



AGENDA

TUESDAY, SEPTEMBER 6, 2016

5:00 PM - Dinner - City Manager's Conference Room

6:00 PM LOVELAND CITY COUNCIL MEETING

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

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 **PROCLAMATION DECLARING SEPTEMBER AS HUNGER ACTION MONTH IN LOVELAND**

Brittney Stephenson, Food Bank for Larimer County

[1.5 PROCLAMATION Hunger Action Month](#)

(6:10) **2. CONSENT AGENDA**

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

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. 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.

2.1 **CITY CLERK** (presenter: Terry Andrews) **APPROVAL OF MINUTES**

Approval of the City Council minutes for the August 9, 2016 Study Session and Special Meeting, the August 16, 2016 Regular Meeting and the August 23, 2016 Special Meeting.

Approval of the City Council minutes for the August 9, 2016 Study Session and Special Meeting and the August 16, 2016 Regular Meeting.

A Motion To Approve City Council Minutes for the August 9, 2016 Study Session and Special Meeting and the August 16, 2016 Regular Meeting.

[2.1 Att 1 Minutes August 9, 2016](#)

[2.1 Att 2 Minutes August 16, 2016](#)

2.2 **CITY MANAGER** (presenter: Steve Adams) **APPOINTMENTS TO THE COMMUNITY MARKETING COMMISSION AND HOUSING AUTHORITY**

This is an item appointing members to the Community Marketing Commission and the Housing Authority.

1. Adopt a motion to appoint Laura Coale to the Community Marketing Commission for a term effective until June 30, 2019

2. Adopt a motion to reappoint Christine Forster to the Community Marketing Commission for a term effective until June 30, 2019

3. Adopt a motion to reappoint Peggy Ziglin to the Community Marketing Commission for a term effective until June 30, 2019

4. Adopt a motion to reappoint Sandra Mezzetti to the Housing Authority for a

term effective until June 30, 2021

[2.2 CMO B+C Appointments Coversheet](#)

2.3 PUBLIC WORKS & FINANCE

**(presenter: Steve Kibler and
Theresa Wilson)**

FLEET VEHICLES SUPPLEMENTAL APPROPRIATION

Currently, some vehicles are purchased by the Fleet Replacement Fund (500) and other vehicles are purchased by other funds (enterprise and special revenue funds). Fleet Management amortizes vehicles purchased within the Fleet Replacement Fund to ensure funds are set aside for future replacement costs. Most vehicles purchased by other funds are amortized within those funds, however, the occasional vehicle has missed being amortized. This item is being presented to streamline and increase efficiency of the vehicle purchasing and amortization process. This item proposes the supplemental budget and appropriation necessary to transfer currently budgeted 2016 funds from the Transportation, Stormwater, Transit, and Police CEF Funds into the Fleet Replacement Fund to make this administrative change for vehicle purchases budgeted outside of the Fleet Replacement Fund in 2016. This streamlined method will be built in to the budget for 2017 and beyond for future years. This ordinance was approved unanimously on first reading by City Council on August 16, 2016.

A Motion To Approve, On Second Reading, Ordinance #6041 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Administrative Change In The Method Of Purchasing Fleet Vehicles.

[2.3 PW Supp App Fleet Vehicles Coversheet](#)

[Att 1 PW Supp App Fleet Vehicles Ordinance](#)

2.4 DEVELOPMENT SERVICES

(presenter: Noreen Smyth)

GATORWEST ADDITION ANNEXATION

This is a public hearing to consider the following items on second reading:

- Adopt an ordinance to annex 2.3 acres of property to be known as the Gatorwest Addition; and
- A quasi-judicial action to zone the 2.3 acres to B-Developing Business District.

The property is situated on the west side of N. Garfield Avenue and on the east side of N. Granite Street, roughly half way between W. 50th Street and Ranch Acres Drives. It is addressed at 5100 Granite Street. The applicant is M. Bryan Short with Gatorwest, LLC.

These ordinances were approved unanimously on first reading by City Council on August 16, 2016.

1. A Motion to Approve, On Second Reading, Ordinance #6042 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Gatorwest Addition" To The City Of Loveland.

2. A Motion to Approve, On Second Reading, Ordinance #6043 Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Gatorwest Addition" To The City Of Loveland.

[2.4 DS Gatorwest Annexation and Zoning Coversheet](#)

[Att 1 DS Gatorwest Annexation Ordinance](#)

[Att 2 DS Gatorwest Annexation Zoning Ordinance](#)

[Att 3 DS Gatorwest Annexation staff memo](#)

[Att 4 DS Gatorwest Annexation PC minutes](#)

[Att 5 DS Gatorwest Annexation Zone code](#)

2.5 LOVELAND POLICE DEPARTMENT (presenter: Nathan Schadewald)
ABANDONED VEHICLE CODE AMENDMENT
PUBLIC COMMENT

Provisions of LMC Section 10.28.010 place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles for a period of time greater than seventy two hours. The Code currently permits a vehicle to be towed if located upon a public right-of-way for more than seventy two hours. The proposed changes permit the tow of a motor vehicle parked on any portion of a street, highway, alley or other public right-of-way if the vehicle is reasonably determined to be deserted, discarded, or inoperable. The proposed ordinance provides the Loveland Police Department with factors to consider when determining whether a vehicle is abandoned. The proposed ordinance would not impact the numerous other provisions of the Code related to parking. The proposed changes to LMC Section 10.28.021 provide the Loveland Police Department greater flexibility, in terms of time, to report abandoned vehicles to the Colorado Department of Revenue and remains consistent with state law. The proposed changes to LMC 10.20.030 broaden the types of vehicles, whether motorized or non-motorized, which are constructed or designed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of time greater than seventy two hours.

A Motion to Approve, On First Reading, An Ordinance Amending Sections 10.28.010, 10.28.021, and 10.20.030 of the Loveland Municipal Code Pertaining to Abandoned Motor Vehicles on Public Rights of Way, the Reporting of Abandoned Motor Vehicles, and Vehicles Designed for Dwelling or Sleeping Purposes

[2.5 LPD Abandoned Vehicle Ordinance Coversheet](#)
[Att 1 LPD Abandoned Vehicle Amd Ordinance](#)
[Att 2 LPD Abandoned Vehicle Powerpoint](#)

2.6 MUNICIPAL COURT (presenter: Geri Joneson)
COLLECTION PROCESS FOR COURT FINES
PUBLIC COMMENT

The Court can no longer issue warrants for defendants who have not paid their fines, as a result of the passage of House Bill 16-1311. The attached ordinance would allow the court to use a collection agency as another available option in collecting unpaid fines.

A Motion to Approve, On First Reading, An Ordinance Amending The Loveland Municipal Code With Respect To Collection Of Fines And Penalties

[2.6 MC Collection Process of Fines Coversheet](#)
[Att 1 MC Collection Process for Court Fines Ordinance](#)

2.7 COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)
CDBG APPROPRIATION
PUBLIC HEARING

On July 5, 2016, City Council adopted a resolution to grant Community Development Block Grant funds in the amount of \$417,140 during the 2016-2017 grant year. \$80,000 of this amount was funding returned to the City from the Bohemian Foundation when the Bohemian Foundation became the managing partner of the Sister Mary Alice Murphy Center for Hope in Fort Collins. The \$80,000 must be

appropriated prior to contracting with 2016-2017 grant recipients.

A Motion to Approve, On First Reading, An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for Reallocation of Community Development Block Grant Funds

[2.7 CPO CDBG Appropriation Coversheet](#)

[Att 1 CPO Supp Appropriation CDBG Ordinance](#)

[Att 2 CPO Resolution R-52-2016](#)

2.8 CITY MANAGER'S OFFICE (presenter: Alan Krcmarik)
SPECIAL DISTRICT NO. 1 REAPPROPRIATION OF ASSESSMENTS
PUBLIC COMMENT

In late 2015, The City of Loveland completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds are paid off through the payment of assessments by property owners in the district that receive benefits from the improvements financed by the original SID No. 1 bonds. In January of 2016, a new assessment role was presented to and adopted by Council. Since January, property owners in SID No. 1 have subdivided and combined lots leading to the need to update the special assessment roll. As the land is developed, property owners and land developers sometimes have to subdivide larger tracts and occasionally small parcels are combined to create larger parcels. The City plays an integral role in the lot configuration process and always desires to ensure that the value of the property is sufficient to adequately cover the amount of the assessments on the property. Recent lot changes have led to the revisions of the special assessment roll. By keeping the assessment roll current, the assessment payments will be accurately calculated, be fully transparent to the property owners, and be billed and collected on time, so that payments on the Series 2015 revenue bonds will be paid as expeditiously as possible. The property owners affected by this action agree with the provisions and the revised assessment provided for in the Ordinance and revised Assessment Role.

A Motion to Approve, On First Reading, An Ordinance Approving The Re-Apportionment Of Assessment To Align With The Creation Of A New Lot Within Special Improvement District No.1.

[2.8 CMO SID No 1 Reassessment Coversheet](#)

[Att 1 CMO SID Assessment Ordinance](#)

[Att 1a CMO SID Exhibit Assessment Rollfinal](#)

[Att 2 CMO SID No 1 LovelandMap](#)

2.9 PARKS AND RECREATION (presenter: Janet Meisel-Burns)
GOCO PLANNING GRANT FOR NAMAQUA UNDERPASS

The City of Loveland is seeking financial support from the Great Outdoors Colorado (GOCO) *Connect Initiative Trail Planning Grant* for the design and preparation of construction documents of an underpass at Namaqua Avenue on the City of Loveland Recreation Trail. The new underpass will provide trail users with a safe, grade-separated crossing of an arterial projected to double in volume by 2035. The grant request seeks funding for the design of the underpass in 2018; Conservation Trust

Funds will be requested in the 2018 budget cycle. The approximate cost for the design and preparation of construction documents for the underpass is \$125,000. The City is requesting \$100,000 from GOCO and offering \$25,000 in matching funds.

A Motion to Adopt Resolution R-82-2016 Supporting The Grant Application For A Connect Initiative Trail Planning Grant From The State Board Of The Great Outdoors Colorado Trust Fund For Completion Of Design Of Namaqua Trail Underpass.

[2.9 P&R Trail Planning Grant Coversheet](#)

[Att 1 P&R Grant for Namaqua Underpass Resolution](#)

[Att 2 P&R Underpass Location Map](#)

2.10 PUBLIC WORKS (presenter: Tyler Bandemer)

WASTE COLLECTION TRUCKS PURCHASE

This resolution authorizes the City Manager to execute a contract for \$1,377,242.01 for the budgeted purchase of four (4) Autocar chassis equipped with New Way automated side load compaction bodies, and one (1) Autocar chassis equipped with a McNeilus rear load compaction body

A Motion to Adopt Resolution R-83-2016 Approving A Contract With Transwest Freightliner, LLC D/B/A Transwest Trucks For Purchase Of Five Waste Collection Trucks And Authorizing The City Manager To Execute The Contract.

[2.10 PW Truck Purchases Coversheet](#)

[Att 1 PW Sole Source Contract for Trucks Resolution](#)

[Att 2 PW Att Sole Source Side and Rear Load](#)

2.11 PUBLIC WORKS (presenter: Jeff Bailey)

US 34 & BOYD LAKE AVE INTERSECTION CONTRACT

City Council approval is necessary to give the City Manager authorization to sign a Contract with Mountain Contractors, Inc. for the Boyd Lake Avenue and US34 Intersection Project. Once the Contract is signed, a Notice to Proceed will be given to the Contractor to begin construction. Construction will include the installation of signals to ultimate locations on all four corners of the intersection as well as the construction of dual left turns on eastbound and westbound US34. Pedestrian facilities will also be improved with the installation of channelizing islands on the NW and NE corner of the intersection as well as protected pedestrian refuge islands on US34. With the approval of this Contract, construction is anticipated to begin on September 19, 2016 with a 50-working-day duration. A project completion date of November 25, 2016 projected barring any adjustments necessary due to weather delays.

A Motion to Adopt Resolution R-84-2016 Authorizing A Notice Of Award To Mountain Constructors, Inc. For The North Boyd Lake Avenue And US34 Interim Intersection Improvements Project (EN1302) And Authorizing The City Manager To Execute The Contract.

[2.11 PW US 34 & Boyd Lake Ave Coversheet](#)

[Att 1 PW Notice of Award for Boyd Lake & 34 Resolution](#)

[Att 2 PW 34 and Boyd Lake Map](#)

2.12 CITY MANAGER'S OFFICE (presenter: Alan Krcmarik)

JULY INVESTMENT REPORT

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 1.31%, for total assets the yield was 1.07%. For the year-to-date, total earnings of \$1,287,070 have been posted to City fund accounts. U.S. short-term Treasury interest rates rose slightly in July; the portfolio's change in unrealized gain for the year-to-date eased to \$2.17 million. The end of July portfolio market value is estimated to be \$225.1 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of \$226.3 million.

[2.12 CMO July Investment Coversheet](#)

[Att 1 CMO Investment Focus for July](#)

2.13 FINANCE (presenter: Brent Worthington)
JULY FINANCE REPORT

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending July 31, 2016. The Citywide Revenue (excluding internal transfers) of \$166.7 million is 5% below budget projections, while the Citywide total expenditures of \$156,132,204 (excluding internal transfers) are 33.8% below budget projections. Sales Tax collections are 2.2% above the same period in 2015, this data spans seven months and the trend has been slowly rising.

[2.13 FIN July Finance Report Coversheet](#)

[Att 1 FIN July 2016 SnapShot](#)

[Att 2 FIN July Snapshot PP](#)

2.14 CITY ATTORNEY'S OFFICE (presenter: Tami Yellico)

CALL FOR A SPECIAL MEETING ON SEPTEMBER 13, 2016

Staff has been working on the financing plan for the public improvements for The Foundry Project ("Project"). A key component of the Project financing is the formation of a Metropolitan District ("District") by Brinkman Capital, LLC (the "Developer") that will have the same boundaries as the Project area. The District will be comprised of all of the properties in the Project, including 130 North Cleveland Avenue. The negotiations to this point have included the transfer of property owned by the City to the Developer for the Project, with the City retaining the property on which the garage will be located. Public improvements in the Foundry include a public parking garage, public plaza, and other public improvements. The purpose of the District will be to levy property taxes on the properties within the Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. Through this financial plan, the City, the District, and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community.

A motion calling a special meeting of City Council September 13, 2016 at 6:00 p.m., to be located in City Council Chambers at 500 E. 3rd Street, Loveland. The purpose of the meeting is for Council to consider an Ordinance on First Reading to transfer the property at 130 N. Cleveland Avenue to Brinkman Capital, LLC for a portion of The Foundry Project in the City of Loveland.

[2.14 CAO Special Meeting Coversheet](#)
[Att 1 CAO Foundry Project Timeline](#)

(6:20) 3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:25) 4. PUBLIC COMMENT

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

5. REGULAR AGENDA

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.

5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

**(7:00) 5.2 CITY ATTORNEY'S OFFICE (presenter: Tami Yellico)
AIRCRAFT LANDING AND TAKEOFF CODE REPEAL**

Approval of the ordinance will repeal Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code. At the August 16, 2016 City Council meeting, Council elected to adopt on first reading, by a vote of 8-1, an Ordinance that removes manager approval for landing and takeoff of all aircraft, including hot air balloons.

