hearing and approve, approve with conditions or deny.
16. If approved, the applicant(s) could then submit a site development plan for (administrative) review and approval of any sites within the overlay area. Projects would only be subject to the zoning requirements, if any, specified in the approved Overlay District Plan. All other city standards/requirements would need to be met unless specifically waived by City Council.

Last Revision: 3-3-16

Stretching the rules for development

City explores 'flexible zoning overlays' to encourage owners to revive moribund properties

By Craig Young

Reporter-Herald Staff Writer

POSTED: 02/13/2016 02:35:30 PM MST



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Areas in Loveland such as the city's designated South Catalyst Project between First and Third streets and Lincoln and Cleveland avenues, shown here in January 2014, could benefit from the "flexible zoning overlay" concept, according to City Councilman Troy Krenning. (Jenny Sparks / Reporter-Herald file photo)

The city is exploring a way to provide incentives to develop property that doesn't involve "throwing money at" a project.

The idea, called a "flexible zoning overlay," would allow a property owner to obtain permission from Loveland's Planning Commission and City Council to disregard certain zoning requirements in order to build something on a specifically designated plot.

"We spend an awful lot of time talking about ways to incentivize development," said City Councilman Troy Krenning, who first brought the idea to a city committee to study. Those incentives often involve "throwing money" at a developer, he said.

"I hear from those in the development community and from economic development as well that it's not always about money," Krenning said. "Sometimes, it's about process."

The city already has procedures through which zoning regulations can be relaxed, such as the special review process and planned unit development, but they can be complicated and costly.

"Sometimes, it's not cost-effective to develop a piece of dilapidated property," Krenning said. "If I didn't have to worry about going through the various codes, rules and regulations, would that serve as an incentive?"

Planning Commission interest

Bob Paulsen, the city's acting director of Development Services, presented the concept during a Planning Commission study session Jan. 25, and he said the commission liked the idea and encouraged the staff to move forward with it.

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He said a more formalized version of the concept could be presented to the commission in a public hearing in the next month and a half.

"The idea is that there may be areas in town, whether they're blighted or experiencing a lack of investment, where this overlay zone may give the owners an opportunity to pursue innovative design solutions that might not otherwise be allowed," Paulsen said.

"Things like height, setback, landscaping and even use limitations could be waived in a final approval by the City Council," he said.

http://www.reporterherald.com/news/loveland-local-news/ci_29606966/loveland-police-arrest-woman-connection-target-robbery?source=most_viewed

[County considers repealing ban on pot edibles](http://www.reporterherald.com/news/larimer-county/ci_29608070/county-considers-repealing-ban-pot-edibles?source=most_viewed)
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The concept would keep in place infrastructure requirements such as water, power, sewer and streets, Paulsen said, as well as safety rules.

Buddy Meyers, a member of the Planning Commission who studied the flexible zoning overlay concept as a member of the Title 18 Committee, said there are areas in downtown Loveland, on West Eisenhower Boulevard and on North U.S. 287 that are languishing that could benefit from relaxed rules.

Achieving an eclectic community

He gave as an example an area with zoning that allows only commercial structures, where a landowner could obtain an overlay zone that would permit a two-story mixed-use building with retail downstairs and residential upstairs.

He said such development would hark back to earlier times when shopkeepers lived above their stores, and neighborhoods had a more eclectic feel.

On the other hand, Meyers, Krenning and Paulsen all said the idea isn't to create a free-for-all where any kind of building goes.

"Of course, you don't want to have a city that doesn't have any zoning in it," Krenning said.

"If adjoining property owners don't see any objections, this is a way for the city of Loveland to get out of the way and see what would happen," he said.

Paulsen said the city hasn't run the idea past the real estate, development or business communities yet.

Krenning called the idea a "test tube experiment."

"This is thinking outside the box, which is something we don't tend to do very often," he said. "If it works, great. If it doesn't, then there's no harm. I just don't see any downside to it."

Craig Young: 970-635-3634, cyoung@reporter-herald.com (<mailto:cyoung@reporter-herald.com>), www.twitter.com/CraigYoungRH (<http://www.twitter.com/CraigYoungRH>).

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Editorials- Flexible Zoning Overlay District for March 14, 2016 Planning Commission Public Hearing

ATTACHMENT B

REPORTER-HERALD (<http://www.reporterherald.com>)
OPINION

(<http://www.reporterherald.com/weather>)

Loveland, CO | Now: 55°
 (<http://www.reporterherald.com/weather>) | High: 56°
 (<http://www.reporterherald.com/weather>) | Low: 25°
 (<http://www.reporterherald.com/weather>) | 5-Day Forecast
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Editorial: New zoning overlays could be attractive

POSTED: 02/15/2016 10:52:13 PM MST

By dribs and drabs, some long-vacant buildings are starting to draw interest from developers — either for the buildings themselves or for the property on which they sit.

In north Loveland, a developer's plan to replace the former restaurant at 30th Street and Garfield Avenue with a KFC franchise will start a new chapter at a location that had become an attractor to trespassers and birds. In downtown, properties are filling with new businesses that see the energy that events such as the Loveland Fire and Ice Festival have brought to the core of Loveland.

Yet still more properties sit idle, in part because of zoning restrictions created for a user that might be long departed or from a time that has long since passed.

Last month, the Loveland Planning Commission heard about a program that would create a "flexible zoning overlay" to allow the property owner to bypass certain requirements that might have been included in the original zoning designation for the land or building. It's not the same as seeking a rezoning or a special review, which can call for costly studies and other bureaucratic hoops through which a developer would have to jump.

Instead, the city would be more flexible on issues such as building heights, the landscaping requirements or even the allowable uses — but not without the opportunity for neighbors and residents to have their voices heard. Such overlays would require a public hearing and City Council approval.

City officials rightly note the flexibility cannot extend to elements of public safety, or infrastructure requirements such as water, power and sewer services.

However, in the long run, such flexibility might allow what could be considered a return to the good old days, when mixed-use buildings allowed both commercial and residential uses in several areas of the city beyond the downtown core.

As long as the city remains committed to the notion that zoning overlays are to promote development of existing properties — and not for "greenfield" developments at the city's edge, the idea could be one that makes Loveland stronger for years to come.

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Editorials- Flexible Zoning Overlay District for March 14, 2016 Planning Commission Public Hearing

ATTACHMENT B

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 25, 2016**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 25, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, and McFall. Members absent: Commissioner Crescibene. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Jenell Cheever, Planning Commission Secretary.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, discussed the agenda for the upcoming 5/9/16 Planning Commission meeting.
2. **Mr. Paulsen** noted that the Current Planning office moved in to the new Development Center and opened for business today. Staff provided a tour to the commissioners prior to the Planning Commissioners meeting tonight. The grand opening will be held on June 10th.
3. **Mr. Paulsen** stated that interviews for the Planning Commission vacancies will be held April 26th.
4. **Mr. Paulsen** updated the commissioners on the following Hot Topics:
 - a. Loveland Classical Schools is moving forward with pursuing a new location.
 - b. Plans for the demolition of buildings in the South Catalyst site are proceeding.

COMMITTEE REPORTS

1. **Commissioner Meyers** stated that the city's Title 18 Committee met on April 14th and discussed the Zoning Overlay Provisions that will be heard by the Planning Commission this evening.

COMMISSIONER COMMENTS

Commissioner Meyers motioned to move Item #1, Mountain Pacific Business Park Preliminary Development Plan, from the Regular Agenda to the Consent Agenda. Upon a second by **Commissioner Ray** the motion was approved with 5 ayes and 2 nays.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the April 11, 2016 minutes; upon a second from **Commissioner McFall** the minutes were unanimously approved.

CONSENT AGENDA

1. Mountain Pacific Business Park Preliminary Development Plan

Project Description: This is a public hearing on a quasi-judicial matter concerning a preliminary development plan for Mountain Business Park. This site is located at the southeast quadrant of the intersection of Garfield Avenue (Hwy 287) and 71st Street (LCR 30). The site includes a total of 20 acres and is zoned Planned Unit Development. The Business Park Plan proposes development of four light industrial/flex buildings totaling 48,000 sf along with minor changes to an existing office building that is part of the storage business that is located on the lot to the north.

The Planning Commission has final authority on this application barring appeal. In the view of staff, all issues have been resolved and staff is in support of the application.

Commissioner Comments: Several commissioners commented on the high quality of the project and thanked the applicant for their nice work.

Commissioner Meyers motioned to approve the Consent Agenda. Upon a second by Commissioner Forrest, the motion was unanimously approved.

REGULAR AGENDA

2. Flexible Zoning Overlay District Code Amendments.

Project Description: This is a public hearing on a legislative matter to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. This amendment would allow property owners within designated and approved areas to be exempted from standard zoning requirements. City Council approval of an overlay district must occur prior to development. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity.

The proposed code amendments were originally reviewed by the Planning Commission in a public hearing on March 14, 2016. Subsequent to the public hearing, staff has prepared revisions to the code provisions in collaboration with the city's Title 18 Committee. Staff is recommending that the Commission recommend approval of the code provisions to the City Council.

Mr. Paulsen provided background on the Flexible Zoning Overlay District provisions. **Mr. Paulsen** described several important components of the provisions and noted that districts

could only be located on non-greenfield sites. Several commissioners discussed the benefit of including this condition in the provision.

Mr. Paulsen noted that the provisions would not make allowances to waive or remove city infrastructure requirements. Districts would be established for specific locations and would “float” over existing zoning. The underlying zoning would be suspended until the district expired.

Mr. Paulsen discussed the application requirements and application steps.

Mr. Paulsen reviewed the changes to the provisions since the March 14th Planning Commission meeting.

Commissioner Jersvig, after learning that staff would be allowed to approve amendments for density/intensity increases up to 20%, he expressed interest in allowing staff to also approve lower densities through the amendment process. After discussion, commissioners agreed that the provision should be amended to allow approval of both increased and decreased density. **Mr. Paulsen** recommend amending 18.44.050 E to state that the district plan “may vary from the density/intensity and use provisions.” The commissioners approved this wording.

Mr. Paulsen noted that the provisions specify that unless City Council’s approval of a district plan specifies otherwise, district plans would expire after 48 months. **Mr. Paulsen** also discussed the issue of non-conformance and noted that the issuance of a building permit would be the threshold at which point the district plan would be given continued legal standing even if the district plan expires. He elaborated, indicating that the non-conformance provisions were designed to assure property owners that they could rely on city-approved plans and that their investments in carrying out the plans would be protected.

Commissioner Jersvig expressed concerns with allowing an applicant to achieve permanent district status after 48 months by only obtaining a building permit seemed insufficient. **Commissioner Jersvig** indicated that obtaining a building permit alone does not indicate substantial progress towards implementing a district plan. After a lengthy discussion with **Brett Limbaugh**, Director of Development Services, and **Mr. Paulsen**, the commissioners were unable to arrive at a consensus with regards to the proposed nonconformance and expiration provisions.

Commissioner Ray asked that the provisions include wording that states “substantial investment as determined by City Council” and not tie the continuance of the district to anything else. **Commissioner Ray** also stated that “substantial effort” should not be based on financial contribution.

Commissioner Ray also recommended the following changes: Change the word “runs” in 18.44.100 Item C and remove the word “abutted” from 18.44.050 Item A.

Commissioner Meyers asked for clarification as to when the agreement should be recorded

with the county. **Mr. Paulsen** stated that staff can work with **Terry Andrews**, City Clerk, to determine when the agreement should be recorded.

Commissioner Dowding noted that in section 18.44.060 and 18.44.090, the “0” is missing prior to the “60 and “90.”

Commissioners directed staff to review and amend the overlay provisions for review at the next Planning Commission meeting. Prior to finalizing the provisions for the next Planning Commission meeting, commissioners asked that the language be emailed to them so they can comment and make recommendations. **Moses Garcia**, Assistant City Attorney, clarified that commissioners cannot discuss the provisions among themselves and comments and recommendations can only be emailed directly to **Mr. Paulsen**; however, commissioner emails can be included in the Planning Commission Agenda packet.

Commissioner Dowding motioned to continue the Flexible Zoning Overlay District Code Amendments to the May 9th Planning Commission meeting. Upon a second by Commissioner Meyers the motion was unanimously approved.

ADJOURNMENT

Commissioner Dowding, made a motion to adjourn. Upon a second by Commissioner Ray, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 8:38 p.m.