A Motion to Approve, On Second Reading, Ordinance #6044 Repealing Loveland Municipal Code §§ 12.48.030 and 12.48.110 Prohibiting Takeoff and Landing of Aircraft Outside of Airport and Landing in City.

[5.2 CAO Repealing Code Aircraft Landing Coversheet](#)
[Att 1 CAO Aircraft Landing Prohibited Ordinance](#)

**(7:10) 5.3 LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)
FIRE TRAINING CENTER SUPPLEMENTAL APPROPRIATION**

This is a three-way request, involving Loveland Fire Rescue Authority, Public Works and Risk Management. The three projects are separate, but interrelated:

1. Elimination of the current impoundment pond at the FTC, due to environmental issues (\$206,242)
2. The establishment of a new drainage system (stormwater and wastewater) due to the elimination of the impoundment pond and to account for additional on-site stormwater management necessary for FTC masterplan (\$260,314).
3. The construction of a new bridge on Railroad Avenue to mitigate flooding

issues, which in turn, will eliminate the current entrance into the FTC, thus forcing the construction of a new primary and secondary emergency entrance into the facility (\$219,409).

4. Relocation of site amenities such as signage and the flagpole (\$12,035).

The total cost of all three sub-projects is \$698,000.

This request was unanticipated and therefore unbudgeted. \$206,242 of the requested amount is funded by fund balance in the Risk & Insurance Fund. If approved, the remaining Risk & Insurance Fund Balance will be \$3,695,054. Possible funding options for the remainder of the project costs include Tabor Excess and/or General Fund unassigned fund balance. The remaining 2016 General Fund Unassigned Fund Balance would be \$8,574,108 or the remaining 2016 TABOR Excess ending balance would be \$20,083,545.

A Motion to Approve, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Fire Training Center.

[5.3 LFRA Fire Training Center Coversheet](#)

[Att 1 LFRA Supp App Fire Training Center Ordinance](#)

[Att 2 LFRA Fire Training Center Powerpoint](#)

(7:55) 5.4 HUMAN RESOURCES (presenter: Julia Holland)
BENEFIT FUND UPDATE

On August 30, 2016 Staff presented information regarding the City of Loveland Benefits Plan, "Plan". City Council directed Staff to present additional options regarding the "Plan" to allow the Council the opportunity to include updated costs into the 2017 Budget. Staff is currently gathering data necessary to present this agenda item to City Council on September 6, 2016.

Due to the short turn-around the materials will not be available until the morning of the regular meeting. Updated information provided by Staff will respond to Council's questions from the Study Session including percentage contribution split with employee impact comparisons; family medical split, and regional and state health costs comparisons.

Staff will notify Council immediately when the updated information is available on the website.

Option 1: A Motion to direct staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 80% employer and 20% employee into the 2017 Budget.

Option 2: A Motion to direct staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 85% employer and 15% employee into the 2017 Budget.

[5.4 HR Benefit Fund Update Coversheet](#)

(8:25) 6. REPORTS

6.1 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.

6.2 CITY MANAGER REPORT

6.3 CITY ATTORNEY REPORT

7. ADJOURNMENT



City of Loveland

CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
(970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620
www.cityofloveland.org

PROCLAMATION

WHEREAS hunger and poverty are issues of grave concern in the United States and the State of Colorado and Loveland; and

WHEREAS Loveland is committed to taking steps to raise awareness about the need to combat hunger in every part of our City and to provide additional resources that citizens of Loveland need; and

WHEREAS Loveland is committed to working with Food Bank for Larimer County in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS 1 in 7 individuals in Loveland rely on food provided by the Food Bank for Larimer County annually; and

WHEREAS Food Bank for Larimer County distributed more than 8.9 million pounds of food in 2015 through its network of food pantries, partner agencies, Kids Cafe sites, and other community organizations; and

WHEREAS food banks across the country, including Food Bank for Larimer County, will host events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

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

HUNGER ACTION MONTH IN LOVELAND,

September 8th as HUNGER ACTION DAY and call this observance to the attention of our citizens.

Signed this 6th day of September, 2016

Cecil A. Gutierrez
Mayor





MINUTES

**TUESDAY, AUGUST 9, 2016
LOVELAND CITY COUNCIL STUDY SESSION AND SPECIAL MEETING
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

STUDY SESSION 6:30 P.M.

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

1 MUNICIPAL COURT

Municipal Court 2016 Second Quarter Reports

Municipal Court Judge, Geri Joneson, presented this item, in an effort to keep Council apprised of the volume of traffic and code violations in the City, as well as the financial position of the Court, quarterly reports are generated for Council's review.

2 FINANCE DEPARTMENT

Presentation And Discussion Of The 2017-2026 Draft Capital Program

Brent Worthington, Finance Director; Theresa Wilson, Budget Manager; and Matthew Elliott, Senior Budget Analyst; presented the Capital Program, which is a key component of the 2017 Budget development process. The program includes estimates of available funding sources for capital projects and proposed projects for each year of the ten-year program.

Mayor Gutierrez adjourned the Study Session at 9:23 p.m.

CALL TO ORDER Mayor Gutierrez called the Special Meeting to order at 9:24 p.m.

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

3 ECONOMIC DEVELOPMENT

RTA UPDATE AND POSSIBLE EXECUTIVE SESSION

Susan Grafton, Economic Development Director, was present for the discussion of this item. At the August 2, 2016 meeting, City Council directed staff to provide an update on the Loveland RTA projects which are the U.S. Whitewater Adventure Park and the Waterpark Resort of the Rockies.

Mayor Pro Tem Fogle moved that the City Council go into executive session to discuss negotiations concerning the Regional Tourism Act Projects and negotiations with the State Economic Development Commission as authorized by Colorado Revised Statutes Section 24-6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office.

The motion, seconded by Councilor Clark, carried with all councilors present voting in favor thereof.

Council reconvened at 10:23 p.m.

ADJOURN

Mayor Gutierrez, upon hearing no further business of this Council, adjourned the August 9, 2016 Special Meeting at 10:24 p.m.

Respectfully Submitted,

Teresa Andrews, City Clerk

Cecil A. Gutierrez, Mayor



MINUTES
LOVELAND CITY COUNCIL MEETING
 Tuesday, August 16, 2016 CITY COUNCIL CHAMBERS 6:00 PM

1. INTRODUCTION

1.1 CALL TO ORDER

Mayor Gutierrez called the August 16, 2016 Regular Meeting to order at 6:00 p.m.

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

Councilors Present: Clark, McKean, Ball, Shaffer, Overcash, Fogle, Krenning and Gutierrez. Councilor Johnson arrived at 6:04 p.m.

2. 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.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A motion approving the Consent Agenda with the exception of items 2.3.& 2.10

Carried 9-0

**2.1 CITY CLERK
 APPROVAL OF MINUTES**

LOVELAND CITY COUNCIL MEETING
August 16, 2016

Approval of the City Council minutes for the July 26, 2016 Study Session and the August 2, 2016 Regular Meeting.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion To Approve City Council Minutes for the July 26, 2016 Study Session and the August 2, 2016 Regular Meeting.

Carried 9-0

**2.2 DEVELOPMENT SERVICES
WESTWOOD THIRD SUBDIVISION PEDESTRIAN EASEMENT**

This ordinance will be 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. This ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to Approve on, Second Reading, Ordinance #6036 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.

Carried 9-0

**2.3 CITY ATTORNEY
APPROVAL OF THE DDA ELECTION & BALLOT QUESTION**

This item was considered on the Regular Agenda

**2.4 PUBLIC WORKS
SUPPLEMENTAL APPROPRIATION FOR INTERSECTION
IMPROVEMENTS**

LOVELAND CITY COUNCIL MEETING
August 16, 2016

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 adopted by Council on August 2, 2016 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. This ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

1. A Motion To Approve, On Second Reading, Ordinance #6038 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.

Carried Unanimously

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

2. 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.

Carried 9-0

**2.5 NORTHERN COLORADO REGIONAL AIRPORT
SUPPLEMENTAL APPROPRIATION FOR STRATEGIC PLAN**

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 ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

LOVELAND CITY COUNCIL MEETING
August 16, 2016

A motion to approve on second reading Ordinance #6039 Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For The Addition Of 1 FTE & Strategic Plan Implementation.

Carried 9-0

**2.6 DEVELOPMENT SERVICES
FLEXIBLE ZONING OVERLAY DISTRICT CODE AMENDMENT**

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. This ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to approve, On Second Reading, Ordinance #6040 Amending Title 18 Of The Loveland Municipal Code To Add A New Chapter 18.44 Regarding A Flexible Zoning Overlay District.

Carried 9-0

**2.7 PUBLIC WORKS
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION FOR FLEET VEHICLES**

Currently, some vehicles are purchased by the Fleet Replacement Fund (500) and other vehicles are purchased by other funds (enterprise and special revenue funds). Fleet Management amortizes vehicles purchased within the Fleet Replacement Fund to ensure funds are set aside for future replacement costs. Most vehicles purchased by other funds are amortized within those funds, however, the occasional vehicle has missed being amortized. This item is being presented to streamline and increase efficiency of the vehicle purchasing and amortization process. This item proposes the supplemental budget and appropriation necessary to transfer currently budgeted 2016 funds from the Transportation, Stormwater, Transit, and Police CEF Funds into the Fleet Replacement Fund to make this administrative change for vehicle purchases budgeted outside of the Fleet Replacement Fund in 2016. This streamlined method will be built in to the budget for 2017 and beyond for future years.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion To Approve, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Administrative Change In The Method Of Purchasing Fleet Vehicles.

CARRIED 9-0.

**2.8 DEVELOPMENT SERVICES
MIRASOL SECOND ADDITION ANNEXATION**

This resolution sets a public hearing date of September 20, 2016 for the consideration of an annexation of 6.8 acres to be known as the Mirasol Second Addition. The property is located at the southeast corner of the intersection of 4th Street SE and S. St. Louis Avenue. Included with the annexation is a request to zone the property Mirasol Community Planned Unit Development and include the property into the Mirasol General Development Plan. The GDP seeks to allow the construction of a 60 unit apartment complex and 10 single family/duplex units on the property. The applicant is the Housing Authority of the City of Loveland.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-73-2016, Finding A Certain Petition For Annexation Known As Mirasol Second Addition, Filed July 29, 2016, To Be In Substantial Compliance With Section 30 Of Article II Of The Colorado Constitution And With The Requirements Of Section 31-12-107(1), C.R.S.; And Establishing A Date, Time, And Place For A Hearing To Determine Whether The Proposed Annexation Complies With The Applicable Requirements Of Sections 31-12-104 And 31-12-105, C.R.S., And Is Eligible For Annexation To The City Of Loveland, Colorado

CARRIED 9-0.

**2.9 PARKS AND RECREATION
WARD TRUST OPEN LANDS CONSERVATION EASEMENT**

The City applied for and was awarded a Great Outdoors Colorado ("GOCO") grant for the Ward Trust Property Open Lands Acquisition, which includes the acquisition of a 78-acre, more or less, parcel and associated George Rist Ditch water rights. This is an administrative action to approve the acquisition of the property and authorize the City Manager to sign the Conservation Easement on behalf of the City.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

1. A Motion to Adopt Resolution R-74-2016 Of The Loveland City Council Approving - The Acquisition Of The 78-Acre, More Or Less, Including Appurtenant Water Rights, Ward Trust Property On Cedar Valley Drive For Open Space Purposes.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

CARRIED 9-0.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

2. A Motion to Adopt Resolution R-75-2016 Of The Loveland City Council Approving A Grant Of Conservation Easement On The Ward Trust Property From The City Of Loveland To Larimer County.

CARRIED 9-0.

**2.10 CITY CLERK
IGA WITH LARIMER COUNTY CONCERNING THE COORDINATED
ELECTION**

This item was considered on the Regular Agenda

**2.11 CITY MANAGER
CHAMBER OF COMMERCE OFFICE LEASE**

The resolution will authorize the City Manager to sign the attached Building Lease between the City and the Loveland Chamber of Commerce. The Chamber Board of Directors voted unanimously to approve this Lease with the City.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-77-2016 Approving A Lease Agreement Between The City Of Loveland, Colorado And The Loveland Chamber Of Commerce For A Portion Of The Building Located At 5400 Stone Creek Circle In Loveland, Colorado.

CARRIED 9-0.

**2.12 PUBLIC WORKS
BELL HOMES REIMBURSEMENT AGREEMENT**

Bell Homes LLC constructed street improvements that are a benefit to the adjacent property. The City and Bell Homes LLC entered into an agreement where the City collects those costs from the adjacent property at the time of development. This agreement has a 10-year period for collection, which expires September 6, 2016, if not extended by City Council. The process of reimbursement of the Developer from the adjacent property is detailed in the Larimer County Urban Area Street Standards in section 1.9.3. The Developer reimburses the City \$500 for the collection of these funds, and the City simply acts as a pass-through for the Developer.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-78-2016 Approving An Amendment To A Reimbursement Agreement For New Street Construction Between The City Of Loveland And Bell Homes, LLC.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

CARRIED 9-0.

3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4. PUBLIC COMMENT

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

Jackie Marsh, expressed concern with the Building Department and a new business owner downtown. Council directed Staff to bring back an ordinance amending the building code to remove the "drinking fountain" requirements. Daryl Klassen, Loveland resident, asked Council to take a moment to honor past Council member Walt Skowron, who passed away on Saturday, August 13, 2016. Victoria Gardner, Loveland resident, expressed concern regarding the homeless population, with winter coming soon. Announced a meeting of concerned citizens meeting at 6:30 on Thursday, August 18, 2016 at the Loco Artist and Café.

5. REGULAR AGENDA

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.

5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

2.3 CITY ATTORNEY

APPROVAL OF THE DDA ELECTION & BALLOT QUESTION

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. This ordinance was approved unanimously on first reading by City Council on August 2, 2016. Resident Larry Sarner spoke in opposition to the ordinance. Council suggested Mr. Sarner get in touch with Staff to discuss possible wording changes prior to certification of the ballot language to the County.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Approve, on Second Reading, Ordinance #6037 Approving A Downtown Development Authority Election To Be Held November 8, 2016, To Authorize Debt, Taxes And Revenue Retention.

Moved by Councilor Krenning, seconded by Mayor Pro Tem Fogle

A Motion to call the question.

CARRIED 9-0.

Roll Call on the Original Motion

CARRIED 9-0.

2.10 CITY CLERK

IGA WITH LARIMER COUNTY CONCERNING THE COORDINATED ELECTION

This resolution authorizes the execution of an agreement between the City of Loveland and the Larimer County Clerk and Recorder concerning the coordinated election to be held on November 8, 2016. Mr. Sarner indicated that this should be pulled since he pulled item 2.3. He is not supportive of the Resolution.

Moved by Councilor Shaffer, seconded by Councilor Krenning

A Motion to adopt Resolutions R-76-2016 Approving and Authorizing the Execution of an Intergovernmental Agreement Between the City of Loveland and the Larimer County Clerk and Recorder concerning the Coordinated Mail Ballot Election to be Held on November 8, 2016.

Carried 9-1.

5.2 DEVELOPMENT SERVICES

PUBLIC HEARING

GATORWEST ADDITION ANNEXATION

This is a public hearing to consider the following items on first reading:

- A legislative action to adopt a resolution and ordinance to annex 2.3 acres of property to be known as the Gatorwest Addition; and
- A quasi-judicial action to zone the 2.3 acres to B-Developing Business District.

The property is situated on the west side of N. Garfield Avenue and on the east side of N. Granite Street, roughly half way between W. 50th Street and Ranch Acres Drives. It is addressed at 5100 Granite Street. The applicant is M. Bryan Short with Gatorwest, LLC.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

Mayor Gutierrez opened the public hearing at 7:35. Staff and the applicant made presentations. There were no public comments. Mayor Gutierrez closed the public hearing at 7:43 p.m.

Moved by Councillor Shaffer, seconded by Councilor Krenning

1. A Motion to Adopt Resolution R-79-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Gatorwest Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute.

CARRIED 9-0.

Moved by Councilor Shaffer, seconded by Councilor Ball

2.A Motion to Approve, On First Reading, Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Gatorwest Addition" To The City Of Loveland.

CARRIED 9-0.

Moved by Councilor Shaffer, seconded by Councilor Johnson

3. A Motion to Approve, On First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Gatorwest Addition" To The City Of Loveland.

CARRIED 9-1.

**5.3 CITY ATTORNEY
REPEALING CODE FOR AIRCRAFT TAKEOFF AND LANDING**

Approval of one of the ordinances will repeal or amend Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code. Council Discussion ensued. Parks and Recreation Director indicated Staff would work with the public to find ideal sites for these activities. There were no public comments.

Moved by Councilor McKean, seconded by Mayor Pro Tem Fogle

A Motion to Approve, On First Reading, An Ordinance Repealing Loveland Municipal Code §§ 12.48.030 AND 12.48.110 Prohibiting Takeoff and Landing of Aircraft Outside of Airport and Landing in City.

CARRIED 8-1. No: Shaffer; Abs: Krenning

LOVELAND CITY COUNCIL MEETING
August 16, 2016

**5.4 ECONOMIC DEVELOPMENT
SOUTH CATALYST UPDATE AND BRINKMAN PARTNERS AMENDMENT TO THE
ENA**

Staff will provide a public briefing on the South Catalyst project; specifically, the progress staff has made in negotiation with the Brinkman Partners. The presentation will include an overview of what has been accomplished, the most recent conceptual plans, a brief overview of the proposed cost and financing plan and next steps. The executive session will allow Council to review the draft terms of agreement and provide direction on confidential business negotiations.

If approved the Second Amendment to the Exclusive Negotiation Agreement (see attached) changes the deadline for the completion of the preliminary terms of the agreement from August 16, 2016 to November 15, 2016. Because there is no administrative extension allowed under the original agreement, this amendment is required to go before City Council for consideration.

The City will be expected to contribute the land value, and fee waivers as well as additional public contributions to be discussed in Executive Session.

Moved by Councilor Shaffer, seconded by Councilor Clark

I move that the City Council go into executive session to discuss negotiations concerning the Downtown South Catalyst Project as authorized by Colorado Revised Statutes Section 24-6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office at 9:15 p.m.

CARRIED 9-1.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Krenning

A Motion to extend the meeting to 11:30 p.m.

CARRIED 6-3- Nos:Ball, Johnson, Overcash.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-81-2016 of the City of Loveland City Council Approving the Execution of the Second Amendment to the Exclusive Negotiation Agreement (ENA) with Brinkman Capital, LLC for the South Catalyst Project.

CARRIED 8-0.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

**5.5 CITY CLERK
CALL FOR A SPECIAL MEETING ON AUGUST 23, 2016**

City Council directed the City Manager to set a special meeting to discuss and establish goals, objectives and priorities to be used for future direction in the City of Loveland. Council has requested the meeting occur offsite. Council preference was to use a Tuesday evening Study session date and time. The meeting will occur at the Devereux Room at the Rialto Theatre on August 23, 2016. A special meeting has been called and will be published and posted at least 24 hours prior to the meeting per the C.R.S. "Open Meetings Law". Study sessions items currently slated for August 23, 2016 on the "Rolling Calendar" will be moved to August 30, 2016.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A motion calling a special meeting of City Council August 23, 2016 at 6:00 p.m., to be located in the Devereux Room, at the Rialto Theatre, 228 E 4th St. Loveland, CO 80537. The purpose of the meeting is for Council to work with the City Manager on goals, objectives and priorities for the City of Loveland.

CARRIED 8-0.

6. REPORTS

6.1 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.

Mayor Gutierrez asked Council for direction regarding the DDA designated Qualified Voter.

Moved by Mayor Gutierrez and seconded by Councilor Shaffer

A Motion designating Mayor Pro Tem Fogle to vote on behalf of the City of Loveland, a qualified Voter Entity, in the DDA. And directed Mayor Pro Tem Fogle to vote yes.

CARRIED 8-0: Abs McKean.

6.2 CITY MANAGER REPORT

6.3 CITY ATTORNEY REPORT

7. ADJOURNMENT

Hearing no other business before this Council, Mayor Gutierrez adjourned the August 16, 2016 Regular meeting at 11:23 p.m.

LOVELAND CITY COUNCIL MEETING
August 16, 2016

7.1 COMMUNITY PARTNERSHIP OFFICE
LARIMER COUNTY MENTAL HEALTH BALLOT QUESTIONS

This item was removed for this agenda at the request of Laurie Stolen

Teresa G. Andrews, City Clerk

Mayor Cecil A. Gutierrez

AGENDA ITEM: 2.2
MEETING DATE: 9/6/2016
TO: City Council
FROM: City Manager's Office
PRESENTER: Steve Adams, City Manager

**TITLE:**

Member Appointment Community Marketing Commission And Housing Authority

RECOMMENDED CITY COUNCIL ACTION:

1. Adopt a motion to appoint Laura Coale to the Community Marketing Commission for a term effective until June 30, 2019
2. Adopt a motion to reappoint Christine Forster to the Community Marketing Commission for a term effective until June 30, 2019
3. Adopt a motion to reappoint Peggy Ziglin to the Community Marketing Commission for a term effective until June 30, 2019
4. Adopt a motion to reappoint Sandra Mezzetti to the Housing Authority for a term effective until June 30, 2021

OPTIONS:

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

SUMMARY:

This is an item appointing members to the Community Marketing Commission and the Housing Authority

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

During the Spring recruiting cycle the **Community Marketing Commission** had three term vacancies. Three applications were submitted and interviews conducted in July. The committee recommends the appointment of Laura Coale and the reappointment of Christine Forster and Peggy Ziglin to the commission, all for terms effective until June 30, 2019.

The **Housing Authority** had a term vacancy during the Spring recruiting cycle. Two applications were received. When interviews were scheduled, one applicant withdrew and one applicant was interviewed. On August 24, 2016 the Housing Authority Board of Commissioners approved a resolution recommending the reappointment of Sandra Mezzetti to the Housing Authority for a full term effective until June 30, 2021.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

None

AGENDA ITEM: 2.3
MEETING DATE: 9/6/2016
TO: City Council
FROM: Leah Browder, Public Works
PRESENTER: Steve Kibler, Fleet Manager
 Theresa Wilson, Budget Manager

**TITLE:**

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Administrative Change In The Method Of Purchasing Fleet Vehicles

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (If denied, the vehicles cannot be purchased)
3. Adopt a modified action. (Specify in motion)
4. Refer back to staff for further development and consideration. (If the ordinance is referred back to staff, the purchasing of the vehicles would be delayed hampering winter snow operations)

SUMMARY:

Currently, some vehicles are purchased by the Fleet Replacement Fund (500) and other vehicles are purchased by other funds (enterprise and special revenue funds). Fleet Management amortizes vehicles purchased within the Fleet Replacement Fund to ensure funds are set aside for future replacement costs. Most vehicles purchased by other funds are amortized within those funds, however, the occasional vehicle has missed being amortized. This item is being presented to streamline and increase efficiency of the vehicle purchasing and amortization process. This item proposes the supplemental budget and appropriation necessary to transfer currently budgeted 2016 funds from the Transportation, Stormwater, Transit, and Police CEF Funds into the Fleet Replacement Fund to make this administrative change for vehicle purchases budgeted outside of the Fleet Replacement Fund in 2016. This streamlined method will be built in to the budget for 2017 and beyond for future years. This ordinance was approved unanimously on first reading by City Council on August 16, 2016.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

There is no budgetary impact citywide. The funding requested has already been appropriated. This request is shifting the current appropriations from their current funds to the Fleet Fund.

BACKGROUND:

The Finance and Public Works Departments have determined that centralizing purchasing and amortizing vehicle replacement funding in the Fleet Replacement Fund (500) will increase efficiency and consistency. Enterprise Funds and select Special Revenue Funds will be excluded from this procedural change at this time. For Enterprise Funds, vehicles/equipment will continue

to be purchased directly and amortized within those funds. For select Special Revenue Funds, such as the Conservation Trust Fund, any applicable vehicles/equipment will be purchased and amortized directly within the Special Revenue Fund due to the nature of the special revenue being restricted for specific purposes (for accounting and auditing reasons). City Staff will make a determination regarding whether Enterprise Funds should be included in such a procedural change at a future date after additional review and analysis. Budgeted 2016 vehicle purchases will occur after the budget amendments outlined below are approved. These amendments involve transferring existing budget from the Transportation, Stormwater, Transit, and Police CEF Funds into the Fleet Replacement Fund and have a net zero budget impact. Fleet Management will amortize vehicle/equipment costs over the expected life of these assets to generate funds for the future replacement of these assets within the Fleet Replacement Fund. This procedural change will increase transparency, fluidity, and tracking of vehicles.

Although Stormwater is an Enterprise Fund, staff recommends that the particular "Truck with Plow, Deicer" purchase be made directly within the Fleet Replacement Fund for logistical ease of procuring two similar vehicles (one for Stormwater and the other for Transportation).

Previously approved and budgeted vehicles/equipment proposed to be purchased by the Fleet Fund rather than other funds are as follows:

<u>Replacements</u>	<u>Appropriated Funds</u>	<u>Currently Budgeted In:</u>
Snowplow	\$ 32,182	Transportation Fund
Tractor Truck	\$ 73,000	Transportation Fund
Truck with Plow, Deicer	\$129,162 [@ 50% cost-share]	Stormwater Fund
Transit bus	\$ 24,000 [@ 20% City match]	Fleet Fund – s/be Transit Fund
<u>New Vehicle Additions</u>	<u>Appropriated Funds</u>	<u>Currently Budgeted In:</u>
Eight (8) Police Vehicles	\$400,000	Police CEF Fund

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Ordinance

FIRST READING: August 16, 2016

SECOND READING: September 6, 2016

ORDINANCE NO. 6041

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR AN ADMINISTRATIVE CHANGE IN THE METHOD OF PURCHASING FLEET VEHICLES

WHEREAS, the City has reserved funds previously appropriated at the time of the adoption of the 2016 City budget for an administrative change in the method of purchasing Fleet vehicles; 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 an administrative change in the method of purchasing Fleet vehicles, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$105,182 from existing appropriations in the Transportation Fund are available for appropriation. That reserves in the amount of \$400,000 from existing appropriations in the Police Capital Expansion Fee Fund are available for appropriation. That reserves in the amount of \$129,162 from existing appropriations in the Stormwater Enterprise Fund are available for appropriation. Such revenues in the total amount of \$634,344 are hereby appropriated to the 2016 City budget for an administrative change in the method of purchasing Fleet vehicles. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Transit Fund 105**

Revenues		
105-23-234-0000-37500	Transfers from Fleet	(24,000)
Total Revenue		(24,000)
Appropriations		
Total Appropriations		-

**Supplemental Budget
Transportation Fund 211**

Revenues		
Total Revenue		-
Appropriations		
211-23-233-0000-48240	Machinery & Equipment	(105,182)
211-23-233-0000-47500	Transfers to Fleet	105,182
Total Appropriations		-

**Supplemental Budget
Police Capital Expansion Fee Fund 265**

Revenues		
Total Revenue		-
Appropriations		
265-21-201-2102-48244	Motor Vehicle	(400,000)
265-21-201-2102-47500	Transfers to Fleet	400,000
Total Appropriations		-

**Supplemental Budget
Stormwater Enterprise Fund 345**

Revenues

Total Revenue -

Appropriations

345-23-283-0000-48240 Machinery & Equipment (129,162)

345-23-283-0000-47500 Transfers to Fleet 129,162

Total Appropriations -

**Supplemental Budget
Fleet Replacement Fund 500**

Revenues

500-23-260-0000-37211 105,182

500-23-260-0000-37265 400,000

500-23-260-0000-37345 129,162

Total Revenue **634,344**

Appropriations

500-23-260-0000-47105 Transfers to Transit (24,000)

500-23-260-0000-48244 Motor Vehicle 658,344

Total Appropriations **634,344**

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).

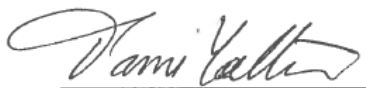
ADOPTED this 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

AGENDA ITEM: 2.4
MEETING DATE: 9/6/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Noreen Smyth, Senior Planner



TITLES:

1. An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Gatorwest Addition" To The City Of Loveland

2. An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Gatorwest 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 Gatorwest Addition to the City of Loveland; and
2. Move to adopt on second reading the ordinance zoning the Gatorwest Addition to the City of Loveland to B-Developing Business.

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 public hearing to consider the following items on first reading:

- A legislative action to adopt an ordinance to annex 2.3 acres of property to be known as the Gatorwest Addition; and
- A quasi-judicial action to zone the 2.3 acres to B-Developing Business District.

The property is situated on the west side of N. Garfield Avenue and on the east side of N. Granite Street, roughly half way between W. 50th Street and Ranch Acres Drives. It is addressed at 5100 Granite Street. The applicant is M. Bryan Short with Gatorwest, LLC.

The first reading of the ordinances was unanimously approved by the City Council at the August 16, 2016 Council meeting.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

This proposal is to annex as the "Gatorwest Addition" a 2.3-acre area of land. The land consists of an undeveloped, grass-covered 1.9-acre lot plus 0.4-acre of street right-of-way that is immediately adjacent to the lot. In conjunction with the annexation, the applicant is seeking to have the property zoned B-Developing Business. After the annexation and zoning, the applicant intends to keep the property as a single lot and pursue development of a multi-tenant building for office, retail, and/or warehouse uses.

The property is contiguous to city limits on its east side, where the adjacent portion of N. Garfield Avenue had previously been annexed into the City. The property is designated as Corridor Commercial in both the newly adopted Create Loveland Master Plan and the City's previous Comprehensive Master Plan. The proposed B zoning district aligns with the Corridor Commercial designation in the Master Plan. Commercial uses dominate along N. Garfield Avenue in the vicinity of the property, with some lots situated within city limits and some remaining unincorporated.

At the neighborhood meeting, attendees inquired about anticipated traffic generation by the proposed uses, whether the traffic would consist of heavy trucks, and whether it would all enter and exit off of Granite Street or also off of Garfield Avenue. The applicant explained that CDOT will not grant access to this property off of Garfield, and that the uses anticipated to locate in the building would not be traffic intensive and would not utilize large trucks. Attendees generally supported the proposed zoning and use.