Approved by: 

Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 14, 2016**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 14, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, and McFall. Members absent: Commissioners Crescibene and Meyers. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; and Jenell Cheever, Commission Secretary.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, provided a preview of the 3/28/16 Planning Commission Agenda. **Mr. Paulsen** noted that the Temporary Uses Code Amendments may be postponed until an April Planning Commission meeting.
 - a. **Commission Ray** asked if staff can place a notice on the city's website that **Dr. Maas** will present the Thompson School District Master Plan. **Mr. Paulsen** stated that any material received from the school district will be posted on our website prior to the meeting.
2. **Mr. Paulsen** asked the commissioners if they wanted to continue receiving the monthly updates from the Building Division. The commissioners stated that they would like to continue receiving the information.
3. **Mr. Paulsen** noted that the 2015 Annual Report has been released and a hard copy was provided to the commissioners. **Mr. Paulsen** referred to the Development Review Process data on page 3 and noted that although the level of applications in 2015 nearly double since 2014, that staff performance levels and efficiency has stayed nearly the same.
4. **Mr. Paulsen** noted that Create Loveland is scheduled for a City Council study session on April 12th.
5. **Mr. Paulsen** stated that **Brett Limbaugh**, the new Director of Development Services, will begin on March 21st.
6. **Mr. Paulsen** noted that the two open positions for the Planning Commission have been advertised and applications can be submitted until March 30th.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the February 22, 2016 minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.

CONSENT AGENDA:

Commissioner Ray requested that Item 1, 5726 Byrd Drive, be removed from the consent agenda and be presented as Item 1 on the regular agenda.

REGULAR AGENDA

1. 5726 Byrd Drive Electronic Message Sign

Project Description: The Planning Commission held a public hearing on February 22, 2016 to consider an appeal of the Planning Division's decision that an electronic message sign is not permitted on the I-25 frontage of 5726 Byrd Drive. The Commissioners voted 6-1 to reverse staff's decision and find that the applicant's property qualifies for an electronic sign on I-25. Staff has provided the Commission with a brief memo and a resolution for approval of the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016.

COMMISSIONER COMMENTS:

- **Commissioner Ray** stated that he was not in favor of appealing the staff's decision and wanted the commissioners to vote on the resolution approval.
- **Commissioners Molloy and McFall** both stated that they drove by the site and are in full support of their prior vote and their decision to allow the electronic sign.

*Commission Dowding moved to approve the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016 regarding the 5726 Byrd Drive Appeal. Upon as second by **Commissioner Forrest**, the motion was approved with 5 ayes and 1 nay.*

2. Fairgrounds 8th

Project Description: This is a public hearing on a legislative matter to consider the annexation and zoning of a 4 acre property at 1040 S. Roosevelt Avenue. The property, which has been purchased by the city, is immediately west of the existing Loveland Fire Training Facility. It currently contains a few industrial buildings, and the industrial uses that were constructed prior to the city purchase continue to lease and operate on the property. The Fire Authority is interested in redeveloping the property as an expansion of the Fire Training Facility. The Fire Authority is beginning its master planning process for both development of the fire training use on this lot and for improvements to the existing facility on the lot to the east.

Staff believes that all key issues have been resolved based on city codes and standards

relevant to annexation and designation of the I-Developing Industrial zoning district for the property. The development of the lot as a Fire Training Facility will require a special review application and a neighborhood meeting along with a site development plan and building permit application. Upon submittal, these applications will be reviewed by staff for compliance with all code requirements.

Noreen Smyth, City Planner, described the location of the existing Fire Training Facility. The adjacent property was purchased with the intention of expanding the facility; however, this property must be annexed into the city and zoned Industrial prior to development. The Fire Training Facility would need to be approved through a Special Review prior to construction.

Sam Eliason, United Civil Design Group, representing the City, described the project and provided a brief description of the proposed site plan and discussed access roads to the surrounding sites.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Ray** asked how the River Walk project would be affected by building the Fire Training Facility. **Ms. Smyth** noted that the Parks and Recreation Department has reviewed the application and did not have any comments. **Ms. Smyth** noted that the Fire Training Facility would have dense buffering requirements and conflicts would be handled through the site development process.
- **Commissioner Dowding** asked what the existing Larimer County zoning is and **Ms. Smyth** noted that the property is currently zoned Industrial in the county.
- **Commissioner Forrest** asked if the property to the north is residential and if the city planned to purchase and annex any of this land. **Ms. Smyth** noted that the property to the north is under county jurisdiction and is zoned Industrial. The property appears to have residential uses. **Mark Miller**, Fire Chief, stated that this property is owned by the Probasco family and it will most likely not be feasible for the city to purchase.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:05 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 7:05 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated concerns with access to the facility due to the potential closing of Fire Engine Road. **Mr. Paulsen** stated that access would be evaluated as part of the Special Review process.

- **Commissioner Molloy** stated support for the Industrial zoning designation because it is consistent with the surrounding zoning.
- **Commissioner Ray** asked what the implications of the 100 year and 500 year flood plains are for the proposed Fire Training Facility. **Mr. Eliason** explained the boundaries of flood plain and noted that a majority of the existing Fire Training facility is in the 500 year flood plain and nothing can be built in this area. In the proposed new location, a majority of the property is in the 100 year flood plain and structures can be built as long as they meet the requirements for raised buildings. A small portion of the new location would be outside of the flood plain and would not have building restrictions based on the flood plain.
- **Commissioner Jersvig** stated he was in favor of the annexation and zoning.

Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated March 14, 2016 and, based on those findings, recommend that City Council approve the Fairgrounds Eighth Addition to the City of Loveland and zone said land as "I-Developing Industrial." Upon a second by Commissioner Ray, the motion was unanimously approved.

Commissioner Jersvig called for a recess at 7:15 p.m.

Commissioner Jersvig called the meeting to order at 7:26 p.m.

3. Zoning Overlay District Code Amendments

Project Description: This is a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. This amendment would allow property owners within designated areas to be exempted from standard zoning requirements. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity. Consideration the proposed code amendment is a legislative matter.

Mr. Paulsen stated that a Planning Commission study session was held on January 25th and noted that the Zoning Overlay District code amendment is substantially the same; however, legal clarifications have been provided and a section was added that deals with the expiration of overlay districts. **Mr. Paulsen** gave a general overview of the provisions as provided in the Staff Report.

Mr. Paulsen stated that after the study session, staff reached out to the community for their input on the proposed code amendment. This included emailing over 100 developers and development consultants, posting the information on the city's website, and publication of a newspaper article and editorial in the Reporter Herald. **Mr. Paulsen** received 6 inquiries from the outreach efforts. Of these inquiries, **Mr. Steinbicker** was the only citizen that provided written comments. A copy of the email was provided to the commissioners stating **Mr. Steinbicker's** support for the Zoning Overlay District code amendments.

Mr. Paulsen noted that this code amendment does not proactively change the zoning on any property; an application must be submitted and approved before zoning standards are altered.

Mr. Paulsen noted that the underlying zoning stays in place, indicating that the underlying zoning provisions are superseded while the flexible zoning overlay district is in place. In the event that the overlay expires or is otherwise eliminated, the underlying zoning would be re-activated.

Mr. Paulsen provided a PowerPoint presentation, providing a summary of the code provisions, the process for adoption of an overlay district and an explanation of how the overlay would work. He also outlined changes and updates made to the proposed code amendment since the January study session. **Mr. Paulsen** outlined the application process and noted that the provisions were originally structured in such a way that approval from surrounding property owners would be required. Following additional review, it was determined that the normal public hearing process would be sufficient to receive and address citizen's concerns. Through this process, the Planning Commission would be able to provide recommended conditions to City Council.

COMMISSIONER QUESTIONS

- **Commissioner Molloy** asked if the applicant would need to submit a conceptual master plan, allowing the commissioners to see what the proposed use and project site would look like. **Mr. Paulsen** stated that the process requires the applicant to provide a conceptual plan for the project that is reviewed by staff, the Planning Commission and City Council.
- **Commissioner Molloy** asked if an applicant can potentially subdivide a large piece of property and leave some of the property out of the overlay. **Mr. Paulsen** stated that the code has no provisions to prevent this from happening.
- **Commissioner Jersvig** asked how the applicant can terminate the overlay once it is approved. **Mr. Paulsen** stated that the applicant would need to go before City Council to request a termination prior to expiration date.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 8:00 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 8:00 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated she is in favor of the amendment as it allows flexibility for the applicant and the city.
- **Commissioner McFall** stated he is in favor of the amendment as this could provide a less costly option for an applicant to develop a property.
- **Commissioner Ray** stated he is generally in favor of the amendment; however, he expressed concerns that "no zoning" puts the Planning Commission in a position to

catch all potential conflicts. However, the use of overlay expirations would allow the city to try this on a temporary basis to determine effectiveness.

- **Commissioner Molloy** stated he is in favor of the amendment and agreed that the overlay expiration is necessary.
- **Commissioner Dowding** stated she is in favor of the amendment as many areas of town may benefit from this approach.
- **Commissioner Jersvig** stated he is in favor of the amendment and feels it is very well written.

Commissioner Dowding moved to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on March 14, 2016 and as described in the Planning Commission staff report dated March 14, 2016 as specified in the attachments thereto and as further amended on the record. Upon a second by Commissioner McFall, the motion was unanimously approved.

ADJOURNMENT

Commissioner Ray made a motion to adjourn. Upon a second by **Commissioner Forrest**, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 8:07 p.m.

Approved by: 

Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary



CITY OF LOVELAND

City Council Public Hearing

Flexible Zoning Overlay District—

- **Public Hearing on a Legislative matter**
- **Code amendment to Title 18**
- **New chapter 18.44 of the zoning code**



CITY OF LOVELAND

Flexible Zoning Overlay District

PURPOSE

- **Facilitate new development/redevelopment and promote reinvestment**
- **Provide regulatory relief as alternative to \$ incentives**
- **Allow broadly within the community**
- **Keep initial planning costs low**
- **Overlay may be used on a trial basis**



CITY OF LOVELAND

Flexible Zoning Overlay District

BACKGROUND

- **Idea originated at City Council**
- **Developed with Title 18 Committee input**
- **Favorable response from development customers**
- **Planning Commission Study Session: January 25th**
- **Planning Commission Hearings:**
 - ❑ **March 14th**
 - ❑ **April 25th**
 - ❑ **May 9th**



CITY OF LOVELAND

Flexible Zoning Overlay District

CONCEPT

- **Overlay District would “float” over existing zoning—regular zoning would be suspended**
- **Overlay District and District Plan would set development standards within specific boundaries**
- **Zoning standards (use, height, landscaping, setbacks, lot size) could be waived or altered**
- **Infrastructure requirements (street, stormwater, water, sewer, emergency services and building safety) could not be waived.**



CITY OF LOVELAND

Flexible Zoning Overlay District

CONCEPT

- **No size requirement for Districts (1 or more properties)**
- **Application: concept plans & narrative standards**
- **Initial application (discretionary review) would not require detailed engineering / architecture**
- **Districts established for 48 months**
- **Expiration date can be extended by Council**



CITY OF LOVELAND

Flexible Zoning Overlay District

PROCESS

Step 1: Concept review meeting

Step 2: DRT review—of concept plan/narrative

Step 3: Neighborhood meeting

Step 4: Planning Commission public hearing

Step 5: City Council public hearing

Step 6: Site Development Plan (administrative) approval

Step 7: Building Permit

AGENDA ITEM: 17
MEETING DATE: 8/2/2016
TO: City Council
FROM: Economic Development Office
PRESENTER: Susan Grafton, Economic Development Director



TITLE:
A Resolution Appointing A City Council Member And Community-At-Large Member To The Northern Colorado Regional Tourism Authority (NCRTA)

RECOMMENDED CITY COUNCIL ACTION:
 Identify desired appointees and adopt the resolution

- OPTIONS:**
1. Adopt the action as recommended.
 2. Deny the action. The NCRTA Board will not have representatives from Loveland.

SUMMARY:

This is an administrative action item. The Go NoCO Board was put into place to facilitate the application by Larimer County, Town of Windsor, Town of Estes Park and City of Loveland for funding through the Economic Development Council of Colorado (EDC) for the purpose of financing regional tourism activity. That funding was approved by the EDC in December, 2015. A requirement of receiving funding is that a regional tourism authority be established to administer the receipt of funds and assure compliance to the state requirements for the approved projects. That new entity will be the Northern Colorado Regional Tourism Authority (NCRTA). City Council is asked to make two appointments to the NCRTA: a City Council member and a Community-at-large member.

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

BACKGROUND:

The Go NoCO has been active since September, 2014 and was instrumental in getting approval by the state of the Loveland, Windsor and Estes Park tourism projects. Mayor Cecil Gutierrez represents the City on the advisory board. The City Manager, Economic Development staff and Alan Krcmarik, Executive Fiscal Advisor have also actively participated with the Go NoCO Board and project negotiations.

Project negotiations are not finalized but activation of revenue in the Go NoCO Regional Tourism Zone (RTZ) is expected to initiate this fall. Therefore an entity is needed to be recipient of funds even if the tourism projects do not yet have approved agreements. Articles of Incorporation and other legal documents have been prepared to form the NCRTA by the end of August. Once the NCRTA is in place, the responsibilities of the Go NoCO board will be transferred to the NCRTA and the Go NoCo board will be dissolved.