The Planning Commission is recommending approval of the annexation and zoning request by a vote of 8-0 with one member absent. Councilors voted unanimously for approval of the ordinances on first reading at the August 16, 2016 City Council meeting. An associated resolution concerning the annexation's compliance with certain code requirements was also approved at that meeting. As resolutions do not require a second reading, it is not before the Council at the September 6, 2016 meeting.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance approving the annexation
2. Ordinance relating to zoning
3. Staff Memorandum
4. Annexation Map
5. Zoning Map
6. Annexation Agreement

FIRST READING: August 16, 2016

SECOND READING: September 6, 2016

ORDINANCE NO. 6042

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS THE "GATORWEST 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 June 20, 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 August 16, 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 the "GATORWEST ADDITION" to the City of Loveland, Larimer County, Colorado is hereby approved:

A parcel of land being a part of Tract 1, Ranch Acres Subdivision, and portions of the vacated service road and 51st Street rights of way per Reception Number 93023187, and adjacent rights of way lying within the Northeast 1/4 section 35, Township 6 North, Range 69 West, 6th P.M., Larimer County, Colorado, more particularly described as follows:

Considering the West Line of Tract 1 Ranch Acres Subdivision as bearing N 00°19'35" W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of Tract 1 Ranch Acres Subdivision said point also being on the East right-of-way line of Granite Street,

Thence N 00°23'16" W along said right of way line for a distance of 30.00 feet to the point of beginning;

Thence S 89°28'02" W for a distance of 60.00 feet to a point on the extension of the West right of way line of Granite Street;

Thence N 00°19'35" W along said West right of way line for a distance of 270.32 feet;

Thence departing said West line S 89°40'02" E for a distance of 359.97 feet to the West right of way line of US Highway 287 per the plat of Ranch Acres Subdivision;

Thence along said West right-of-way line S 00°19'58" E for a distance of 249.36 feet to the Southwest corner of Shade Tree Fifth Addition to the City of Loveland;

Thence departing from said West right of way S 89°57'03" E for a distance of 101.09 feet to a point on the East right of way line of US Highway 287 per book 1057 page 402;

Thence S 00°12'36" E along said East right-of-way line a distance of 18.68 feet;

Thence departing from said East right of way S 89°28'02" W for a distance of 401.05 feet to the point of beginning.

Thus described tract contains 2.273 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public 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 this 6th day of September, 2016.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Assistant City Attorney

FIRST READING: August 16, 2016

SECOND READING: September 6, 2016

ORDINANCE NO. 6043

AN ORDINANCE AMENDING SECTION 18.04.060 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "GATORWEST ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That Section 18.04.060 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 "GATORWEST ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

B – DEVELOPING BUSINESS:

A parcel of land being a part of Tract 1, Ranch Acres Subdivision, and portions of the vacated service road and 51st Street rights of way per Reception Number 93023187, and adjacent rights of way lying within the Northeast 1/4 section 35, Township 6 North, Range 69 West, 6th P.M., Larimer County, Colorado, more particularly described as follows:

Considering the West Line of Tract 1 Ranch Acres Subdivision as bearing N 00°19'35" W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of Tract 1 Ranch Acres Subdivision said point also being on the East right-of-way line of Granite Street,

Thence N 00°23'16" W along said right of way line for a distance of 30.00 feet to the point of beginning;

Thence S 89°28'02" W for a distance of 60.00 feet to a point on the extension of the West right of way line of Granite Street;

Thence N 00°19'35" W along said West right of way line for a distance of 270.32 feet;

Thence departing said West line S 89°40'02" E for a distance of 359.97 feet to the West right of way line of US Highway 287 per the plat of Ranch Acres Subdivision;

Thence along said West right-of-way line S 00°19'58" E for a distance of 249.36 feet to the Southwest corner of Shade Tree Fifth Addition to the City of Loveland;

Thence departing from said West right of way S 89°57'03" E for a distance of 101.09 feet to a point on the East right of way line of US Highway 287 per book 1057 page 402;

Thence S 00°12'36" E along said East right-of-way line a distance of 18.68 feet;

Thence departing from said East right of way S 89°28'02" W for a distance of 401.05 feet to the point of beginning.

Thus described tract contains 2.273 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public 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 6th day of September, 2016.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Assistant City Attorney



DEVELOPMENT SERVICES Current Planning

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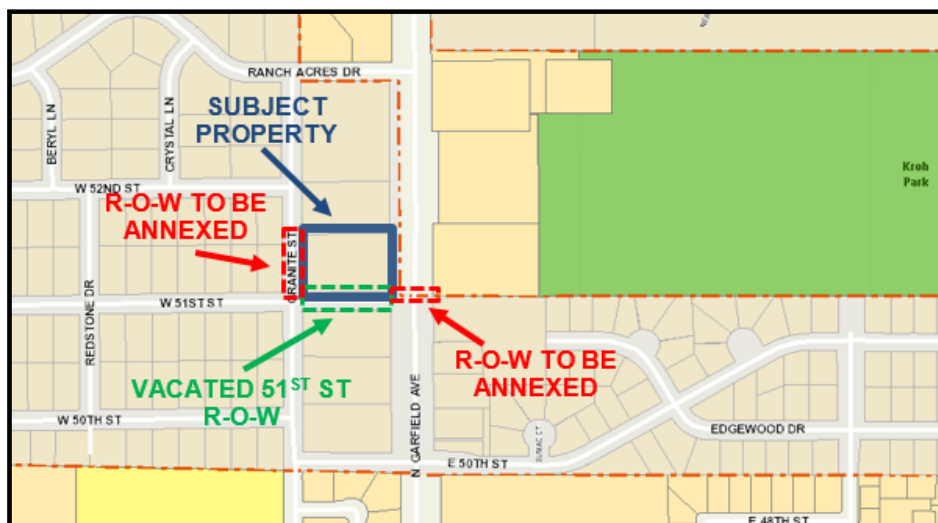
MEMORANDUM

TO: City Council
FROM: Noreen Smyth, Senior Planner
DATE: August 16, 2016
RE: Gatorwest Annexation and Zoning

I. EXECUTIVE SUMMARY

A. Proposal

The City Council public hearing is to consider the annexation and zoning of a 2.3 acre area of land at 5100 Granite Street. The property is situated on the west side of N. Garfield Avenue (State Highway 287), roughly half way between W. 50th Street and Ranch Acres Drive. The land consists of an undeveloped 1.9 acre lot plus 0.4-acre of street right-of-way that is immediately adjacent to the lot. It is within the city's Growth Management Area and is contiguous to the city along its east property line.



In conjunction with the annexation, the applicant is seeking to have the property zoned B Developing Business. After annexation and zoning, the applicant is interested in pursuing development of a single commercial building on the lot that will contain an office and warehousing for the applicant's surveying business, along with space for a few tenants of compatible uses. The proposal is in compliance with the city's Comprehensive Plan.

B. Background

The 1.9 acre lot was created in Larimer County with the Ranch Acres plat of subdivision. It fronts Granite Street to the west and Garfield Avenue/Hwy 287 to the east. There had previously been unpaved 51st Street right-of-way to the south of the lot, but this was vacated in the past. Most of the nearby properties fronting Garfield Avenue are developed with commercial uses, with a few, like the subject property, still undeveloped. Near the subject property on the west side of Garfield Avenue are a couple of office buildings, a strip commercial building, a car wash, and a gas station. Across Garfield Avenue is an empty lot, the Habitat for Humanity ReStore retail shop, a landscape supply business, and an access drive to Kroh Park, which is situated behind (east of) the commercial properties fronting Garfield. While properties on both sides of Garfield Avenue to the south of 50th Street are within city limits, properties north of 50th Street up to 71st Street are a mix of incorporated and unincorporated sites. To the west of the subject property is a single family residential subdivision, Ranch Acres, situated outside city limits.



C. City vs County Development of the Property

Annexing unincorporated properties that are adjacent to city limits and within the city's Growth Management Area meets the goals of the city's Comprehensive Plan and is encouraged by an intergovernmental agreement between the City of Loveland and Larimer County. However, the property could remain unincorporated and the owner could pursue development permits through Larimer County. As summarized below, the ultimate development on the property is not likely to be very different if permits are pursued through the county rather than the city. However, it is generally considered advantageous to have the opportunity to apply city policies and codes to the development of properties

within our Growth Management Area, as it will ensure that standards that the city supports, such as higher quality architecture along major roadways, landscape bufferyards, and parking lot screening, are included in the development plan.

Zoning

The lot is zoned B Business in Larimer County. While the allowable land uses in the county's B Business district and the requested city B-Developing Business district are not identical, the two are quite similar; see attached sections from both the county and the city zoning code. The county zoning system has three business districts, and the subject property is the medium-intensity business district. The city zoning system has only one business district, but requires a special review permit for certain uses to locate in the district. The uses the applicant anticipates locating in his proposed building are uses by right in both the county B Business District and the city B-Developing Business District.

Infrastructure

The property will have access to infrastructure whether it remains unincorporated or is annexed. City staff will be the primary reviewers of any development proposals if it is annexed, while county staff will be the primary reviewers of any development proposals if it is not.

- Power: The property is within Xcel's service area, but the City of Loveland can take over the service if the property is annexed. The developer would be responsible for any infrastructure costs to provide service.
- Water: The property is adjacent to an existing Fort Collins-Loveland Water District main. There is a planned 2026 extension of a city water main along Granite. The developer can either tap into the District water line, and possibly then tap into the city line at the time it is extended, or the developer can cover the cost of extending the city water line at the time of development, and obtain future financial reimbursement from other properties that tap into the extension. The city Water Department is agreeable with having development on the property being served water either from the District or from the city.
- Wastewater: The property is already within the city's service area and there is an existing wastewater main adjacent to the property along Granite Street.
- Transportation: Larimer County Urban Area Street Standards (LCUASS) standards will apply to the adjacent local street (Granite) and State of Colorado standards will apply to the adjacent highway (Garfield/Hwy 287) whether the property stays unincorporated and is developed through the county or is annexed and developed through the city.
- Stormwater: The property will need to capture stormwater runoff whether it is developed in the county or in the city.

II. PUBLIC OUTREACH AND PLANNING COMMISSION HEARING

- A. **Neighborhood Meeting:** A neighborhood meeting was held on April 28, 2016 at the Loveland Public Library. The meeting was attended by three neighbors along with city staff, the applicant, and a consultant. At the meeting, there were a variety of questions voiced about the specific development anticipated to locate on the property, anticipated traffic generation by the proposed uses, and the location of vehicular access points. There was no opposition voiced to the requested annexation or zoning, or to the description of the proposed building.

- B. Planning Commission Public Hearing:** The Planning Commission held a public hearing for the proposal on June 27, 2016. Three neighborhood residents spoke on the application at the hearing. The residents inquired about the advantages to either the applicant or the city of annexing the property instead of having it remain outside city limits, and expressed concern about traffic flow in the area. Commissioners inquired whether the building as proposed could be developed if the property remained unincorporated, and about the difference between the city Business district and the county Business district. Staff explained the limited difference between the city and the county B district, and staff and the applicant explained that annexing into the city is recommended by intergovernmental agreements between the county and the city, and advantageous for the enactment of city plans and policies. Commissioners voted 8-0, with one member absent, to recommend City Council approval of the Gatorwest Addition to the City of Loveland and to zone said land to B-Developing Business. The minutes from the hearing are included as Attachment F.

III. RECOMMENDED CONDITION

The following two conditions on the annexation and zoning have been proposed by the Planning Division and have been recommended by the Planning Commission. They will be included in an annexation agreement if the annexation is approved.

1. The policies of the Loveland 287 Plan shall be implemented in the development of the property. These include the following, unless exempted by the city during the development review process:
 - a. Construction of detached sidewalk along Highway 287.
 - b. Construction of sidewalk along Granite Street.
 - c. Installation of street trees along Highway 287.
 - d. Establishment of an east-west pedestrian easement in or near the vacated 51st Street right-of-way.
 - e. A site layout that refrains from situating parking between the building(s) on site and Highway 287.
 - f. Burial of overhead utility lines.
2. The concept plan is not vested or approved as part of the annexation and zoning of the property.

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 27, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 27, 2016 at 6:30 p.m. Members present: Co-Chairman Dowding, and Commissioners Meyers, Molloy, Forrest, Ray, McFall, Roskie, Cloutier. Members absent: Chairman Jersvig. 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. A complete video recording of the meeting is available for two years on the City's web site as follows: <http://loveland.pegcentral.com>

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, provided a preview of the July 11th and July 25th Planning Commission Meeting.
2. **Mr. Paulsen** noted that the Planning Commission and City Council will have a joint study session on July 26th to discuss Electronic Sign Provisions
3. **Mr. Paulsen** stated that the first reading for the Flexible Zoning Overlay provisions will be presented to City Council on July 5th.
4. **Mr. Paulsen** stated that the West Eisenhower Reinvestment Zone is on the July 19th City Council agenda.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Meyers made a motion to approve the June 13, 2016 minutes; upon a second from Commissioner Forrest the minutes were unanimously approved.

CONSENT AGENDA

1. Anderson 1st Subdivision Preliminary Plat Extension

Project Description: This request requires quasi-judicial review by the Planning Commission to consider extension of the Preliminary Plat for Anderson 1st Subdivision for an additional one-year period. The preliminary plat and PUD Preliminary Development Plan

were approved by the City in January 2009. Extensions have been granted by the City since that time to keep the plat and plans valid. The most recent extension was granted by the Planning Commission on 8/10/15 for one year.

The property is located at the northeast corner of South Lincoln Avenue and South 42nd Street. The western portion of the property, consisting of approximately 34 acres, is zoned E-Employment and is controlled by a Concept Master Plan. The eastern portion of the property, consisting of 89.35 acres, is zoned “Ridge at Thompson Valley PUD” which allows a maximum of 152 dwelling units, and a gross density of 1.7 dwelling units per acre. Planning Commission has final authority on this matter.

Commissioner Meyers motioned to approve the items on the consent agenda. Upon a second by Commission Molloy, the motion was unanimously approved.

REGULAR AGENDA

2. Plan of Development (DDA)

Project Description: This item was continued from the June 13, 2016 Planning Commission meeting to allow the applicant time to adjust the Plan of Development to reflect Commission comments provided at the June 13, 2016 meeting.

The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) was initially reviewed by the Planning Commission on June 8, 2015 and subsequently approved by the City Council on July 7, 2015. The DDA Plan has been amended to incorporate minor changes in anticipation of the 2016 ballot measure—the ballot measure is needed to secure revenue generating measures for the DDA. By statute, the Planning Commission must review any Plan amendments, making a recommendation to the City Council for adoption. The amendments are reflected in redline format in the submitted Amended DDA Plan.

The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing and thereafter consider a resolution approving the Amended DDA Plan. Review of this Amended Plan does not require a public hearing.

Mike Scholl stated that the commissioners’ requested revisions were incorporated into the Plan of Development per guidance from both the DDA and City of Loveland Attorneys.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Meyers** asked for clarification on the definition of food sales tax. **Blair Dickhorner**, Attorney representing the DDA, stated that the definition of food sales tax is defined in the City Code.

- **Commissioner Meyers** also asked if the plan defines items that should be taxed and items that are exempt from food sales tax. **Mr. Scholl** stated that the city is experienced with segregating out different items that should and should not be taxed.

Commissioner Molloy motioned to recommend the City Council adoption of the Amended Plan of Development for the Downtown Development Authority. Upon a second by Commissioner Forrest the motion passed with five ayes and three nays (Commissioners Ray, McFall, and Meyers).

3. Gatorwest Annexation and Zoning

Project Description: This is a public hearing regarding the proposed annexation and zoning of a 2.3-acre property located at 5100 Granite Street. The associated zoning request is for B - Developing Business. Annexation is a legislative matter, and final decision making authority rests with the City Council. The property is located along the west side of North Garfield Avenue (State Hwy. 287) to the north of 50th Street and to the south of Ranch Acres Drive. This area of Garfield includes a mix of commercial businesses and vacant property; there is a mixed pattern of annexed land in this area. The annexation and zoning request is compliant with State Statutes and with City policies and staff believes that all key issues have been resolved. Consequently, staff is recommending that the Planning Commission recommend approval of this application to the City Council.

Noreen Smyth, Senior Planner, provided a project description and noted that the project meets the requirements for city annexation. The property is currently vacant; however, it is mostly surrounded by developed property. **Ms. Smyth** noted that city staff is recommending the two conditions listed in the Staff Report.

Several commissioners raised initial questions, expressing concerns with increased traffic on Granite Street and asked if it was possible for the property to obtain access off of Highway 287. **Ms. Smyth** noted that the Colorado Department of Transportation (CDOT) would need to approve access from Highway 287 and it is unlikely CDOT would issue this approval.

Bryan Short, project applicant and property owner, provided a brief description of his business and his request to build a new office building at this location once annexation has been accomplished.

Several commissioners asked what the estimated traffic increase and impact on the neighborhood would be. **Mr. Short** stated that the impact would be minimal, explaining that he has a couple of survey crews with approximately six people each that would operate from the site. In addition, the facility would receive small deliveries from UPS approximately every other day. **Mr. Short** noted that all retail operations are primarily internet based, thus minimizing traffic associated with product sales.

Commissioner Roskie asked if the automotive repair business mentioned in the Concept Review is still considering renting space onsite. **Mr. Short** noted that this business is no longer a potential renter because the use requires Special Review approval.

CITIZEN COMMENTS:**Commissioner Dowding opened the public hearing at 6:55 p.m.**

- **Darrell Hughes**, resident, asked what the differences are between the B Zoning District in the county and city and why the business could not exist in the county. Mr. Hughes also expressed concerns that the site is located near a large elementary school and that residents already have problems with traffic flow. Mr. Hughes also asked if there is another potential tenant that could rent space onsite.
- **Marvin Oleske**, resident, stated that he felt the business is ideal for this site and it is consistent with the other small businesses surrounding the property. However, he stated that he preferred that the business stay in the county because much of the surrounding property is in the county.
- **Gail Woofter**, resident, stated that the residents already experience traffic congestion and would like to know how many accidents have occurred in the past year at Highway 287 and Ranch Acres. Ms. Woofter expressed concerns for the safety of the children in the neighborhood and asked what it means that the right-of-way was vacated or abandoned. Ms. Woofter requested that the fire department review the plan to determine the required width of the street to accommodate emergency vehicle access.

Commissioner Dowding closed the public hearing at 7:05 p.m.

- **Ms. Smyth** addressed the questions asked during the public hearing. She noted that an intergovernmental agreement between the city and Larimer County specifies expectations and requirements for the annexation of property that is located within the city's Growth Management Area. **Ms. Smyth** noted several benefits of annexing the property into the city, including the ability of the city to ensure that future development is aligned with the recently adopted 287 Strategic Plan and the city's new comprehensive plan..
- **Ms. Smyth** explained that a right-of-way on 51st Street, previously intended for the extension of 51st Street, had been vacated and is now part of private land. Consequently, 51st Street will not be extended to intersection Hwy. 287 in the future.
- **Ms. Smyth** noted that Fire reviewed the plan and didn't have any issues with the current access to the site.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Meyers** asked what the burden to the city would be to provide paving operations and street plowing for the additional street right-of-way to be annexed. **Ms. Smyth** stated that the city would provide services to the annexed streets; snow plowing for local streets, however, is a low priority. The county would continue to provide service to the south and the north of the site.

- **Commissioner Molloy** asked if it was possible to reduce the permitted uses by right in a zoning district. **Ms. Smyth** stated that these types of restrictions are typically done in a property zoned in a Planned Unit Development (PUD) and not a standard zoning district.
- **Commissioner Meyers** asked for clarification on who would provide police service to the site and **Ms. Smyth** noted the error in the Staff Report and stated that the City of Loveland would provide service.
- **Mr. Short** was asked if he had any plans to add a future tenant and **Mr. Short** stated that he is upgrading to a larger facility so he may have space to rent. However, the use would most likely be office space or another complimentary business.
- **Mr. Short** noted that based on parking capacity he is not anticipating a large number of vehicle traffic.

COMMISIONER COMMENTS

- **Commissioner Ray** stated that this type of business is ideal for a residential area because it won't generate a lot of traffic. Commissioner Ray asked if it was possible to put a condition on the property limiting the uses by right. **Mr. Paulsen** and Assistant City Attorney, **Moses Garcia**, noted that it may be possible but is not a recommended approach.
- **Commissioner Meyers** stated that he did not support conditional zoning or limiting uses that would be allowed by zoning.
- **Commissioner Molloy** agreed that a business of this type typically has very limited traffic but was concerned with adding another renter depending on the use.
- **Commissioner Cloutier** agreed that this is a good use for the area and that it would be beneficial if the city had control over the property versus the county.
- **Commissioner McFall** expressed concerns with the traffic impact on the area; however, he feels the business is a good fit for the area.
- **Commissioner Roskie** stated support for the project and did not recommend placing constraints on the uses through an annexation agreement. Commissioner Roskie stated that she respects the traffic concerns expressed by the neighbors; however, the traffic generated by the school is actually up to the school to manage and not the city.
- **Commissioner Forrest** stated that this is a perfect size of business for the site and is an opportunity to start implementing the Highway 287 requirements. Additionally, the size of the project will limit the use by any other tenant.
- **Commissioner Dowding** thanked the citizens who provided comments. Commissioner Dowding asked if the plan meets the Comprehensive Plan and Highway 287 Strategic Plan requirements and **Ms. Smyth** verified that it did. Commissioner Dowding stated that the size of the business was a good fit for the area and did not feel the use would create heavy traffic.

Commissioner Dowding asked if the applicant accepts the conditions listed in the staff report; **Mr. Short** confirmed that he accepted the listed conditions.

Commissioner Ray moved to make the findings listed in Section VIII of the Planning Commission staff report dated June 27, 2016 and, based on those findings, recommend that City Council approve the Gatorwest Addition, subject to the conditions listed in Section IX, as amended on the record, and zone the addition to B Developing Business. Upon a second by Commissioner Meyers, the motion was unanimously approved.

ADJOURNMENT

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

Commissioner Dowding adjourned the meeting at 7:40 p.m.

Approved by: Carol Dowding
Carol Dowding, Planning Commission Vice-Chair

Jenell Cheever
Jenell Cheever, Planning Commission Secretary

Chapter 18.28**B DISTRICT-DEVELOPING BUSINESS DISTRICT****Sections:**

18.28.000	Purpose.
18.28.010	Uses permitted by right.
18.28.020	Uses permitted by special review.
18.28.030	Minimum yards.
18.28.035	Height limitations.
18.28.040	Off-street parking.
18.28.050	Site development plan review.
18.28.060	Usable open space.
18.28.070	Lot area, multiple-family dwellings.
18.28.080	Residential landscaping.

18.28.000 Purpose.

The developing business (B) district is intended to provide for auto-oriented and auto-dependent uses, primarily along established commercial corridors of the city. This district is applied to many of the city's established commercial corridors and corresponds to the areas depicted as CC-corridor commercial on the Comprehensive Master Plan's Land Use Plan Map. These areas provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures. Locations for this zone require good vehicular access.

18.28.010 Uses permitted by right.

The following uses are permitted by right in the B district:

- A. Financial services;
- B. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located three hundred feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
- C. Place of worship or assembly;
- D. Lodging establishments;
- E. Clubs and lodges;
- F. Medical, dental, or professional office or clinic;
- G. Office, general administrative;
- H. Parking lot and parking garage;
- I. Park or recreation area;
- J. Personal and business service shop;
- K. Public and private school;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Indoor entertainment facility and theater;
- N. Restaurant standard;
- O. Retail store;
- P. Bed and breakfast establishment;
- Q. Accessory buildings and uses;
- R. Commercial child day care center licensed according to the statutes of the state;
- S. Multiple-family dwellings for the elderly;
- T. Combined use (or mixed-use) developments of permitted use;

- U. Boardinghouses and rooming houses;
- V. Community facility;
- W. Long term care facility;
- X. One-family dwelling;
- Y. Printing shop, provided that no such shop occupies more than 3,500 square feet of floor area;
- Z. Retail laundry;
- AA. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- BB. Two-family dwelling;
- CC. Antennas, as defined in Section 18.55.020, located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- DD. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
- EE. Bar or tavern;
- FF. Convention and conference center;
- GG. Food catering;
- HH. Funeral home
- II. Garden supply;
- JJ. Health care service facility;
- KK. Outdoor storage of equipment or products or other goods as an accessory use subject to Section 4.06 of the Site Development Performance Standards and Guidelines;
- LL. Parking garage and parking lots;
- MM. Research laboratory;
- NN. Warehouse and distribution (enclosed within a building);
- OO. Hospital;
- PP. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40; and
- QQ. Shelter for victims of domestic violence, subject to Section 18.52.070.

18.28.020 Uses permitted by special review.

The following uses are permitted by special review in a B district subject to the provisions of Chapter 18.40:

- A. Vehicle sales and leasing of cars and light trucks;
- B. Vehicle minor and major repair, servicing and maintenance;
- C. Car wash;
- D. Combined-use (or mixed-use) developments containing one or more special review use(s);
- E. Dairy processing plants, laundry and dry-cleaning plants;
- F. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located less than three hundred feet from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district)
- G. Lumberyard;
- H. Light industrial, indoor;
- I. Mobile home park and RV park/campground;
- J. Pet store and veterinary clinic small animal hospitals;
- K. Printing shop over 3,500 square feet of floor area;
- L. Aboveground public utility and public service installations and facilities, essential public utility

- uses, facilities, services, and structures (above ground);
- M. Private recreational uses, outdoor;
 - N. Restaurants and other eating and drinking places, outdoor;
 - O. Undertaking establishments;
 - P. Warehouses and enclosed storage;
 - Q. Wholesale stores;
 - R. Multiple-family dwelling;
 - S. Restaurant, drive-in or fast food;
 - T. Massage parlors(massage therapy included in definition of health care service facility);
 - U. Congregate care facility;
 - V. Combined use developments including one or more special review use(s);
 - W. Attended recycling collection facility;
 - X. Unattended recycling collection facility;
 - Y. Convenience store;
 - Z. Personal wireless service facility (on new structure) as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
 - AA. Group care facility;
 - BB. Contractor's storage yard;
 - CC. Domestic animal day care facility;
 - DD. Open-air farmers market;
 - EE. Outdoor recreation facility;
 - FF. Nightclub;
 - GG. Plant nursery;
 - HH. Self-service storage facility;
 - II. Vehicle rentals for cars, light trucks and light equipment;
 - JJ. Sales and leasing of farm equipment and mobile homes, recreational vehicles, large trucks and boats with outdoor storage;
 - KK. Vehicle rental for heavy equipment, large trucks, and trailers;
 - LL. Outdoor storage of equipment, products or other goods as a principle use;
 - MM. Crematorium, subject to Section 18.52.080; and
 - NN. Firing range, indoor.

*See Chapter 18.40.

18.28.030 Minimum yards.

- A. Minimum yards in a B district, being the minimum distance of any building from a street right-of-way or zoning district boundary line, shall be twenty-five feet. The minimum distance of any building to an alley right-of-way or public alley easement boundary line shall be fifteen feet.
- B. Subsection A. notwithstanding, residential uses within a B district shall be the following setback requirements:
 - 1. The minimum front yard lot shall be as follows:
 - a. Single, two, and three-family dwelling: twenty feet.
 - b. All other residential uses: twenty-five feet.
 - 2. The minimum side yard of a lot shall be as follows:
 - a. Single, two, and three-family dwelling: one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet.
 - b. All other residential uses: ten feet.
 - c. Subsections 2.a. and b. notwithstanding, the minimum street side yard for any residential use shall be fifteen feet.
 - 3. The minimum rear yard of a lot shall be as follows:

- a. Principal structure: fifteen feet.
- b. Detached accessory: five feet.

18.28.035 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.28.040 Off-street parking.

The minimum off-street parking in the B district shall be as provided in Chapter 18.42.

18.28.050 Site development plan review.

Category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and the site development performance standards and guidelines as provided in Chapter 18.47.

18.28.060 Usable open space.

The usable open space in the B district shall be ten percent of the total lot area.

18.28.070 Lot area, multiple-family dwellings.

- A. The minimum area of a lot for multiple-family dwellings in the B district shall be seven thousand square feet for the first two units, plus one thousand square feet for each additional dwelling unit up to four dwelling units, plus two thousand square feet for each additional dwelling unit over four units.
- B. The minimum area of a lot for multiple-family dwellings for the elderly shall be seven thousand square feet.

18.28.080 Residential landscaping.

All residential parcels developed within the B district shall be landscaped with materials such as grass, shrubs, trees, or decorative materials. A minimum of two trees shall be provided for each two-family dwelling. The required trees shall be combinations of deciduous and coniferous trees with each deciduous tree having a minimum caliper of two inches at time of planting and each coniferous tree having a minimum height of six feet. All landscaping requirements shall be completed prior to occupancy of the structure or within thirty days following the beginning of the next planting season.

4.1.17. - B-Business.

A. Principal uses:

Agricultural

1. Apiary (R)
2. Livestock veterinary clinic/hospital (SP/S)—See [section 4.3.1](#)
3. Pet animal facility (SP/S)—See [section 4.3.1](#)
4. Pet animal veterinary clinic/hospital (SP/S)—See [section 4.3.1](#)

Commercial

5. Automobile service station (S)
6. Carwash (S)
7. Clinic (SP)
8. Convenience store (S)
9. General retail (SP/S)—See [section 4.3.3](#)
10. Instructional facility (SP)
11. Bar/tavern (SP/MS)—See [section 4.3.3](#)
12. Personal service (SP)
13. Professional office (SP)
14. Restaurant (SP/MS)—See [section 4.3.3](#)

Institutional

15. Child/elderly care center (S)
16. Church (SP/S)—See [section 4.3.4](#)
17. Community Hall (SP)
18. Health services (SP)
19. Hospital (SP)
20. Rehabilitation facility (SP)
21. School, nonpublic (S)

Attachment 6

Accommodation

22. Bed and breakfast (SP)
23. Hotel/motel (SP)
24. Nursing home (SP)
25. Resort lodge/resort cabins (SP)

Utilities

26. Commercial mobile radio service (SP/S)—See section 16
27. Radio and television transmitter (S)

Transportation

28. Bus terminal (S)
29. Park and ride (SP)
30. Parking lot/garage (SP)
31. Transportation service (SP)

Recreational

32. Country club (S)
33. Golf course (S)
34. Membership club/clubhouse (SP)
35. Place of amusement or recreation (SP/S)—See section 4.3.5

Industrial

36. Oil and gas drilling and production (R)
 37. Small solar facility (R/PSP)
- B. Lot, building and structure requirements:
1. Minimum lot size:
 - a. 100,000 square feet (2.3 acres) if a well or septic system is used.
 - b. 15,000 (0.34 acre) square feet if public water and sewer are used.
 2. Minimum required setbacks: (If more than one setback applies, the greater setback is required.)
 - a.