As noted in the attached Go NoCO letter, State Statute specifies the membership of the NCRTA Board. It must have a 15 member board defined as:

- Seven representatives who own commercial property within the RTZ; and,
- Two representatives from each government entity (Larimer County, Town of Windsor, Town of Estes Park and City of Loveland).

EDC Appointments: The EDC will appoint the seven representatives of commercial property in the RTZ. The EDC Board has asked the GO NoCO Board for suggestions for those appointments. The GO NoCO Board has in turn asked that each government entity suggest 2 potential appointees that meet the criteria. The Go NoCO Board will then cull the appointee suggestions down for recommendation to the EDC Board for appointment. City staff is currently researching potential eligible individuals and will have suggestions for discussion during the Council Meeting. A map of the Loveland RTZ area is attached.

City of Loveland Appointments: As prescribed by the Go NoCO legal counsel, the City of Loveland is asked to appoint two members to the new NCRTA Board:

- 1) City Council Member
- 2) Community-at-Large Member

NC.R.S. Section [24-46-306](#) (2)(c) addresses the situation of more than two governmental entities being the regional tourism applicant. In such case the members appointed for each local governmental entity are an elected official and a person who represents the community at large. "Community at large" is not a defined term. A representative who would be voting on behalf of the local governmental entity, in this case Loveland, would normally be a resident. However, a more expansive interpretation might include a non-resident of the Loveland who works in or otherwise has substantial ties to the City.

Staff suggests the following parameters or qualifications:

- 1) Past involvement with the Go NoCO Board
- 2) Strong business management capabilities to aid in setup of the new organization
- 3) Familiarity with the RTA projects but not affiliated with any RTA project applications
- 4) Willingness to attend monthly board meetings and other necessary meetings to represent Loveland and its interest in the RTA projects

Based on the above suggested considerations, the following appointments are recommended:

- 1) Appoint Mayor Cecil Gutierrez as the Loveland City Council member since he has served on the Go NoCO Board and could help provide continuity.
- 2) Appoint Renee von Weiland as the Community-at-Large member because she has served on the Go NoCO Board and her hospitality industry experience.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Go NoCO Letter of Request
2. RTZ Map

RESOLUTION #R-71-2016**A RESOLUTION APPOINTING A CITY COUNCIL MEMBER AND
COMMUNITY-AT-LARGE MEMBER TO THE NORTHERN
COLORADO REGIONAL TOURISM AUTHORITY (NCRTA)**

WHEREAS, Go NoCO has been active since September, 2014 and was instrumental in getting approval by the state of the Loveland, Windsor, and Estes Park tourism projects; and

WHEREAS, Mayor Cecil Gutierrez represents the City on the advisory board and City staff has also actively participated with the Go NoCO Board and project negotiations;

WHEREAS, project negotiations are not finalized but activation of revenue in the Go NoCO Regional Tourism Zone (the “RTZ”) is expected to initiate this fall;

WHEREAS, an entity is needed to be recipient of funds even if the tourism projects do not yet have approved agreements;

WHEREAS, Articles of Incorporation and other legal documents have been prepared to form the Northern Colorado Regional Tourism Authority (the “NCRTA”) by the end of August, 2016;

WHEREAS, once the NCRTA is in place, the responsibilities of the Go NoCO Board will be transferred to the NCRTA and the Go NoCO Board will be dissolved;

WHEREAS, State Statute specifies the membership of the NCRTA Board as noted in the Go NoCO letter of request, attached hereto as Exhibit A;

WHEREAS, the NCRTA must have a 15 member board, including seven representatives owning commercial property within the RTZ, and two representatives from each government entity (Larimer County, Town of Windsor, Town of Estes Park, and City of Loveland);

WHEREAS, the Economic Development Council (the “EDC”) will appoint the seven representatives owning commercial property in the RTZ and has asked the Go NoCO Board for suggestions for those appointments;

WHEREAS, the Go NoCO Board has asked that each government entity suggest two potential appointees that meet the criteria and will then cull the appointee suggestions down for recommendation to the EDC Board and staff is currently researching potential eligible individuals;

WHEREAS, the City of Loveland is asked to appoint one City Council Member and one Community-at-Large Member to the NCRTA Board, as prescribed by the Go NoCO legal counsel;

WHEREAS, no parameters or qualifications are provided for City Council’s selection of City representatives, however, City staff suggests the following considerations:

- 1) Strong business management capabilities to aid in setup of the new organization
- 2) Familiarity with the RTA projects but not affiliated with any RTA project applications
- 3) Ability to understand and facilitate complicated projects
- 4) Willingness to attend monthly board meetings and other necessary meetings to represent Loveland and its interest in the RTA projects

WHEREAS, based on the above suggested consideration, City staff recommends appointing Mayor Cecil Gutierrez as the Loveland City Council Member since he has served on the Go NoCO Board and could help provide continuity, and Renee von Weiland as the Community-at-Large member because of her past experience on the GoNoCo Board and hospitality industry experience;

WHEREAS, Council desires to make the following appointments with members meeting the recommended considerations above.

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

Section 1. The City Council hereby appoints the following as members of the NCRTA Board:

<u>Name</u>	<u>Role</u>
Mayor Cecil Gutierrez	City Council Member
Renee von Weiland	Community-at-Large Member

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

ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney



June 27, 2016

Ms. Susan Grafton
 Economic Development Director
 City of Loveland
 500 E. Third Street, Suite 300
 Loveland, CO. 80537

Re: Northern Colorado Regional Tourism Authority/Board of Directors

Dear Susan:

On behalf of the Go NoCO Board of Directors, I am writing to request your assistance.

As you know, the formal paperwork was recently submitted to establish the Northern Colorado Regional Tourism Authority ("NCRTA"). The NCRTA will be the governing entity for receipt and distribution of state sales tax revenues received pursuant to the award of state tourism funding by the Colorado Economic Development Commission (EDC). The next step for the NCRTA will be to establish its board of directors. Once the NCRTA is established, the responsibilities of Go NoCO will be transferred to the new entity.

The Colorado Regional Tourism Act (§24-46-306 C.R.S.) sets out the criteria for NCRTA board membership. Each local government applicant is charged with appointing two members to the NCRTA board: **one elected official** and **one representative of the community at large**. We are requesting that the City of Loveland identify and submit to me the names of two individuals that meet these criteria. Time is of the essence; it is our hope to seat the NCRTA board and schedule its first formal meeting in late August.

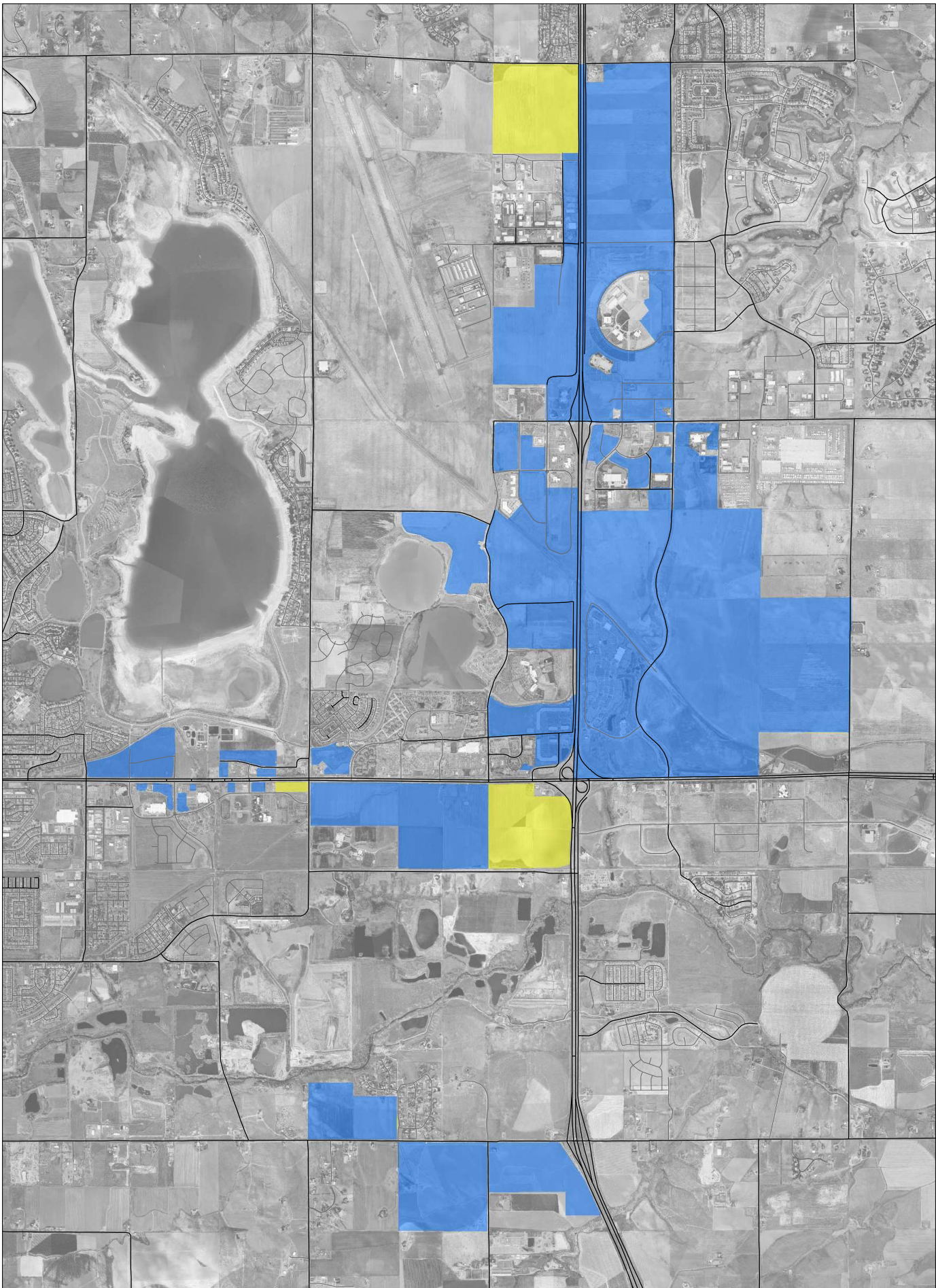
Additionally, the NCRTA board will also include 7 commercial property owners (or representatives of commercial property owners) whom are appointed by the EDC. In addition to the two members described above, please identify and send me up to 3 additional names of commercial property owners who own property within the Go NoCO Regional Tourism Zone. We will cull these names and submit them to the EDC for further action/appointment.

If you have questions or concerns, please contact me directly or Go NoCO outside legal counsel Jep Seman (720-377-0703).


Thank you for your help with this matter.

Sincerely,

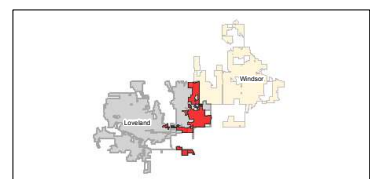
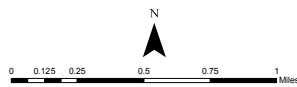
Pat Brady
 Chairman



County vs. Loveland RTZs

-  County
-  Loveland

Loveland RTZ



AGENDA ITEM: 18
MEETING DATE: 8/2/2016
TO: City Council
FROM: Public Works
PRESENTER: Leah Browder, Public Works Director
 Jeff Bailey, PE, PTOE, City Engineer



TITLE:
North US287 and 57th Street Sidewalks Update

RECOMMENDED CITY COUNCIL ACTION:

Accept the recommendation to take this information under advisement pending a more comprehensive study session to prioritize and consider funding for city sidewalks.

OPTIONS:

1. After consideration and discussion of the information, direct staff to return with a supplemental budget request for a sidewalk project or projects at the intersection of North US287 and 57th Street.
2. Refer back to staff for development of specific additional areas of interest.

SUMMARY:

This item is intended to provide information regarding North US287 sidewalks at 57th Street following up to discussion at the March 15, 2016 City Council Meeting and to support City Council discussion regarding sidewalk projects in the area.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This item provides information to support City Council decision making regarding capital program sidewalk projects. However, should City Council direct additional expenditures toward sidewalk design and construction, a negative budgetary impact could result.

BACKGROUND:

The topic of sidewalks in Loveland has arisen in various regards over the last few months. The City's 2012 Bicycle and Pedestrian Plan provides a prioritized list of 300 projects selected from 2,500 possibilities after extensive analysis and public outreach. However, with current annual funding of \$100,000 being reduced to \$50,000 the ability to make significant progress with sidewalk projects is limited.

This item responds most specifically to the City Council's request for additional information about potential sidewalk projects around the intersection of US287 and 57th Street, which is an area of public interest at this time. New opportunities have arisen as a result of the County's recent focus on this location.

City staff is aware of additional heightened interest for sidewalks along the US287 between the Orchards Center and 37th Street as well as in the Downtown area. These locations have received expert attention from the Urban Land Institute and AARP due to the efforts of CanDo

Loveland. CanDo has also initiated a citizens' taskforce to examine the 2012 Bicycle and Pedestrian Plan and offer updated recommendations for prioritization.