Attachment 6

Street and road setback (Refer to section 4.9.1 setbacks from highways, county roads, and all other streets and roads.) The setback from a street or road must be 25 feet from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.

- b. Side yards—Ten feet.
 - c. Rear yards—Ten feet.
 - d. Refer to section 4.9.2 for additional setback requirements (including but not limited to streams, creeks and rivers).
3. Maximum structure height—40 feet.
 4. A parcel may be used for one or more principal buildings and accessory buildings.

(Res. No. 11122002R001, 9-23-2002; Res. No. 06172003R009, 6-17-2003; Res. No. 03302004R001, § 1(Exh. A), 3-15-2004; Res. No. 01222008R001, Exh. A, 1-22-2008; Res. No. 10282008R005, Exh. A, 10-28-2008; Res. No. 02172009R010, Exh. A, 2-17-2009; Res. No. 04282009R001, Exh. A, 4-28-2009; Res. No. 08102010R001, Exh. A, 8-10-2010; Res. No. 01242012R001, Exh. A, 1-24-2012; Res. No. 02142012R001, Exh. A, 2-14-2012; Res. No. 05292012R003, Exh. A, 5-29-2012; Res. No. 07092013R006, Exh. A, 6-10-2013)

Cross reference— Businesses, ch. 14.

Attachment 6

AGENDA ITEM: 2.5
MEETING DATE: 9/6/2016
TO: City Council
FROM: Loveland Police Department
PRESENTER: Nathan Schadewald (Community Service Officer)

**TITLE:**

An Ordinance Amending Sections 10.28.010, 10.28.021, and 10.20.030 of the Loveland Municipal Code Pertaining to Abandoned Motor Vehicles on Public Rights of Way, the Reporting of Abandoned Motor Vehicles, and Vehicles Designed for Dwelling or Sleeping Purposes

RECOMMENDED CITY COUNCIL ACTION:

Hold a public hearing and adopt the ordinance on first reading.

OPTIONS:

1. Adopt the ordinance as recommended.
2. Deny the ordinance. (The seventy two hour public right-of-way definition of "abandoned" remains the same. The Loveland Police Department's reporting time for abandoned vehicles remains at five days. "Trailer coaches" remain the only type of vehicle constructed for sleeping or dwelling purposes that is prohibited from remaining upon public rights of way for more than twenty four hours.)
3. Adopt a modified action. (Specify in motion.)
4. Refer back to staff for further development and consideration. (No timing issues.)

SUMMARY:

Provisions of LMC Section 10.28.010 place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles for a period of time greater than seventy two hours. The Code currently permits a vehicle to be towed if located upon a public right-of-way for more than seventy two hours. The proposed changes permit the tow of a motor vehicle parked on any portion of a street, highway, alley or other public right-of-way if the vehicle is reasonably determined to be deserted, discarded, or inoperable. The proposed ordinance provides the Loveland Police Department with factors to consider when determining whether a vehicle is abandoned. The proposed ordinance would not impact the numerous other provisions of the Code related to parking. The proposed changes to LMC Section 10.28.021 provide the Loveland Police Department greater flexibility, in terms of time, to report abandoned vehicles to the Colorado Department of Revenue and remains consistent with state law. The proposed changes to LMC 10.20.030 broaden the types of vehicles, whether motorized or non-motorized, which are constructed or designed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of time greater than seventy two hours.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

Since LMC 10.28.010 was last amended in 2009, the Loveland Police Department noticed a pattern that has emerged where members of the public contact the Loveland Police Department

when a vehicle is alleged to have been parked on a residential street in close proximity to the registered owner's primary residence for a period greater than seventy two hours. Citizens contacted about failing to move their vehicles every seventy two hours on public streets have expressed anger and confusion because they don't see their vehicle as abandoned when parking said vehicle in front of their home. Citizens can be caught in a perpetual cycle of police contact where notice is provided to the alleged violator, the alleged violator moves their vehicle slightly forward or backward, then seventy two hours later the police are called again to deliver a notice and the process is repeated. To illustrate the point further, a family that goes on vacation for a week and leaves a vehicle parked in close proximity to the family's house on the street is subject to having the vehicle towed under the current Code.

The Loveland Police Department recommends creating a definition of "abandoned" for public rights-of-way, which matches the practical use of the term "abandoned," to alleviate the problematic cycle of notice and trivial movement of a vehicle. Numerous other parking and City Code violations currently exist to address vehicles parked on the street unlawfully. By redefining what constitutes an "abandoned" vehicle, the City can utilize staff and volunteer time with greater efficiency.

In 2014 only 54 invalid abandoned vehicle incidents occurred, but 2015 saw 234 invalid abandoned vehicle incidents, an increase of nearly four times that of 2014. The City experienced a slight increase year to year in invalid abandoned vehicle incidents until 2015. The City is on track to exceed invalid abandoned vehicle incidents in 2016 based on current projections.

Currently, under LMC 10.20.030, a trailer coach is the only type of vehicle that is prohibited from parking or standing upon public rights of way for a period greater than twenty four hours. The proposed changes would broaden the types of vehicles, which are similar to a trailer coach, from parking or standing upon the public right of ways. Those types of vehicles include, but are not limited to, camper coaches, camper trailers and motor homes. All descriptive terms in the proposed changes are defined by the 2003 Model Traffic Code, which the City adopted pursuant to LMC 10.04.010. The result of the proposed changes will encapsulate all motorized and non-motorized vehicles, which are designed or constructed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of seventy two hours or more. The permissible time for parking the aforementioned types of vehicles would increase from twenty four hours to seventy two hours to provide sufficient time for preparing the aforementioned types of vehicles prior to use.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Abandoned Vehicle Ordinance
2. Power Point Presentation

First Reading: September 6, 2016

Second Reading: _____

ORDINANCE NO: _____

AN ORDINANCE AMENDING SECTIONS 10.28.010, 10.28.021, AND 10.20.030 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO ABANDONED MOTOR VEHICLES ON PUBLIC RIGHTS OF WAY, THE REPORTING OF ABANDONED MOTOR VEHICLES, AND VEHICLES DESIGNED FOR DWELLING OR SLEEPING PURPOSES

WHEREAS, portions of City Code Section 10.28.010 contain provisions that place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles; and

WHEREAS, City Council (“Council”) determined that utilizing law enforcement resources for the enforcement of abandoned vehicles that are otherwise lawfully parked is an inefficient use of City resources; and

WHEREAS, Council determined that a substantial and unsustainable percentage of anonymous calls to law enforcement regarding abandoned vehicles involve a vehicle which is in close proximity to the vehicle owner’s home, but is sometimes parked for more than a seventy-two hour period; and

WHEREAS, Council determined that it is reasonable for a person to park his or her vehicle on a public right of way for a period of time greater than seventy-two hours without the vehicle being considered abandoned; and

WHEREAS, Council determined that the City should remain consistent with the state of Colorado regarding the maximum length of time for reporting abandoned motor vehicles to the Department of Revenue pursuant to C.R.S. 42-4-1804; and

WHEREAS, Council determined that vehicles designed for dwelling or sleeping purposes, with or without motorization, should be prohibited from standing or parking upon the public rights of way for a period greater than seventy two hours; and

WHEREAS, Council’s intent in adopting this Ordinance is to provide law enforcement with an approach grounded in the common meaning of “abandoned” to utilize staff and volunteer time with greater efficiency, remove a definition that causes great inconvenience to some members of the public, keep reporting times consistent with state law, and expand the types of vehicles that are prohibited from remaining upon the public right of way for longer than seventy two hours.

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

Section 1. That Section 10.28.010(B) of the Loveland Municipal Code is hereby amended to read as follows:

10.28.010 Definitions.

As used in this chapter, unless the context otherwise requires:

B. “Abandoned motor vehicle” means:

1. Any motor vehicle left unattended on private property for a period of twenty-four hours or longer without the consent of the owner, his legally authorized agent, or the person having right to possession of such property;
2. Any motor vehicle left on public property, including any portion of a street, highway, alley or other public right-of-way within the city limits that is reasonably determined to be deserted, discarded or is inoperable. Law enforcement shall consider the duration the vehicle has remained stationary, the existence of debris inside or outside of the vehicle, the structural integrity of the vehicle, the condition of the vehicle’s tires, and any other fact that tends to show the vehicle is deserted, discarded, or inoperable. “Inoperable” for purposes of this section shall mean that the totality of the circumstances then existing to law enforcement which would permit a reasonable person to conclude that the vehicle is incapable of being driven or incapable of being driven without damaging the motor vehicle;
3. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent, or a law enforcement agency, and not removed from the impound lot according to the agreement with the owner or agent or within forty-eight hours from the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions governing public tows of this chapter apply as of the time of abandonment. Otherwise, the private tow provisions of this chapter apply as of the time of abandonment.

Section 2. That Section 10.28.021 of the Loveland Municipal Code is hereby amended to read as follows:

10.28.021 Report of abandoned motor vehicles.

A. As soon as possible, but in no event later than ten working days after having an abandoned or illegally stopped or parked vehicle towed, the responsible law enforcement agency shall report the same to the Department of Revenue.

B. The responsible law enforcement agency, upon identifying the last-known owner of record and any lienholder of record for the abandoned vehicle, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle. The responsible law enforcement agency, within ten working days of identifying the last-known owner of record and any lienholder of record, shall notify by first-class mail the owner of record, if ascertained and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 10.28.050 of this chapter and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned, the location of the

motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice or the affidavit of the law enforcement agent, the motor vehicle is subject to sale. Such notice shall also inform the owner of record or lienholder(s) of the opportunity to request a post-seizure hearing concerning the legality of the towing of his abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose. Such request shall be made in writing to the responsible law enforcement agency within five days of the date of sending such notice. Such hearing shall be conducted pursuant to local hearing rules.

Section 3. That Section 10.20.030 of the Loveland Municipal Code is hereby amended to read as follows:

10.20.030 Vehicles designed for dwelling or sleeping purposes prohibited on streets and alleys. No trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be parked or permitted to stand upon any public street or alley for a period longer than seventy two hours, and no such trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be used for dwelling or sleeping purposes while parked in any such place. The terms “trailer coach”, “camper coach”, “camper trailer”, and “motor home” shall have the same meaning as set forth in the 2003 Model Traffic Code the City has adopted, and amended, pursuant to Section 10.04.010.

Section 4. 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).

ADOPTED this ____ day of _____, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Abandoned Vehicles, Campers and Motor Homes

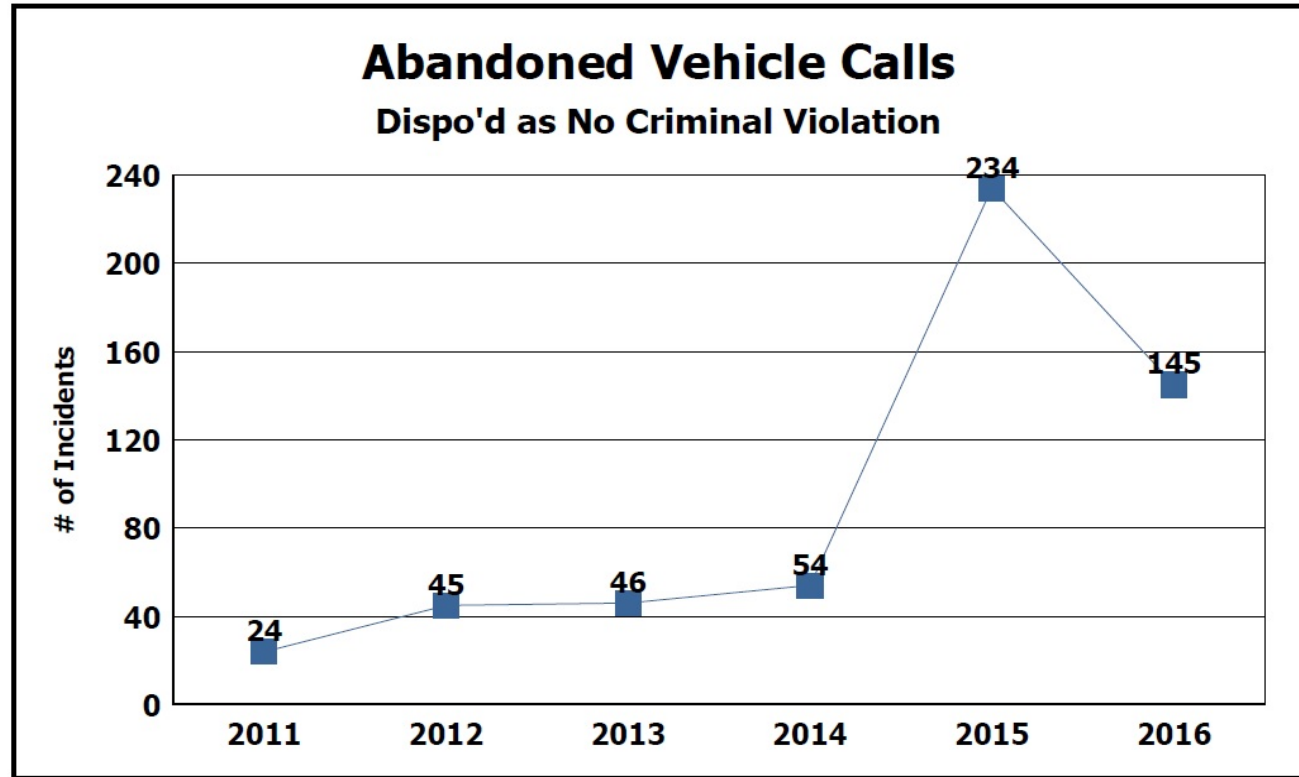
Revision of Abandoned Vehicle Code Purpose

- Create a clear, common sense definition of abandoned vehicles
- Reduce feelings of harassment by residents
- Increase freedom and quality of life for residents
- Utilize Police resources more efficiency
- Address motor home and camper concerns

Loveland Police Department

CFS coded as Abandoned Vehicle or Abandoned Follow Up that Dispositioned as No Criminal Violation
Date Range: 01/01/2011 to 06/30/2016

	Total
2011	24
2012	45
2013	46
2014	54
2015	234
2016	145
Total	548



Definitions



"Trailer coach" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.



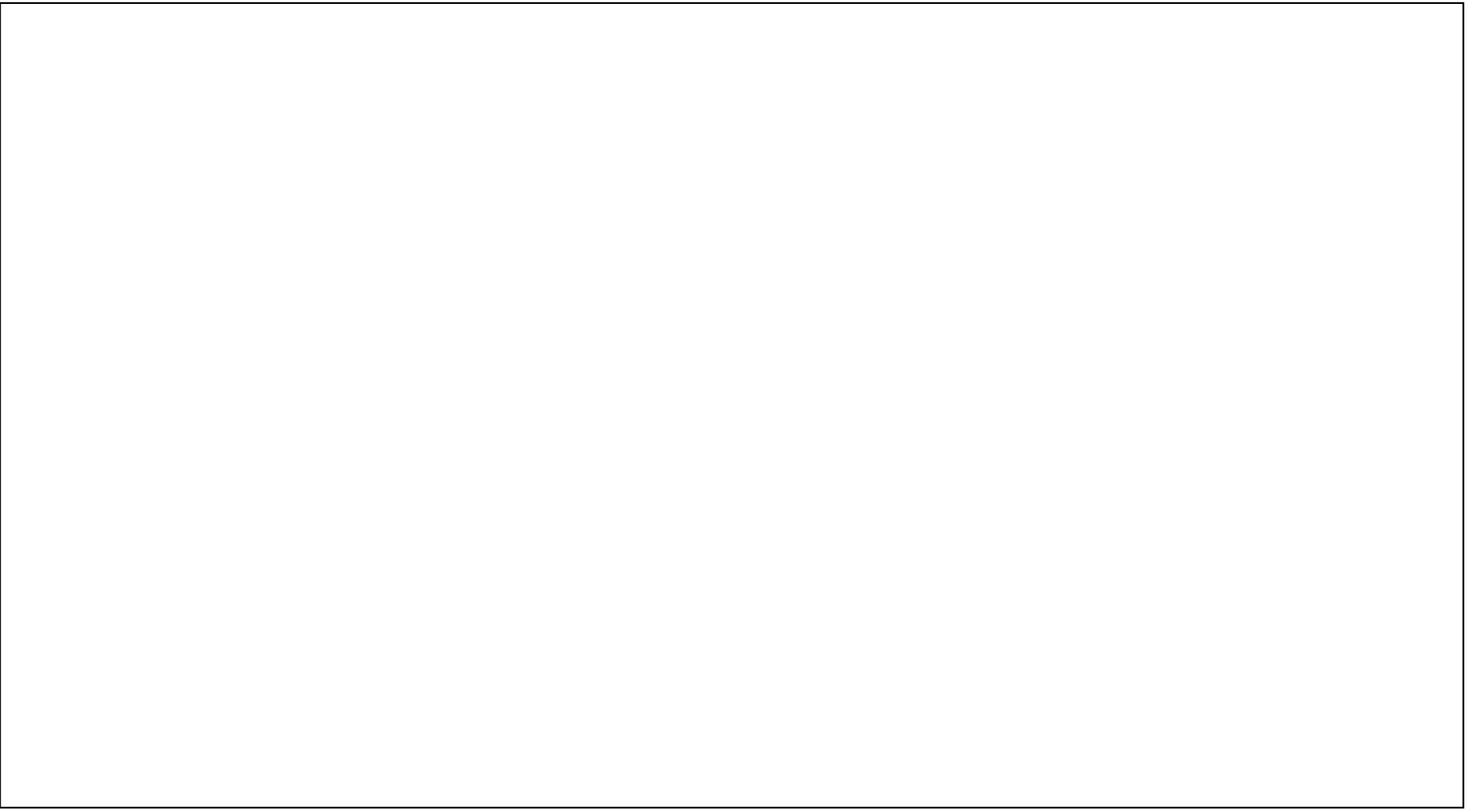
"Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.



"Camper trailer" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.



"Motor home" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.



The password to the public access wireless network (colquest...

AGENDA ITEM: 2.6
MEETING DATE: 9/6/2016
TO: City Council
FROM: Municipal Court
PRESENTER: Geri R. Joneson, Judge



TITLE:
An Ordinance Amending The Loveland Municipal Code With Respect To Collection Of Fines And Penalties

RECOMMENDED CITY COUNCIL ACTION:
Accept public comment and approve the ordinance on first reading.

- OPTIONS:**
1. Adopting the action as recommended will allow Municipal Court to use professional agencies as an option to collect unpaid fines.
 2. Denying the action, will not give the court access to this option.
 3. Adopt a modified action. (specify in the motion)
 4. Refer back to staff for further development and consideration. Until an ordinance amending the Code is approved, the option of using a collection agencies is not available to the Court.

SUMMARY:
The Court can no longer issue warrants for defendants who have not paid their fines, as a result of the passage of House Bill 16-1311. The attached ordinance would allow the court to use a collection agency as another available option in collecting unpaid fines.

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

BACKGROUND:
The majority of cases prosecuted in municipal court result in fines. Individuals who do not pay their fines can no longer be brought into court through a simple warrant process. In Municipal Court during the "Advisement", all individuals are told if they cannot pay the monetary amount due, they must contact the court to explain why and may be scheduled to appear in court. The Court will not jail defendants for failure to pay a fine and must be so advised. If a defendant fails to pay a monetary amount due; the court may consider a motion to impose a suspended sentence, revoke probation, or may begin proceedings for contempt of court. All these options remain open to the court. However, the court does not have resources to act as a collection agency by continually contacting individuals when court fines and fees are unpaid. This ordinance would allow the court to contract with a collection agency to follow up on the cases where defendants have the ability to pay their fines but are willfully failing to do so.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: September 6, 2016

SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE
WITH RESPECT TO COLLECTION OF FINES AND PENALTIES**

WHEREAS, violations of the municipal code, City Charter, or any other regulation or code adopted by reference may be punished by a fine and have costs assessed; and

WHEREAS, the State General Assembly passed House Bill 16-1311 that changed the process when a defendant fails to pay a monetary amount but still allows for collection action pursuant to C.R.S. 18-1.3-702(7); and

WHEREAS, the City desires to allow any lawful method of collecting fines, fees, and costs that have been assessed by the municipal court; and

WHEREAS, the Municipal Court has advised all defendants that if they are unable to pay the monetary amount due, the defendant may contact the court to explain why he or she is unable to pay and to explain any undue hardship caused; and

WHEREAS, the City Council desires to assure the full collection of fines owed to the City and to ensure the health, safety and welfare of its citizens by enforcing sentences for city ordinance violations to the fullest extent permitted.

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

Section 1. Chapter 1.12 is amended to add a new sub-section D in section 1.12.010:

1.12.010 General penalty and penalty for traffic infractions

- D. Collection of unpaid municipal court fees, costs, and fines. In the event a defendant fails to pay any fine, cost, fee or restitution ordered by the Municipal Judge by a date so ordered, the Municipal Judge may refer a portion or all of the unpaid amount to a collection agency for collection. Whenever an amount is referred for collection, there shall be an additional twenty-five per cent added to cover the services rendered in collecting such delinquent fines, fees, and costs.

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).

ADOPTED this ____ day of _____, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AGENDA ITEM: 2.7
MEETING DATE: 9/6/2016
TO: City Council
FROM: Community Partnership Office
PRESENTER: Alison Hade, Administrator



TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for Reallocation of Community Development Block Grant Funds

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance as presented on first reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action – If the action is denied, a funded agency 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:

On July 5, 2016, City Council adopted a resolution to grant Community Development Block Grant funds in the amount of \$417,140 during the 2016-2017 grant year. \$80,000 of this amount was funding returned to the City from the Bohemian Foundation when the Bohemian Foundation became the managing partner of the Sister Mary Alice Murphy Center for Hope in Fort Collins. The \$80,000 must be appropriated prior to contracting with 2016-2017 grant recipients.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The \$80,000 is Community Development Block Grant (CDBG) funding and will not affect the City of Loveland General Fund balance. The CDBG Fund is a zero balance fund thus, the appropriations allotted in the CDBG Fund must match the revenue received.

BACKGROUND:

In 2015, the Bohemian Foundation returned \$80,000 in CDBG that was originally granted to Neighbor to Neighbor in 2003. The City of Loveland placed a 20-year deed restriction on the property when the original CDBG was invested. The Bohemian Foundation wished to have the restriction released which required repaying this CDBG funding.

The Loveland City Council authorized the allocation of 2016-2017 CDBG funding on July 5, 2016 through the adoption of the attached Resolution #R-52-2016. The 2016-2017 CDBG funding includes the \$80,000 that was returned by the Bohemian Foundation was included in the total allocation of \$417,140.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. Resolution R-52-2016

FIRST READING: September 6, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for reallocation of Community Development Block Grant funds; 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 reallocation of Community Development Block Grant funds, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$80,000 from fund balance in the Community Development Block Grant Fund are available for appropriation. Such revenues in the total amount of \$80,000 are hereby appropriated to the 2016 City budget for reallocation of Community Development Block Grant funds. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Community Development Block Grant 204**

Revenues		
Fund Balance		80,000
Total Revenue		80,000
Appropriations		
204-19-195-0000-43840	Grants	80,000
Total Appropriations		80,000

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 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

RESOLUTION #R-52-2016**A RESOLUTION APPROVING THE 2016 GRANT FUNDING RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES COMMISSION AND THE LOVELAND AFFORDABLE HOUSING COMMISSION**

WHEREAS, the City of Loveland, Colorado recognizes the valuable services provided by human services agencies in the Loveland community; and

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City has established the Human Services Grant Program to provide financial assistance to agencies meeting the human service needs in the community; and

WHEREAS, the City has budgeted \$500,000 in the 2016 City of Loveland budget for the Human Services Grant Program; and

WHEREAS, the City receives federal Community Development Block Grant ("CDBG") Program funds through the U.S. Department of Housing and Urban Development ("HUD") to assist in meeting the housing service needs of Loveland citizens with low incomes; and

WHEREAS, the City anticipates receiving \$336,070 in CDBG Program funds for the 2016-2017 federal fiscal year; and

WHEREAS, in addition to said funds, the City has \$1,070 in CDBG Program funds remaining from the 2015-2016 federal fiscal year and \$80,000 in CDBG Program funds that were returned, resulting in a combined total of \$417,140; and

WHEREAS, the City Council has charged the Human Services Commission with the task of reviewing all grant applications made to the City for Human Services Grant Program funds and for CDBG Public Service Program funds and making a funding recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all "bricks and mortar" grant applications made to the City for CDBG Program funds related to housing and public facilities and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the Human Services Commission and the Affordable Housing Commission have reviewed all grant applications made to the City for Human Services Grant Program funds and CDBG Program funds, and have made a recommendation to the City Council regarding distribution of said funds; and

WHEREAS, the City Council desires to approve the grant funding recommendations of the Human Services Commission and the Affordable Housing Commission.

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

Section 1. That the 2016 grant funding recommendation of the Human Services Commission regarding the distribution of Human Services Grant Program funds are hereby approved in the following amounts to the following agencies, subject to execution of a recipient contract with the City of Loveland:

Agency	Total Grant Amount
Alternatives to Violence	\$3,748
Boys & Girls Club	\$65,594
Care-A-Van/SAINT	\$5,694
Court Appointed Special Advocates	\$13,123
Catholic Charities of Larimer County	\$10,415
Center for Adult Learning	\$30,825
Disabled Resource Services	\$11,288
Easter Seals of Colorado/WINGS	\$11,537
Elderhaus Adult Day Program	\$12,990
Ensign Skills Center	\$9,809
Food Bank for Larimer County	\$38,667
Goodwill Industries	\$10,940
Hearts and Horses	\$4,478
House of Neighborly Service	\$17,745
Loveland Rotary/Kids Pak	\$2,983
Matthews House	\$19,844
Meals on Wheels	\$24,901
Neighbor to Neighbor	\$23,719
Partners Mentoring Youth	\$3,990
Project Self-Sufficiency	\$19,993
Rehabilitation & Visiting Nurse Association	\$19,626
Respite Care	\$9,932
SummitStone Health Partners	\$27,195
Thompson Education Foundation First Steps	\$7,811
Thompson Valley Preschool	\$10,901
Turning Point Center for Youth	\$18,508
United Day Care Center/Teaching Tree	\$18,238
United Way Reading Corps	\$11,834

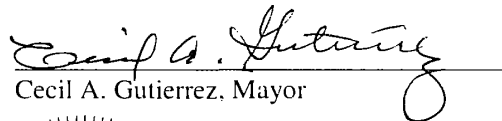
Voice Carry Child Advocacy Center	\$17,504
Volunteers of America	\$6,168
Model Partnership: House of Neighborly Services and Goodwill Ind.	\$4,000
Model Partnership: Murphy Center for Hope	\$6,000
Total Grant Amount	\$500,000

Section 2. That the 2016 grant funding recommendation of the Human Services Commission and the Affordable Housing Commission regarding the distribution of CDBG Program funds are hereby approved in the following amounts to the following agencies, subject to: (a) the approval of HUD and the allocation to and receipt of CDBG funds by the City of Loveland in 2016; (b) City Council budget and appropriation of such allocated federal funding; and (c) execution of a subrecipient contract with the City of Loveland:


Agency	Total Grant Amount
Alternatives to Violence	\$33,105
House of Neighborly Service	\$17,306
Easter Seals of Colorado	\$10,000
Loveland Housing Authority	\$202,000
Loveland Housing Development Corp.	\$68,000
Volunteers of America	\$19,516
City of Loveland Program Administration	\$67,213
Total Grant Amount	\$417,140

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 5th day of July, 2016.


Cecil A. Gutierrez, Mayor

ATTEST:


Susan A. Andrews
City Clerk



APPROVED AS TO FORM:


Susan Garcia
Assistant City Attorney

AGENDA ITEM: 2.8
MEETING DATE: 9/6/2016
TO: City Council
FROM: Alan Krcmarik
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor



TITLE:

An Ordinance Approving The Re-Appportionment Of Assessment To Align With The Creation Of A New Lot Within Special Improvement District No. 1

RECOMMENDED CITY COUNCIL ACTION:

Staff recommends that Council adopt the Ordinance on First Reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action is denied, the assessment roll would be out of date and there is a possibility that annual assessments would not be paid on a timely basis.
3. Adopt a modified action. The proposed assessment roll is intended to reflect the most recent subdivisions of property within Special Improvement District No. 1. Any other modification to the assessment roll could increase the possibility that payments would be delayed or paid in an incorrect amount.
4. Refer back to staff for further development and consideration. This could delay the dissemination of the corrected assessments on the properties affected by the changes, again resulting in delayed assessment payments or incorrect payments.

SUMMARY:

In late 2015, The City of Loveland completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds are paid off through the payment of assessments by property owners in the district that receive benefits from the improvements financed by the original SID No. 1 bonds. In January of 2016, a new assessment roll was presented to and adopted by Council. Since January, property owners in SID No. 1 have subdivided and combined lots leading to the need to update the special assessment roll. As the land is developed, property owners and land developers sometimes have to subdivide larger tracts and occasionally small parcels are combined to create larger parcels. The City plays an integral role in the lot configuration process and always desires to ensure that the value of the property is sufficient to adequately cover the amount of the assessments on the property. Recent lot changes have led to the revisions of the special assessment roll. By keeping the assessment roll current, the assessment payments will be accurately calculated, be fully transparent to the property owners, and be billed and collected on time, so that payments on the Series 2015 revenue bonds will be paid as expeditiously as possible. The property owners affected by this action agree with the provisions and the revised assessment provided for in the Ordinance and revised Assessment Role.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible The total amount of assessments due is not changed.

BACKGROUND:

Historically, the Special Improvement District No. 1 goes back to the year 2000. The City of Loveland, through the adoption of Ordinance No. 4518 on March 21, 2000, issued \$13,280,000 of special assessment bonds for the Special Improvement No. 1 Project. The proceeds of the original bonds funded improvements in the project area, including grading, streets, curbs, gutters, sidewalks, storm drainage facilities, and other improvements necessary to develop the site.

In 2007 through Ordinance 5204, The City issued refunding bonds to lower the interest rates and to correspondingly lower special assessments paid by landowners in the special assessment district. On November 17, 2015, City Council adopted an ordinance that allowed the refunding of the 2007 Special Improvement District No. 1 Revenue Bonds. After the refunding, staff made reductions to the assessments on the properties in the District and provided an updated assessment roll, which the Council adopted in January, 2016.