This item provides the first recent opportunity to focus on the topic of sidewalks and a springboard to a more comprehensive discussion at a City Council Study Session.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Staff Memo
2. PowerPoint Presentation

Memo

Public Works Department

To: Honorable Mayor and City Council

Via: Stephen C. Adams, City Manager

From: Leah Browder, Public Works Director
Jeff Bailey, PE, PTOE, City Engineer

Date: July 25, 2016

Re: August 2, 2016 City Council Meeting
North US287 Sidewalk Update

Summary:

This memorandum is intended to provide information regarding North US287 sidewalks following up discussion at the March 15, 2016 City Council Meeting and in preparation for the August 2, 2016 City Council Meeting.

Background:

The US287 corridor through Loveland is characterized by numerous and sometimes lengthy sidewalk gaps due mostly to mixed parcel jurisdiction between the City and the County; changing standards; and scattered development of the corridor over time.

The City's Bicycle and Pedestrian Plan, approved in May of 2012, identified sidewalk gaps on a city-wide scale and proposed a plan to eliminate those gaps, prioritized by volume of pedestrians, school routing needs, and public input. This effort resulted in the identification of 300 top priority projects from over 2,500 possibilities identified. It is important to note that policy direction at that time and currently in place is to pursue sidewalk connectivity *on only one side of a street* thus helping to manage costs. Applied on a city-wide basis, this policy approach resulted in total estimated Bicycle and Pedestrian Plan project costs of \$6.7 million to \$13.6 in City funding with a short-term annual allocation of \$100,000 through 2017 and \$50,000 a year after that. Pursuing sidewalk connectivity on both sides of Loveland streets could result in costs approaching \$40 million.

The US287 Strategic Plan (287 Plan), adopted by City Council in December of 2015, includes proposed mobility enhancements along the entire US287 corridor, from 71st Street to State Highway 60. Now that the newly appointed Directors of Economic Development and Development Services are in place, a collaborative effort is underway to prioritize the 287 Plan. Implementation recommendations that are driven by revitalization of the corridor section-by-section to achieve the overarching vision captured in the conceptual 287 Plan adopted by Council are being developed. Initial US287 Plan implementation recommendations have been submitted for consideration with 2017 departmental budget proposals.

Implementation of the complete 287 Plan will require a significant investment of effort and funding over many years.

In the meantime, the US287 corridor between 29th and 64th is a particular area of focus due to community input and interest. Working to solve the issue of pedestrian connectivity is difficult as a standalone item—combining walkability with the desire to economically revitalize and beautify an area creates even deeper complexities.

Opportunities:

Northwest US287/57th Street Intersection Quadrant (County Jurisdiction):

The temporary asphalt sidewalk now in place in this County enclave was built by the developer of the Peakview Commercial site after a fatal crash between a vehicle and motorized wheelchair in 2008. While this path provides a walkway to the commercial area and eliminates the need for pedestrians to use the shoulder of US287, some travelers still choose to use the roadway shoulders.

Constructing a permanent sidewalk to replace the temporary pathway in this area out of sync with adjacent roadway development and other development in the area could cost between \$700,000 and \$800,000—a more costly and complicated project due to the need to secure easement and relocate the associated ditch.

This project is not recommended at this time because there is temporary access available and an upgrade would be highly costly. There is no guarantee that this work would be aligned with future construction in the area creating the potential for a “throwaway” project. Additionally concerning is the budgetary impact on other Capital Improvement projects including competing sidewalk needs both in this area and citywide.

In order to facilitate maximum access within the existing features in this intersection quadrant, it is recommended that updated neighborhood outreach occur with Meadowlark Trail, Cherry Ridge Village, and Apple Ridge communities. Original plans included providing commercial area access using this existing recreation trail to the north. The route did not come to fruition as all impacted communities requested to be fenced from the trail at that time with no access gates provided.

Other US287/57th Street Intersection Quadrants:

Given that all other quadrants of the intersection are completely lacking formal pedestrian pathways, needs in the other three intersection quadrants might be considered a priority over the northwest quadrant where at least a temporary formal pathway does presently exist. Please see Attachment 1 for an overview of:

1. Jurisdictional purview; and,
2. Pathways in the quadrants surrounding this intersection including estimated project costs.

Southwest US287/57th Street Intersection Quadrant (County Jurisdiction):

Staff review of a possible pathway in the southwest County quadrant included dovetailing a temporary concrete sidewalk with earlier plans for the Liberty Commercial and Ranch Acres developments.

The estimated cost to install a six-foot concrete sidewalk from 57th Street south to Ranch Acres Drive would be approximately \$200,000. While staff did use previously approved, but, as yet, unconstructed development plans to develop this estimate, there is still a possibility that any walk constructed prior to site development could be “throwaway” in the future. Therefore, staff also considered a similar width temporary asphalt walk in the same location which has an approximate cost of \$144,000. With only a \$56,000 cost differential on what could be a 10- to 20-year “temporary” sidewalk life span, installation

of concrete walk is recommended at this time for this location should Council direct this option be constructed. However, this option is not recommended at this time because more opportunities have arisen for the northeast quadrant as described below.

Southeast US287/57th Street Intersection Quadrant (City Jurisdiction):

A potential project for the southeast quadrant is currently in development review. This project would include developer installation of a permanent six-foot concrete sidewalk along the site's street frontages. This represents approximately 900 feet along the Hwy 287 frontage and 250 feet along 57th Street. While still in the review process, if the project comes to fruition, this work could take place in the next 12-18 months.

Northeast US287/57th Street Intersection Quadrant (County Jurisdiction):

The northeast quadrant could benefit from a pathway that would accommodate travel to the City of Loveland transit stop located approximately 350 feet north of the intersection. Should City Council wish to pursue a pathway project at this intersection, this project is strongly recommended due to a partnership opportunity that has arisen with Larimer County and City Parks and Recreation. A focus on this corner is also welcome due to ADA accessibility issues associated with transit stops.

The installation of a temporary six-foot asphalt path from the intersection to the transit stop at an estimated cost of \$58,500 would serve as a suitable connection until the adjacent County property is annexed and developed.

Since discussion at the City of Loveland's March 15, 2016 City Council meeting on this topic, Larimer County staff contacted our staff expressing a desire to partner on a collaborative grant proposal for this quadrant. City Council approved a Resolution of Support for this grant opportunity at its July 19, 2016 meeting.

The federal Transportation Alternatives Program grant application would deliver a larger project. Attachment 2 provides an overview of the longer-term pathway plan developed by the County. This first phase grant proposal would include segments 1, 2, 3 and 11. This would include a pathway to the transit stop and a connection of the current trail underpass to the at-grade walk. The City's Parks and Recreation Department would also work with the property owner on segment 11 to connect that segment to the existing trail on the west side.

Estimated total project cost is about \$601,000. A successful grant application would secure \$481,000 in federal funding. The local match requirement would be \$120,000 shared between the County and the City.

Should the grant application be successful, staff will return to City Council with a request for a Supplemental Budget Appropriation that would make available approximately \$60,000 to meet the City's match requirement for this project.

If the grant application is not successful, City of Loveland Public Works would return to City Council with a recommended project to construct an asphalt path from the northeast corner of the US287/57th Street intersection to the City transit stop to better support general and ADA access.

Approaches to the US287/57th Street Intersection:

Also central to addressing the larger challenge at this intersection is the need for sidewalk connections to the 57th Street intersection from the east, west and south approaches (see Attachment 3) at a current estimated cost of almost \$900,000--all assumed to be dependent on development activity in the area.

ADDITIONAL INQUIRY/Orchards to 37th:

City Council also inquired about sidewalk construction on US287 from the Orchards Shopping Center north to 37th Street. The 2016 capital budget includes construction of this pathway in response to an ADA complaint/request from a citizen who is wheelchair-bound. (See Attachment 4 for a schematic of the pathway).

In light of that request and given the needs of other pedestrians as highlighted during the work done by CanDo Loveland with ULI in 2015, an ADA compliant, off-street route is scheduled for completion this year along the east side of US287 from the Orchards Shopping Center to 37th Street. This approach will be accomplished due to a confirmed private development in the area and a City project with an estimated cost of \$40,000. The completion of a continuous pathway from 37th Street to the Orchards entrance will achieve current policy direction to provide sidewalk on at least one side of the roadway. The pathway work coincides with utility undergrounding from 29th Street north to 57th Street being delivered by Water and Power. Due to constructability challenges, right-of-way constraints, and resulting cost prohibitions, the route will not be entirely concrete, but will take advantage of existing asphalt paved areas to achieve full ADA compliance. Developing an unimpeded route will also require the assistance of Code Compliance to address obstruction issues.

Staff also investigated the possibility of constructing sidewalk on the west side of US287 between 37th Street and Orchards Shopping Center as this is the preferred path for the citizen requesting this project, but cost estimates exceed \$400,000. Creating a west side pathway is complicated by the need to extend the Dry Creek box culvert west to allow room for a sidewalk. Other issues more complicated on the west side than on the east side include right-of-way, utility poles and grading causing a more expensive and harder to construct project.

The citizen request also includes access from the 65th transit stop on the east side of US287 to the Walmart. Currently, there is no northerly path so the citizen in a wheelchair must ride the bus to Fort Collins and back into Loveland to exit the bus on the Walmart side of 287. Staff is working on resolving easement and right-of-way issues so that eastside pedestrian access can be constructed to address this situation.

Conclusion:

Designing and constructing sidewalks along North US287 is best undertaken within the context of the 287 Plan adopted by City Council in December 2015. Implementation of the 287 Plan will take a significant investment of resources and decades will be required to realize the vision presented by the Plan.

In the meantime, taking advantage of opportunities that arise to leverage partnerships and funding will provide the best opportunities for short-term progress. Pursuing a collaborative grant opportunity with Larimer County to make some substantial progress in the northeast quadrant of the North US287 and 57th Street intersection is recommended. Creating a path to the City's transit stop and realizing another recreation trail connection will greatly improve the circumstances for pedestrians in the area. Short of a successful grant request, Loveland will be able to move ahead with an individual project for about the

same amount to construct at least a temporary asphalt path from the intersection corner to the transit stop.

We look forward to City Council's current thoughts on this subject and the opportunity to update our approach to reflect any changes in policy directed by City Council.

If you have any questions or comments, please do not hesitate to contact Jeff Bailey by phone at (970) 962-2551 or email at jeff.bailey@cityofloveland.org or Leah Browder at 970-962-2520 or at leah.browder@cityofloveland.org. Thank you.

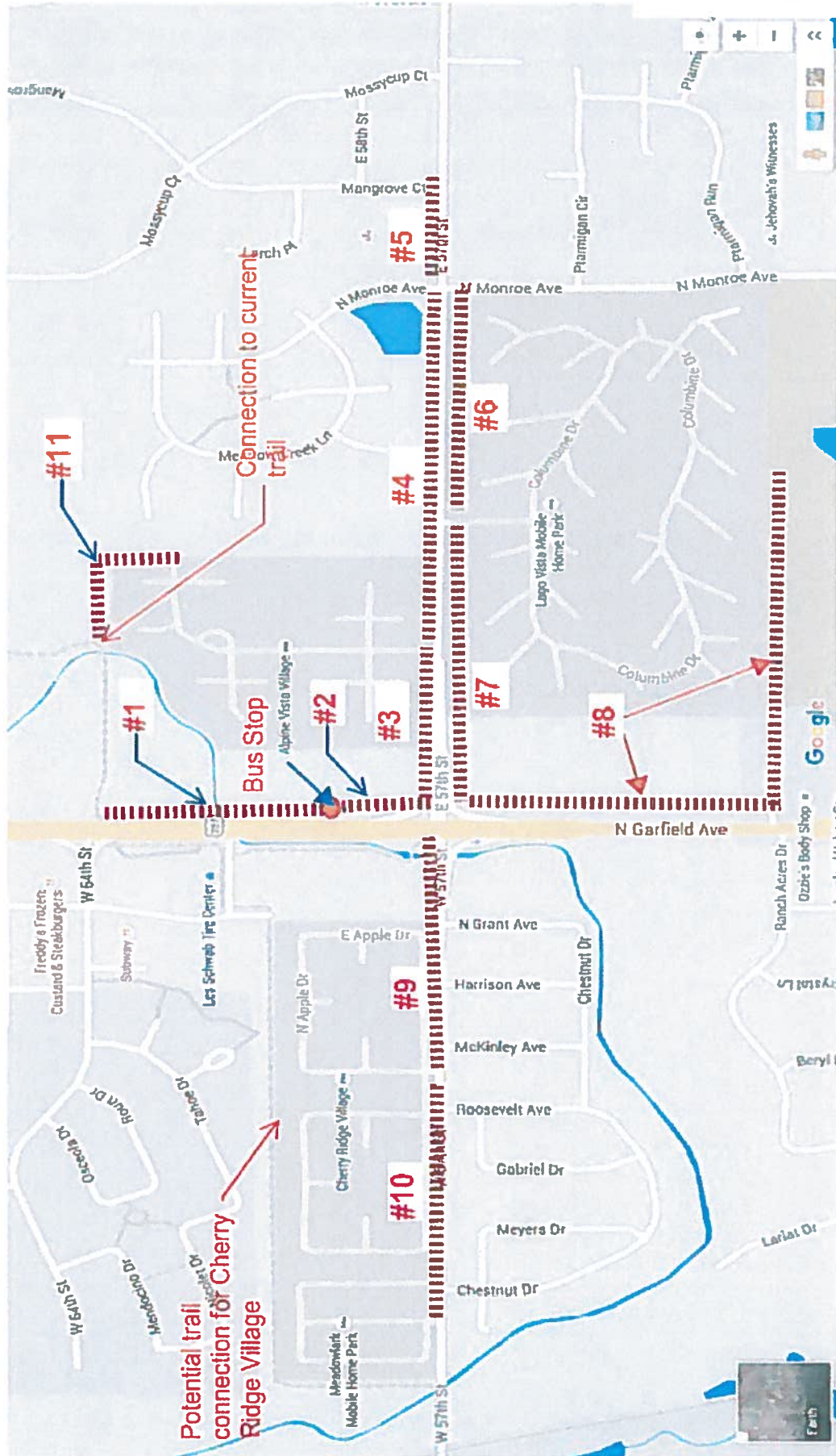
ATTACHMENT 1

287 and 57th Jurisdictional Authority and Potential Pathways



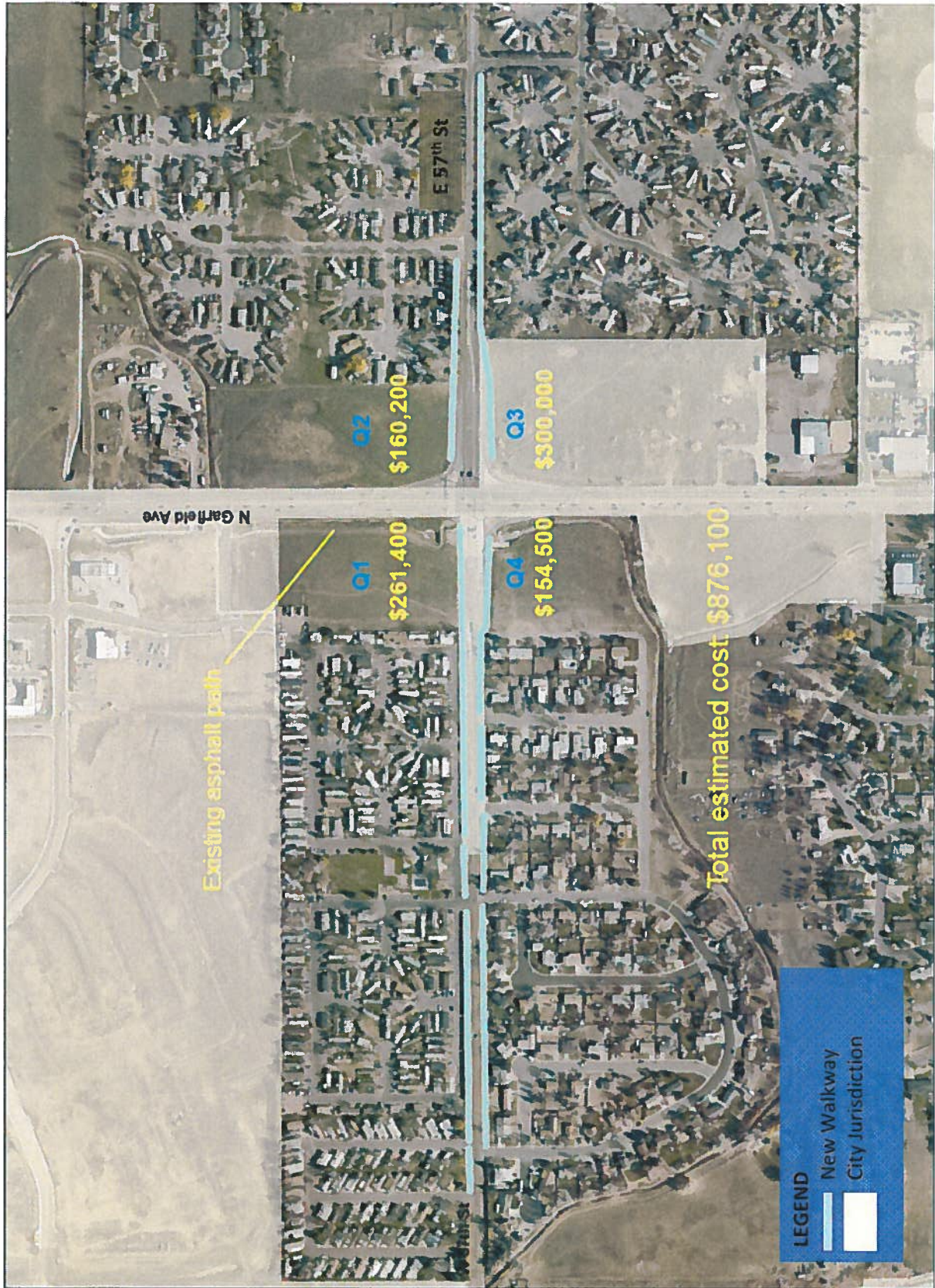
ATTACHMENT 2

287 and 57th TAP Grant Projects

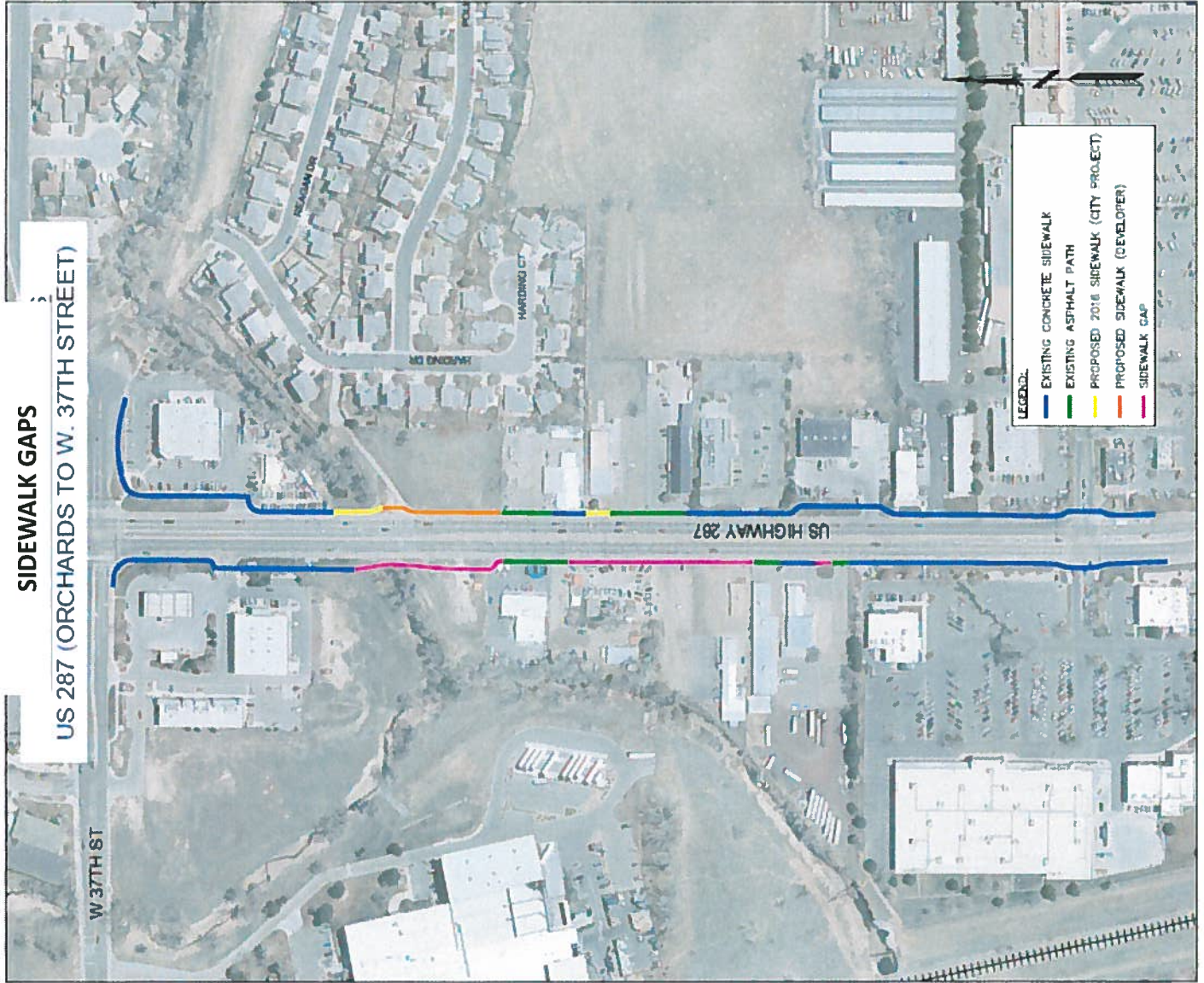


ATTACHMENT 3

287 and 57th Jurisdictional Authority and Approach Pathways



ATTACHMENT 4



North US Highway 287 Sidewalks

AUGUST 2, 2016
CITY COUNCIL MEETING

LEAH BROWDER, PUBLIC WORKS DIRECTOR

JEFF BAILEY, PE, PTOE, CITY ENGINEER



Background

- 2012 Bicycle and Pedestrian Plan
 - 2,500 gaps identified
 - Top 300 priorities
 - Policy: one side of the street
 - \$7m to \$14m (City)
 - \$6m to \$12m (Other)
 - \$100,000 in 2017
 - \$50,000 in 2018
- 287 Strategic Plan
- Sidewalks from a Citywide Perspective

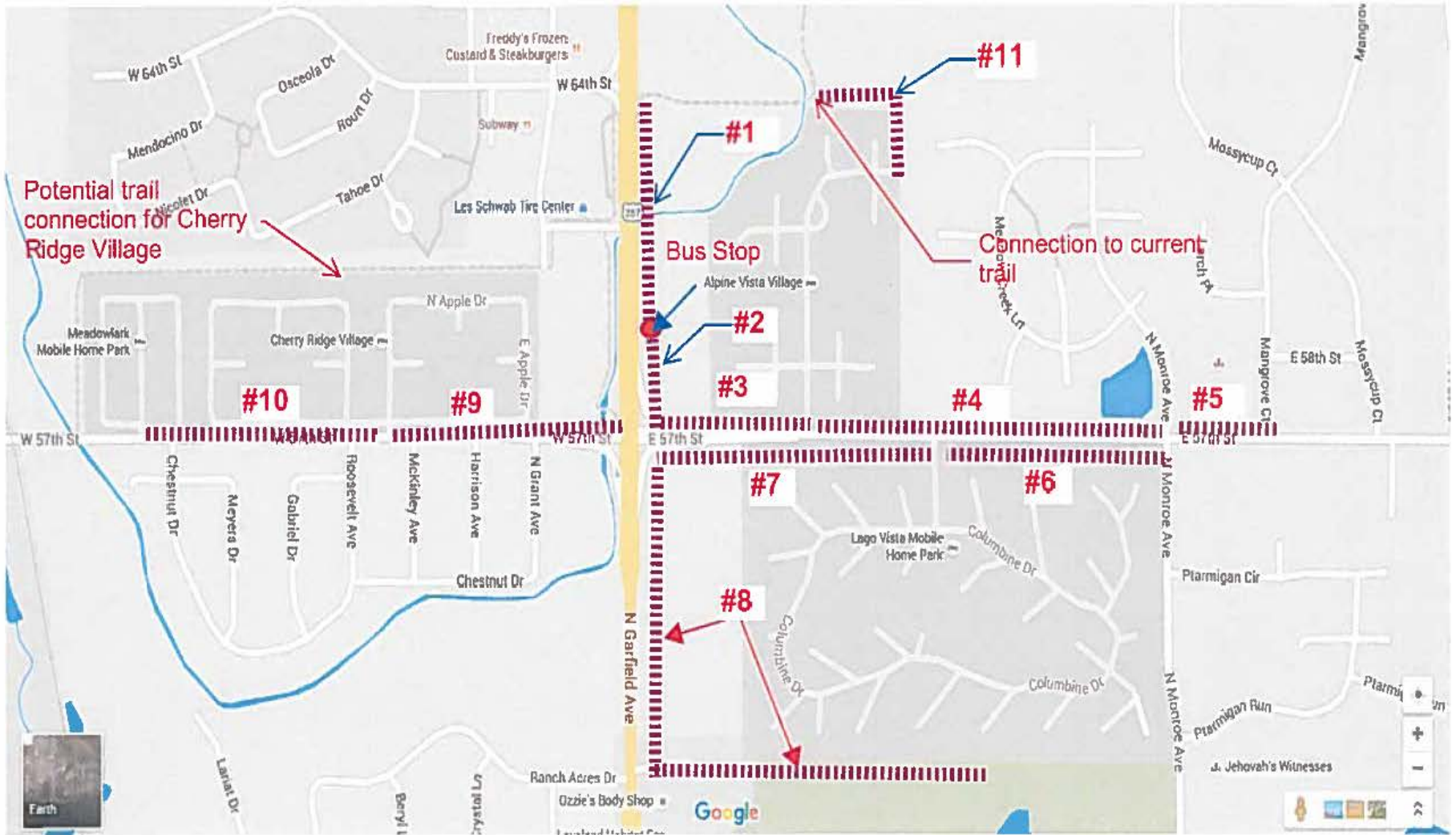
Tonight's Focus

- March 15, 2016 Council Inquiry
 - Northwest quadrant 287 and 57th
- All Quadrants
 - Recommended Priority
 - Collaborative Grant with Larimer County
 - Approaches
- 37th south to Orchards
- Sidewalks from a Citywide Perspective
 - CanDo Loveland

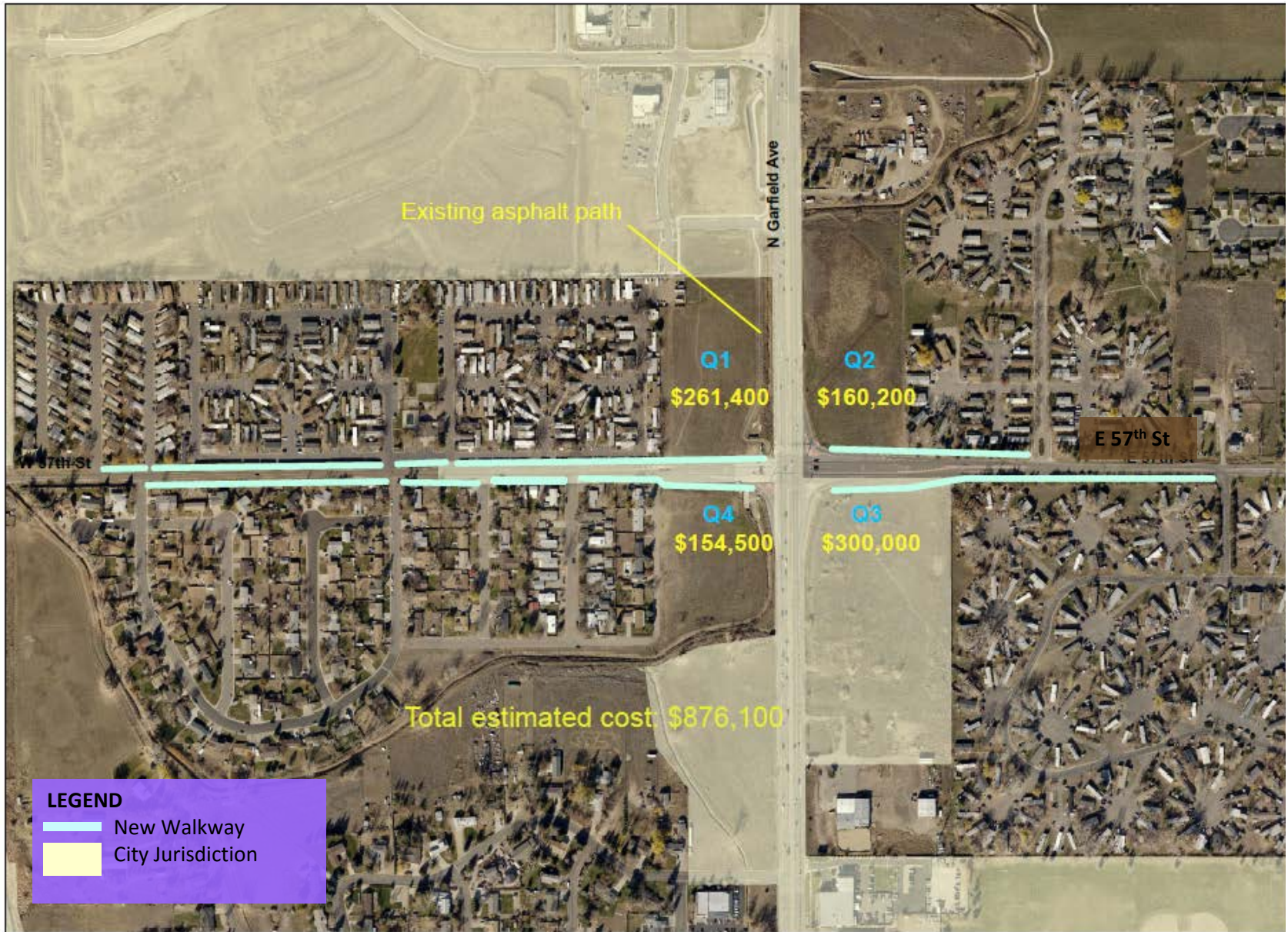
287 and 57th Jurisdictional Authority and Potential Pathways



287 and 57th TAP Grant Projects

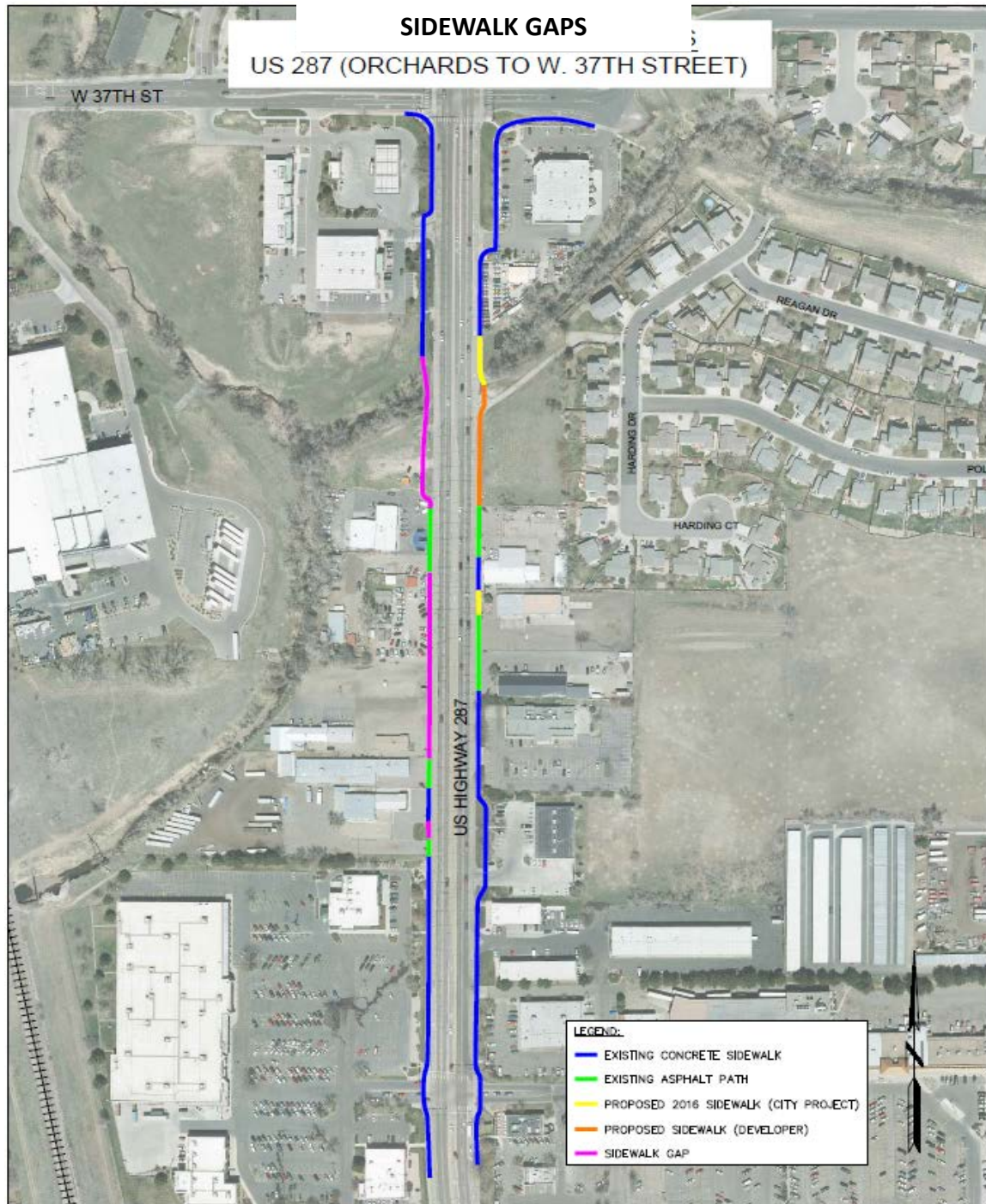


287 and 57th Jurisdictional Authority and Approach Pathways



SIDEWALK GAPS

US 287 (ORCHARDS TO W. 37TH STREET)



Questions and Discussion

AGENDA ITEM: 19
MEETING DATE: 8/2/2016
TO: City Council
FROM: Jason Licon, Airport
PRESENTER: Jason Licon, Airport



TITLE:
Overview of Loveland Municipal Code 12.48.110 - Landing in City Prohibited

RECOMMENDED CITY COUNCIL ACTION:
 Information only.

SUMMARY:

This is an informational item pertaining to the City of Loveland Municipal Code 12.48.110 - Landing in City Prohibited.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

This ordinance was originally established in 1947 as ordinance 410 and prohibited the landing of any aircraft within corporate City limits. The ordinance, as it exists today, prohibits aircraft from landing or taking off within the City and grants exemption to emergency medical transportation and government aircraft, petitioners that obtain prior approval from the City Manager, and aircraft utilizing the Northern Colorado Regional Airport and approved heliports. The ordinance was first amended in 1960 to also prohibit takeoffs within corporate City limits. The second amendment, occurred in 1977 due to Orchard Shopping Center's request to use a hot air balloon for advertising, allowed City Council approval for special events. It was amended again in 1983 allowing the City Manager to approve such requests. The ordinance was amended again in 1987 exempting the Airport from the ordinance as this was when the Airport was annexed into the City of Loveland. The last amendment was created this year to account for the renaming of the Airport.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance on Aircraft Operations within City limits Memo
2. History of Loveland Municipal Code 12.48.110 – Landing in City Prohibited
3. Archived newspaper article

Ordinance 410 Established 1947

SECTION VII. LANDING AT OTHER THAN ESTABLISHED AIRPORT PROHIBITED.

Except in case of emergency, no person shall land any aircraft within the corporate limits of the City of Loveland except upon regularly established airport, field, or landing place.

Ordinance 670 Section 18.12 Amended 1960 for Loveland Airport

§18.12 Landing in City Prohibited. It shall be unlawful for any person to make any takeoff or landing of an aircraft within the corporate limits of the city.

FIRST READING 5-3-77

SECOND READING 5-17-77

amended

ORDINANCE NO. 1568

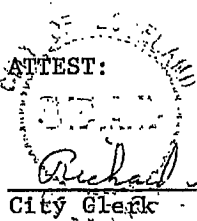
AN ORDINANCE AMENDING SECTION 12.48.110 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE LANDING OF AIRCRAFT WITHIN THE CITY OF LOVELAND.

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

Section 1: That Section 12.48.110 of the Loveland Municipal Code be and hereby is amended to read:

12.48.110 Landing in City Prohibited
It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the City without obtaining prior approval of the City Council. The provisions of this section shall not apply to the operation of aircraft by any governmental agency, provided that the City Council may regulate the location for takeoffs and landings within the City which are performed by governmental agencies on a regular basis.

Section 2: The City Council herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety; and whereas, in the opinion of the City Council, an emergency exists, this Ordinance shall take effect and be in force immediately after its passage, adoption and signature of the mayor.

ATTEST:

Richard S. Young
City Clerk



Jean O. Jones
Mayor

FIRST READING 5-17-83

SECOND READING 6-7-83

ORDINANCE NO. 2089

AN ORDINANCE AMENDING SECTION 12.48.110 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO LANDING AND TAKEOFF OF AIRCRAFT WITHIN THE CITY.

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

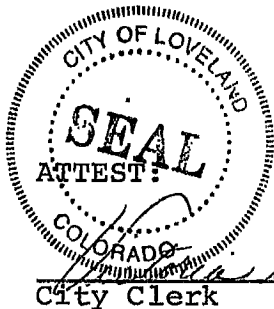
Section 1. That the first sentence of Section 12.48.110 of the Loveland Municipal Code is amended to read as follows:

It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the city without obtaining prior approval of the city manager. Such approval shall be granted upon the terms and conditions determined by the city manager, taking into account safety of persons and property.

Section 2. That this ordinance shall be in full force and effect thirty days after final adoption, publication and signature of the mayor.

Signed this 7th day of June, 1983.

Ray Rub
Mayor



Victoria Sheneman
City Clerk

I, Victoria Sheneman City Clerk of the City of Loveland Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular meeting of the City Council, held on 5-17-83 and was published in the Loveland Daily Reporter Herald, a newspaper published within city limits in full on 5-21-83 and by title except for parts thereof which were amended after such initial publication which parts were published in said newspaper on 6-11-83.

Victoria Sheneman
CITY CLERK

APPROVED AS TO FORM:

[Signature]
City Attorney

EFFECTIVE DATE 7-11-83

FIRST READING January 20, 1987

SECOND READING February 3, 1987

ORDINANCE NO. 3389

AN ORDINANCE AMENDING SECTION 12.48.110 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO OPERATION OF AIRCRAFT IN THE CITY, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE.

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

Section 1. That the first sentence of Section 12.48.110 of the Loveland Municipal Code is amended to read as follows:

It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the city, except at the Fort Collins-Loveland Municipal Airport, without obtaining prior approval of the city manager.

Section 2. That the City Council finds and determines that matters pertaining to the operation of aircraft constitute an emergency; and, whereas, in the opinion of the City Council, an emergency exists requiring the immediate passage of this ordinance for the preservation of the public health, safety and welfare, this ordinance shall become effective upon its passage, adoption and signature of the mayor.

Signed this 3rd day of February, 1987.



[Signature]
Mayor

ATTEST:
[Signature]
City Clerk

[Signature] 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 Jan 20, 1987, and was initially published in the Loveland Daily Reporter Herald, a newspaper published within the city limits in full on Jan 24, 1987, and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on Feb 7, 1987.

APPROVED AS TO FORM:

[Signature]
City Attorney

EFFECTIVE
DATE Feb 3, 1987

[Signature]
CITY CLERK



NORTHERN COLORADO
REGIONAL AIRPORT

4900 Earhart Road • Loveland, Colorado 80538
(970) 962-2850 • FAX (970) 962-2855 • TDD (970) 962-2620

To: Loveland City Council
From: Jason Licon, Airport Director
Date: Thursday, July 21, 2016
Re: Loveland Municipal Code 12.48.110 - Landing in City Prohibited

The following is an overview of Ordinance 12.48.110, which prohibits the landing or takeoff of aircraft within Loveland City limits. The ordinance, as it exists today, grants exemption to emergency medical transportation and government aircraft, petitioners that obtain prior approval from the City Manager, and aircraft utilizing the Northern Colorado Regional Airport or approved heliports. The ordinance was originally established in 1947 as ordinance number 410 and prevented landing of any aircraft within the corporate City limits. It was amended in 1960 to include no landing or takeoff within corporate City limits. The second amendment which occurred on May 3, 1977, was initiated by a request from Orchards Shopping Center to use a hot air balloon as a promotional tool. The ordinance was altered to allow operation at medical heliports and gave City Council the ability to grant exemptions for special occasions. It was amended again in 1983 to transfer authority to the City Manager from City Council as the approval process was too cumbersome. The ordinance is as follows:

12.48.030 Takeoff and landing outside of airport prohibited.

It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the city, except at the airport or an approved heliport, without obtaining prior approval of the city manager. Such approval shall be granted upon the terms and conditions determined by the city manager, taking into account safety of persons and property. The provisions of this section shall not Current as of 06/23/2016 Page 12-51 apply to the operation of aircraft by any emergency medical transportation aircraft or governmental agency; provided, that the city council may regulate the location for takeoffs and landings within the city which are performed by governmental agencies on a regular basis. (Ord. 5733 § 7, 2012)

*For statutory provisions authorizing cities and towns to acquire property for airports, see CRS § 5-4-1 et seq.

12.48.110 Landing in city prohibited.

It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the city, except at the Northern Colorado Regional Airport, without obtaining prior approval of the city manager. Such approval shall be granted upon the terms and conditions

determined by the city manager, taking into account safety of persons and property. The provisions of this section shall not apply to the operation of aircraft by any governmental agency; provided, that the city council may regulate the location for takeoffs and landings within the city which are performed by governmental agencies on a regular basis. (Ord. 6017 § 5, 2016; Ord. 3389 § 1, 1987; Ord. 2089 § 1, 1983; Ord. 1568 § 1, 1977; prior code § 18.12)

The Federal Aviation Administration (FAA) is charged with the regulation of pilots and aircraft within the National Airspace System. The regulations state that over congested areas, such as the City of Loveland, aircraft may be flown at a minimum altitude of 1,000 feet above the ground except when necessary for takeoff or landing. The FAA grants exemption for situations requiring an emergency landing, which requires immediate notification to the FAA or NTSB. The following is an excerpt from the FAA regulations:

Title 14 Chapter I Subchapter F Part Subpart B Section 91.119

Except when necessary for takeoff or landing, no person may operate an AIRCRAFT below the following altitudes:

- (a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- (b) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the AIRCRAFT.
- (c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the AIRCRAFT may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- (d) Helicopters, powered parachutes, and weight-shift-control AIRCRAFT. If the operation is conducted without hazard to persons or property on the surface—
 - (1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and
 - (2) A powered parachute or weight-shift-control AIRCRAFT may be operated at less than the minimums prescribed in paragraph (c) of this section.

Some municipalities have ordinances similar to the City of Loveland, where others do not. Some have exemptions for certain aircraft types, and some identify restrictions for aircraft operations in specific areas. The City of Fort Collins has an ordinance prohibiting aircraft from landing in designated natural or recreational areas. The following is an excerpt from the City of Fort Collins code that pertains to this topic:

Article 9 Section 23-193. Prohibited acts; permits

(a) It shall be unlawful to:

(6) Operate a motorized model boat, car, truck, AIRCRAFT or other motorized model vehicle in a natural area.

(d) Except as authorized by a permit obtained for such use from the Service Area, it shall be unlawful to:

(3) Land or launch in a natural area, or fly lower than five hundred (500) feet above a natural area, any type of AIRCRAFT, including hot air balloons and hang gliders, except within takeoff or landing airways of a commercial airport or in emergency situations.

During the past five years, staff is only aware of two occasions where aircraft (one helicopter and one balloon) landed on private property without permission from the City and/or the property owner. Staff is not aware of any denied landing requests.

No clearance to land, Santa

Loveland City Council members were somewhat amused Tuesday night to learn that the hospital, high school homecoming royalty and even Santa Claus have violated city codes.

City Manager Don Hataway pointed out to council members that a provision in the city codes makes it illegal for aircraft to take-off or land within the city limits.

The code's definition of aircraft is so broad, Hataway said that it includes everything from helicopters to hot air balloons and even devices which have not yet been invented.

The question came to the council's attention on a request by the Orchards shopping center to use a hot air balloon in a promotion.

It was noted that under the code helicopters landing at the new heliport at McKee Medical Center would be breaking the law. The law would also prohibit Santa Claus from visiting the city in a helicopter and high school students would have to find a less dramatic method of introducing homecoming royalty to the student body.

"I sure don't want to keep Santa Claus from coming to town," said Councilman John Connor.

"Crime is running rampant in the streets," jested J.D. Bliderback.

Council members said they felt it was obvious the city code would have to be changed to allow for special occurrences.

But when councilwoman Carolyn Coulson suggested the shopping center be issued a 'special permit' to use the hot air balloon, City Attorney Lynn Hammond cringed.

"You can't issue a special permit to allow someone to violate the city code," he said.

Hammond said, "Sometimes it happens that a specific activity is not wrong but it is in violation of city code."

The council decided that since it could not allow someone to violate the city code it would have to deny the shopping center permission to use the balloon.

Hammond was instructed, however, to draft a provision for the code that would allow for those "special occasions."

The council established priorities for six projects submitted for Bureau of Outdoor Recreation funding. The projects include irrigation conversions for five city parks and the proposed city golf course. The priorities set are as follows: Kirkview Park, Lockmont Park, Lakeside Park, Eastside Park, Sunnyside Park and the golf course.

In other action the council:

—Approved final map and resub-division of Lots 15, 16, 17, and 18 in Sunset Acres Sixth Addition and a special review request by Raymond and JoAnne Julbert to develop a series of four-plex units.

AGENDA ITEM: 20
MEETING DATE: 8/2/2016
TO: City Council
FROM: Bob Miller, Water and Power
 Larry Howard, Water and Power
PRESENTER: Greg Dewey, Civil Engineer – Water Resources



TITLE:

A Resolution To Negotiate To Acquire Up To An Additional 3,000 Acre-Foot Of Windy Gap FIRMING Project Storage Space

RECOMMENDED CITY COUNCIL ACTION:

Approve the Resolution as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. A denial would result in City's share remaining at 7000 acre-feet
3. Refer back to staff for further development and consideration. Any delay would likely result in loss of opportunity to acquire this storage space.

SUMMARY:

This is an administrative action item. The City of Loveland has the immediate opportunity to acquire an additional 2,000 acre-feet of storage space in the Windy Gap FIRMING Project, which would increase the city's full participation in the Windy Gap FIRMING Project from its current subscription of 7,000 acre-feet to 9,000 acre-feet of storage. The City may seek other opportunities to increase the participation up to 10,000 acre-feet of storage.

The LUC at its meeting on July 27, 2016 unanimously approved this item.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Acquiring additional storage has a negative financial impact on the City. Acquisition of each 1,000 acre-feet of storage space would require an immediate payment to Northern Water of \$159,851 and an addendum to the *March 1, 2016 Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap FIRMING Project Water Activity Enterprise and City of Loveland for Participation in the Windy Gap FIRMING Project* to reflect the increased storage capacity. This would adjust Loveland's proportional share on the ongoing Windy Gap FIRMING Project expenses for permitting and mitigation. Money is available in the 2016 budget for this purpose.

BACKGROUND:

The City of Loveland has the immediate opportunity to acquire an additional 2,000 acre-feet of storage in the 90,000 acre-foot Windy Gap FIRMING Project, as the City of Longmont has reduced its participation in the Windy Gap FIRMING Project by that amount. This would increase Loveland's full participation in the Windy Gap FIRMING Project from its current subscription of 7,000 acre-feet to 9,000 acre-feet of storage. Modeling indicates that this storage acquisition would increase the

City's overall firm yield value, available during drought conditions, by 500 acre-feet. At the currently estimated cost of approximately \$4,635 per acre-foot of storage this would increase the city's estimated Windy Gap Firming Project costs by \$9,270,000, or \$18,540 per acre-foot of firm yield. By comparison, an acre-foot of firm yield from the Colorado-Big Thompson Project currently costs about \$26,000.

The City's current total Windy Gap Firming Project cost for 7,000 acre-feet of storage, based on a February 9, 2016 estimate from Northern Water, is \$32,866,434, including \$2,084,608 already expended. Adding 2,000 acre-feet for a total of 9,000 acre-feet, thereby creating a total of 3,610 acre-feet of firm yield from the Project, would make the City's portion of the total estimated Project cost \$42,136,434.

Twice during 2008, City Council approved resolutions directing Loveland Water & Power staff to pursue negotiations intended to lead to an increase in the City's participation level in the project. The first was Resolution R-50-2008, authorizing an increase from 6,000 acre-feet to 8,000 acre-feet. The second Resolution R-67-2008 (*Attachment B*) refined that increase and authorized up to 8,400 acre-feet, as that was the number of acre-feet which City staff identified as being available. The storage acquisition opportunities then potentially available were 1,000 acre-feet from Platte River Power Authority (PRPA) and 1,400 acre-feet from the City of Lafayette. The 1,000 acre-feet acquisition from PRPA was completed, but negotiations on the 1,400 acre-feet from Lafayette were not successful. During those discussions, Council members expressed interest in having up to 10,000 acre-feet of storage in the Project, and requested that staff bring before them future opportunities for discussion and consideration.

Increasing the storage from 9,000 acre-feet to 10,000 acre-feet, would add an increment of 240 acre-feet to the City's firm yield, thereby creating a total of 3,850 acre-feet of firm yield from the Windy Gap Firming Project. This is reflected in *Attachment C*, as are the City's firm yield estimates for various City subscription amounts in the Windy Gap Firming Project. Using the currently estimated cost of approximately \$4,635 per acre-foot of storage, this would increase the city's estimated Project costs by \$4,625,000.

The attached resolution supports city staff efforts to acquire up to 10,000 acre-feet of storage in the Windy Gap Firming Project. A draft resolution for City Council consideration was provided at the July 27, 2016 LUC meeting, and the LUC unanimously supported this resolution.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Resolution for Consideration
2. Resolution R-67-2008
3. Graphical Representation of Increased Firm Yield

RESOLUTION #R-72-2016

A RESOLUTION DIRECTING LOVELAND WATER AND POWER DEPARTMENT TO PURSUE NEGOTIATIONS FOR AN INCREASE IN THE CITY OF LOVELAND'S PARTICIPATION IN THE WINDY GAP FIRING PROJECT FROM 7,000 ACRE-FEET TO UP TO 10,000 ACRE-FEET OF STORAGE

WHEREAS, since the 1970s, the City of Loveland ("City") has been a participant in the Windy Gap Project, which is managed by the Municipal Subdistrict of the Northern Colorado Water Conservancy District ("Subdistrict"); and

WHEREAS, the City owns 40 units, which represent raw water, in the Windy Gap Project; and

WHEREAS, the Windy Gap Project water rights are junior and won't supply water during drought without storage; and

WHEREAS, on March 4, 2005 by Resolution #R-26-2005, the City specified a need for 6,000 acre-feet of storage in the Windy Gap Firing Project; and

WHEREAS, on May 6, 2008 by Resolution #R-50-2008, the City Council directed Loveland Water and Power Department staff to pursue negotiations for an increase in the City's participation in the Windy Gap Firing Project by up to 2,000 acre-feet, for a total of up to 8,000 acre-feet of storage; and

WHEREAS, on June 24, 2008 by Resolution #R-67-2008, the City Council directed Loveland Water and Power Department staff to pursue negotiations for an increase in the City of Loveland's participation in the Windy Gap Firing Project by up to 2,400 acre-feet, for a total of up to 8,400 acre-feet of storage; and

WHEREAS, the storage acquisition opportunities potentially available in the spring and summer of 2008 were 1,000 acre-feet from Platte River Power Authority ("PRPA") and 1,400 acre-feet from the City of Lafayette. The 1,000 acre-foot acquisition from PRPA was completed, but negotiations on the 1,400 acre-feet from the City of Lafayette were unsuccessful, which resulted in the current storage of 7,000 acre-feet; and

WHEREAS, the City Council continues to support the opportunity to increase the firm yield of the City's water portfolio and to increase the total participation in the Windy Gap Firing Project up to 10,000 acre feet of storage from the current level of 7,000 acre-feet and such increase will benefit the utility's customers and is in the best interest of Loveland's citizens; and

WHEREAS, if the City is successful in the acquisition, the cost per 1,000 acre-feet would require payment to the Subdistrict in the amount of \$159,851 per acre-feet and an addendum to the March 1, 2016 *Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project Water Activity Enterprise and City of Loveland for Participation in the Windy Gap Firing Project*.

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

Section 1. That Loveland Water and Power Department staff are hereby directed to pursue negotiations for an increase in the City of Loveland's participation in the Windy Gap Firing Project from 7,000 acre-feet up to 10,000 acre-feet of storage.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney's Office, to execute any agreements or other documentation necessary to acquire up to 3,000 additional acre-feet of storage in the Windy Gap Firing Project.

Section 3. That this Resolution shall supersede and replace any and all prior Resolutions setting the City's participation in the Windy Gap Firing Project, including but not limited to R-67-2008.

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

ADOPTED this 2nd day of August, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

RESOLUTION #R- 67-2008**A RESOLUTION DIRECTING THE LOVELAND WATER AND POWER DEPARTMENT STAFF TO PURSUE NEGOTIATIONS FOR AN INCREASE IN THE CITY OF LOVELAND'S PARTICIPATION IN THE WINDY GAP FIRING PROJECT FROM 6,000 ACRE-FEET TO UP TO 8,400 ACRE-FEET OF STORAGE**

WHEREAS, since the 1970s, the City of Loveland has been a participant in the Windy Gap Project, which is managed by the Municipal Subdistrict of the Northern Colorado Water Conservancy District ("Subdistrict"); and

WHEREAS, the City owns 40 units, which represent raw water, in the Windy Gap Project; and

WHEREAS, the Windy Gap Project water rights are junior, and won't supply water during drought without storage; and

WHEREAS, the Subdistrict and participants have been seeking ways to improve the reliability and yield of Windy Gap Project units (the "Windy Gap Firing Project"); and

WHEREAS, the City has been involved in the Windy Gap Firing Project, which has identified a possible reservoir site at Chimney Hollow; and

WHEREAS, on March 4, 2005 by Resolution #R-26-2005, the City specified a need for 6,000 acre-feet of storage in the Windy Gap Firing Project; and

WHEREAS, Loveland Water and Power Department staff, Loveland Utilities Commission members, and the City's outside water engineer, Spronk Water Engineers, recently identified a potential opportunity to increase the firm yield of the City's water portfolio by increasing the City's participation in the Windy Gap Firing Project; and

WHEREAS, on May 6, 2008 by Resolution #R-50-2008, the City Council directed Loveland Water and Power Department staff to pursue negotiations for an increase in the City of Loveland's participation in the Windy Gap Firing Project by up to 2,000 acre-feet, for a total of up to 8,000 acre-feet of storage; and

WHEREAS, since May 6, 2008, Loveland Water and Power Department staff has identified 2,400 acre-feet of available storage, and recommends that the City Council direct staff to pursue negotiations for an increase in the City of Loveland's participation in the Windy Gap Firing Project by up to 2,400 acre-feet, for a total of 8,400 acre-feet of storage in the Windy Gap Firing Project; and

WHEREAS, the City Council finds that increasing the City's participation in the Windy Gap Firing Project from 6,000 acre-feet to up to 8,400 acre-feet of storage will benefit the utility's customers and is in the best interests of Loveland's citizens.

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

Section 1. That Loveland Water and Power Department staff is hereby directed to pursue negotiations for an increase in the City of Loveland's participation in the Windy Gap FIRMING Project from 6,000 acre-feet to up to 8,400 acre-feet of storage.

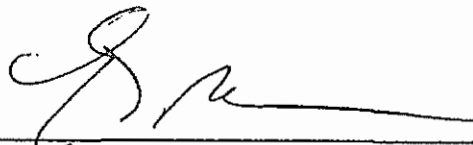
Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney's Office, to execute any agreements or other documentation necessary to acquire up to 2,400 additional acre-feet of storage in the Windy Gap FIRMING Project.

Section 3. That this Resolution shall supersede and replace Resolution #R-50-2008.

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


ADOPTED this 24th day of June, 2008.





Eugene N. Pielin, Mayor

ATTEST:



City Clerk Deputy

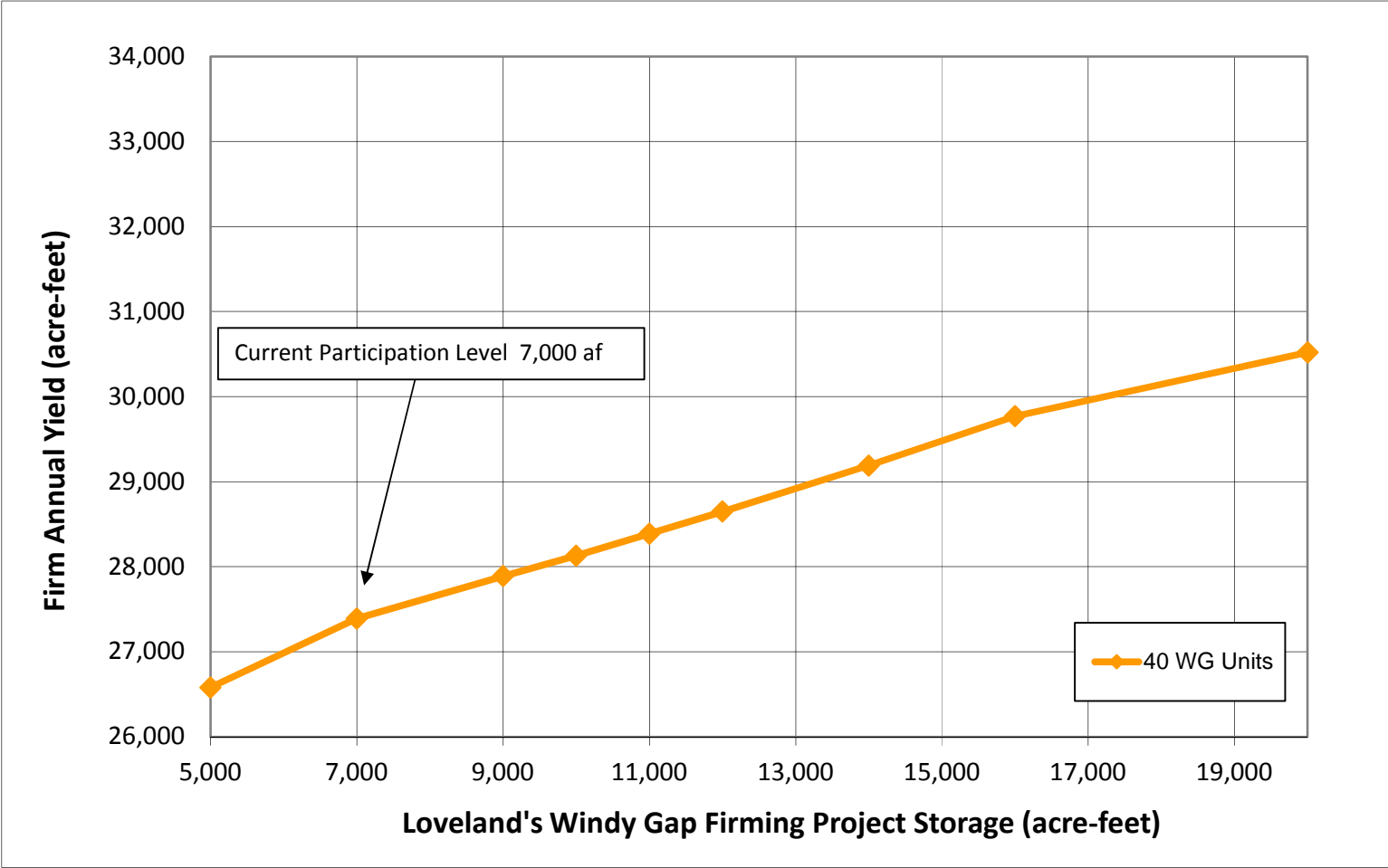
APPROVED AS TO FORM:



Assistant City Attorney

Figure 17

Increased Firm Yield from Participation in the Windy Gap Firming Project
City of Loveland



Note:
As of April 2016, Loveland owns 40 Windy Gap Units and is participating in the Windy Gap Firming Project in the amount of 7,000 acre-feet of storage.

AGENDA ITEM: 21
MEETING DATE: 8/2/2016
TO: City Council
FROM: Susan Grafton, Economic Development Office
PRESENTER: Susan Grafton, Director



TITLE:

Economic Development Office Update and possible Executive Sessions to Provide Staff Guidance for Project Negotiations

RECOMMENDED CITY COUNCIL ACTION:

This is an information only item.

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:

The Economic Development Office (EDO) is experiencing a good deal of activity at this time. To keep City Council abreast of projects and activities, staff will provide a briefing and overview. Following this discussion executive sessions have been requested so that Economic Development staff may get direction and guidance concerning project and prospect negotiations.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The Office of Economic Development is responsible for three major areas for endeavors for the City:

1. work with existing businesses to nurture and retain them
2. recruit and work with new businesses and developments; and
3. market and promote Loveland to encourage increased tourism and visitors to the City of Loveland

Currently the EDO is working on over 20 projects covering all three endeavors including:

- familiarization tours, web interaction, group and convention business recruitment
- the Foundry (aka, the South Catalyst project)
- the Pulliam Building
- the RTA project: waterpark/hotel resort and kayak park
- preparing recruitment data for:
 - retailers
 - hotels
 - office & industrial users
- preparing support data concerning:
 - economic base

- real estate
- target industries
- work force
- exploring Existing Business Service needs and services provided
- planning for upcoming Business Appreciation event
- developing an Economic Development Website
- working with site selectors; as well as
- handling numerous prospect inquiries.

During open session staff will provide an overview of the current endeavors. Also, next steps and upcoming projects will be discussed.

Following the Open Session discussion, Executive Sessions are requested to discuss business assistance and obtain negotiation guidance concerning several economic development projects. It should be noted that assistance negotiations are in the very early stages. Should the projects proceed, study session discussions and formal Council approval will be requested at a later date when more information is available. Projects to be discussed include:

- Crunchy Grocer: a request to modify the terms of the existing business assistance agreement approved by City Council in June 2013
- The Brands (formally Eagle Crossing): a request to modify and reset the Offer Letter to reflect the new development parameters.
- Prospect 2016-2: an existing manufacturer needing to significantly expand current operations
- Prospect 2016-3: an existing small high tech company looking to double in size
- Prospect 2016-4: an existing contractor looking for new office space
- Prospect 2016-4: a sports oriented facility looking at a potential 240 acre project

Staff looks forward to receiving Council input and feedback.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

None