Since January, developers have made plans to subdivide and recombine a few parcels and staff is recommending that Council adopt the updated assessment roll. The parcels affected by the Ordinance are identified below:

Special District Parcel 11A of the Assessment Roll was originally a separate lot identified as Outlot B of the Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer Colorado (County Parcel No. 85044-10-002) subject to Assessments.

Special District Parcel 11D of the Assessment Roll was originally a separate lot identified as Lot 2, AMD lot 2 and Outlot B, Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer, Colorado (County Parcel No. 85044-09-002) subject to the Assessments, until 2009 when the Assessments related to such parcel were fully paid.

Pursuant to a subdivision of the Millennium Northwest 3rd Subdivision to create the Millennium Northwest 8th Subdivision, District Parcels 11A and 11D were combined in part as Lot 4, Block 1, Millennium Northwest 8th Subdivision, City of Loveland, County of Larimer, Colorado ("District Parcel 11H") (County Parcel No. 85044-11-004)

With the written consent of the owner of District Parcel 11H and in order to maintain consistency between the Larimer County property records and the District Parcels, the City desires to modify the Assessment Ordinance to re-apportion some of the Assessments due on District Parcel 11A to District Parcel 11H.

Section 31-25-511(5) of the Colorado Revised Statutes provides, with the consent of the owner, City Council is authorized to modify the Assessment Ordinance, without a public hearing, to reapportion all or any part of the total amount assessed in the District to a new lot parcel that is created within the District as the result of any subdivisions, re-subdivision, vacation of right-of-way, or other action taken subsequent to adoption of the Assessment Ordinance.

In the proposed Ordinance, the assessments are modified to re-apportion \$28,678.29 of the Assessment due on Parcel 11A to District Parcel 11H (County Parcel No 85044-11-004).

In the proposed Ordinance, the City Council determines that the amendment to the Assessment Ordinance set forth in this Ordinance will not materially or adversely impair the City's obligation with respect to the any bonds secured by the Assessments.

The Ordinance provides direction to the City Clerk to file copies of the Ordinance with the Larimer County Clerk and Recorder for recording on the land records of the lots or tracts of land in the Special District. The Ordinance also directs the City Clerk to amend the Assessment Roll to reflect the reapportionment of assessments.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. Map of Loveland Special Improvement District No. 1 (August 2016)

FIRST READING: September 6, 2016

SECOND READING: _____

ORDINANCE NO. ____

**AN ORDINANCE APPROVING THE RE-APPORTIONMENT OF
ASSESSMENTS TO ALIGN THE WITH CREATION OF A NEW
LOT WITHIN SPECIAL IMPROVEMENT DISTRICT NO. 1**

WHEREAS, pursuant to Ordinance No. 4503 adopted and approved on January 4, 2000, the City Council (the “City Council”) of the City of Loveland, Colorado (the “City”) created Special Improvement District No. 1 (the “District”) for the purpose of constructing and acquiring certain public works within the District (the “Improvements”); and

WHEREAS, the City Council adopted and approved Ordinance No. 4519 on March 21, 2000, which levies assessments (the “Assessments”) against the property in the District benefited by the Improvements, and the City Council adopted and approved Ordinances No. 5245 on September 18, 2007 and No. 5991 on January 19, 2016, which amended Ordinance No. 4519 to reduce the rate of interest payable on installments of the Assessments (collectively, as so amended, the “Assessment Ordinance”); and

WHEREAS, the District property benefitted by the Improvements is identified by parcel (“District Parcel”) and is set forth in an “Assessment Roll” that is certified annually by the City Clerk pursuant to Section 11 of the Assessment Ordinance and filed with the Clerk and Recorder, County Treasurer and County Assessor of Larimer County; and

WHEREAS, District Parcel 11A of the Assessment Roll was originally a separate lot identified as Outlot B of the Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer Colorado (County Parcel No. 85044-10-002) subject to Assessments; and

WHEREAS, District Parcel 11D of the Assessment Roll was originally a separate lot identified as Lot 2, AMD lot 2 and Outlot B, Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer, Colorado (County Parcel No. 85044-09-002) subject to the Assessments, until 2009 when the Assessments related to such parcel were fully paid; and

WHEREAS, pursuant to a subdivision of the Millennium Northwest 3rd Subdivision to create the Millennium Northwest 8th Subdivision, District Parcels 11A and 11D were combined in part as Lot 4, Block 1, Millennium Northwest 8th Subdivision, City of Loveland, County of Larimer, Colorado (“District Parcel 11H”) (County Parcel No. 85044-11-004); and

WHEREAS, with the written consent of the owner of District Parcel 11H and in order to maintain consistency between the Larimer County property records and the District Parcels, the City desires to modify the Assessment Ordinance to re-apportion some of the Assessments due on District Parcel 11A to District Parcel 11H; and

WHEREAS, pursuant to Section 31-25-511(5), C.R.S., with the consent of the owner, City Council is authorized to modify the Assessment Ordinance, without a public hearing, to reapportion all or any part of the total amount assessed in the District to a new lot parcel that is created within the District as the result of any subdivisions, re-subdivision, vacation of right-of-way, or other action taken subsequent to adoption of the Assessment Ordinance.

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

Section 1. The Assessment Ordinance is hereby modified to re-apportion \$28,678.29 of the Assessments due on District Parcel 11A to District Parcel 11H (County Parcel No. 85044-11-004).

Section 2. The City Council hereby determines that the amendment to the Assessment Ordinance set forth in this Ordinance will not materially or adversely impair the City's obligation with respect to the any bonds secured by the Assessments.

Section 3. Except as amended by this Ordinance, all the terms and provisions of the Assessment Ordinance, as previously amended, shall remain in full force and effect.

Section 4. The current Assessment Roll as set forth in **Exhibit "A"** attached hereto and incorporated by reference, shall remain in full force and effect, until modified pursuant to the terms and conditions of the Assessment Ordinance.

Section 5. The officers and employees of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. The City Clerk is hereby directed to file copies of this Ordinance after its final adoption with the Clerk and Recorder of Larimer County for recording on the land records of such lots or tracts of land in the District and with the County Treasurer and County Assessor. The City Clerk is further directed to amend the Assessment Roll to reflect such reapportionment.

Section 7. This Ordinance shall be governed by and construed in accordance with the laws of the State of Colorado.

Section 8. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency; except that if Section 1 of this Ordinance shall for any reason be held to be invalid or unenforceable, then this Section 8 shall have no effect.

Section 9. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this Ordinance and such statutes. Any such inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 10. This Ordinance shall take effect ten days after publication following final adoption, as provided in Charter Section 4-8(b).

ADOPTED this ___ day of September, 2016.

CITY OF LOVELAND, COLORADO

Cecil A. Gutierrez, Mayor

Attested:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

**Assessment Roll
City of Loveland Colorado
Special Improvement District No. 1**

8/16/2016
Parcel No.

Property Owner & Address

Legal Description of Property

County Parcel No.

**Principal Amount
of Assessments**

1A	Boyd Lake Lodging LLC 9100 E Panorama Drive Suite 300 Englewood, CO 80112	Lot 1, Blk 1, Mcwhinney 15th Sub, Loveland	85103-24-001	\$143,437.78
3	Centerra Marketplace Properties LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 4, Blk 1, McWhinney 10th Sub, Loveland	85094-09-004	\$44,511.10
4	Anderson Loveland LLC c/o James Anderson 6876 County Road 5 Erie, CO 80516-9215	Lot 1, Blk 1, Rocky Mountain Village 8th Sub, Amd Tract A and Lot 2, Loveland	85094-48-001	\$96,613.23
5A	Banner Health System Centerra Office Partners LLC ATTN: Tax Department 2901 N Central Ave Ste 160 Phoenix, AZ 85006-2837	Tract E McWhinney 11th Sub Loveland, less 2000086380	85103-34-002	\$345,047.29
6B1-201	Thomas and Anna Haeberle 4805 Hahns Peak Dr Unit 201 Loveland, CO 80538	Unit 201 Lakeshore at Centerra Condos Ph S Supp 18 Loveland	85094-75-201	\$2,161.45
6B2-201	Judy Wood and Errett Allen 2259 Highway 34 Drake, CO 80515	Unit 201 Lakeshore at Centerra Condos Ph T Supp 19 Loveland	85094-78-201	\$2,221.24
6B3-104	Steven B Dollman 7633 Bison Bluff St Loveland, CO 80538	Unit 104 Lakeshore at Centerra Condos Ph U Supp 20 Loveland	85094-79-104	\$2,221.24
6B3-203	Donnie Chrimer 4825 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203 Lakeshore at Centerra Condos Ph U Supp 20 Loveland	85094-79-203	\$2,221.24

6B3-204	Robert and Leigh Ann Peters 4717 Ruidosa Fort Collins, CO 80524	Unit 204 Lakeshore at Centerra Condos Ph U Supp 20 Loveland	85094-79-204	\$2,221.24
6B4-104	Dennis J and Kathleen A ODonnell 4885 Hahns Peak Drive Unit 104 Loveland, CO 80538	Unit 104 Lakeshore at Centerra Condos Ph V Supp 21 Bldg 4 Loveland	85094-80-104	\$2,221.24
6B4-203	Linda B and Leah N Thompson 4885 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203 Lakeshore at Centerra Condos Ph V Supp 21 Bldg 4 Loveland	85094-80-203	\$2,221.24
6B5-102	Aaron and Cher Weiss 26537 Swan Lake Canyon Country, CA 91387	Unit 102 Lakeshore at Centerra Condos Ph W Supp 22 Bldg 5 Loveland	85094-70-102	\$2,221.24
6B5-201	Steven Frank Haworth 4895 Hahns Peak Drive Unit 201 Loveland, CO 80538	Unit 201 Lakeshore at Centerra Condos Ph W Supp 22 Bldg 5 Loveland	85094-70-201	\$2,221.24
6B5-203	Marcy Wastl 4895 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203 Lakeshore at Centerra Condos Ph W Supp 22 Bldg 5 Loveland	85094-70-203	\$2,221.24
6C1-102	Candice Wailes 4905 Hahns Peak Drive Unit 102 Freehold, NJ 07728	Unit 6-102 Lakeshore at Centerra Condos Ph Y Supp 24 Bldg 6 Loveland	85094-82-102	\$2,221.24
6C1-204	Li-Ching and Yi-Show Chen Tsai 7945 Livingston Lane Fort Collins, CO 80525	Unit 6-204 Lakeshore at Centerra Condos Ph Y Supp 24 Bldg 6 Loveland	85094-82-204	\$2,221.24
6C2-101	Li-Ching and Yi-Show Chen Tsai 7945 Livingston Lane Fort Collins, CO 80525	Unit 7-101 Lakeshore at Centerra Condos Ph Z Supp 25 Bldg 7 Loveland	85094-83-101	\$2,221.24
6C2-102	EEM Lakeshore LLC 5935 Snowy Ridge Lane Berthoud, CO 80513	Unit 7-102 Lakeshore at Centerra Condos Ph Z Supp 25 Bldg 7 Loveland	85094-83-102	\$2,221.24

6C2-103	Bonnie and Ira Fisher 508 Stouchburg Road Myerstown, PA 17067	Unit 7-103 Lakeshore at Centerra Condos Ph Z Supp 25 Bldg 7 Loveland	85094-83-103	\$2,089.74
6C2-202	Elizabeth and Herbert Murphy 3237 Nelson Lane Fort Collins, CO 80525	Unit 7-202 Lakeshore at Centerra Condos Ph Z Supp 25 Bldg 7 Loveland	85094-83-202	\$2,221.24
6C2-204	Johnny and Amanda Stimmel 4915 Hahns Peak Drive Unit 204 Loveland, CO 80538	Unit 7-204 Lakeshore at Centerra Condos Ph Z Supp 25 Bldg 7 Loveland	85094-83-204	\$2,221.24
6D1-101	Li-Ching and Yi-Show Chen Tsai 7945 Livingston Lane Fort Collins, CO 80525	Unit 9-101 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-101	\$2,221.24
6D1-102	Li-Ching and Yi-Show Chen Tsai 7945 Livingston Lane Fort Collins, CO 80525	Unit 9-102 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-102	\$2,221.24
6D1-103	Dictam Investments LLC 4089 Valley Oak Drive Loveland, CO 80538	Unit 9-103 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-103	\$2,221.24
6D1-104	Cynthia C. Stuard 4835 Hahns Peak Drive Unit 104 Loveland, CO 80538	Unit 9-104 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-104	\$2,221.24
6D1-201	Li-Ching and Yi-Show Chen Tsai 7945 Livingston Lane Fort Collins, CO 80525	Unit 9-201 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-201	\$2,221.24
6D1-202	Joel and Iantha Scheiwe 5626 Cardinal Flower Court Fort Collins, CO 80528	Unit 9-202 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-202	\$2,221.24
6D1-203	Allan and Ruth Heese P O Box 33 Masonville, CO 80541	Unit 9-203 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-203	\$2,221.24

6D1-204	Debra and Ralph Weedman c/o Henderson Management 5110 Granite Street Unit D Loveland, CO 80538	Unit 9-204 Lakeshore at Centerra Condos Ph AA Supp 26 Corrected Loveland	85094-85-204	\$2,221.24
6E1-101	Pamela and Bruce Vic 4845 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-101	\$2,161.45
6E1-102	Eliette Brock 4845 Hahns Peak Drive Unit 102 Loveland, CO 80538	Unit 102, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-102	\$2,221.24
6E1-103	Lisa M Jeffers 4845 Hahns Peak Drive Unit 103 Loveland, CO 80538	Unit 103, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-103	\$2,221.24
6E1-104	Barbara J Totos 4845 Hahns Peak Dr Unit 104 Loveland, CO 80538	Unit 104, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-104	\$2,221.24
6E1-201	Daniel E Maddigan Thea J Mazzoni-Maddigan 4845 Hahns Peak Drive Unit 201 Loveland, CO 80538	Unit 201, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-201	\$2,221.24
6E1-202	George Lori and Kristopher Fulka 534 S 9th Street Berthoud, CO 80513	Unit 202, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-202	\$2,221.24
6E1-203	Natalie M. McNeill 4845 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-203	\$2,221.24
6E1-204	Barry J and Teresa G Demirjyn 4845 Hahns Peak Unit 204 Loveland, CO 80538	Unit 204, Lakeshore at Centerra Condos Ph BB Supp 27 Bldg 10, Loveland	85094-86-204	\$2,221.24
6F1-104	Kimberly Sue Crookshank	Unit 104, Lakeshore at Centerra	85094-87-104	\$2,221.24

	4925 Hahns Peak Drive Unit 104 Loveland, CO 80538	Condos Ph CC Supp 28 Bldg 8, Loveland		
6F1-201	Jean E Kubat 4925 Hahns Peak Drive Unit 201 Loveland, CO 80538	Unit 201, Lakeshore at Centerra Condos Ph CC Supp 28 Bldg 8, Loveland	85094-87-201	\$2,221.24
6F1-203	Adam G Boe c/o Eric Boe 147 Halifax Rd Mahwah NJ 07430	Unit 203, Lakeshore at Centerra Condos Ph CC Supp 28 Bldg 8, Loveland	85094-87-203	\$2,221.24
6G1-101	William and Betty Thomas 4935 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-101	\$2,221.24
6G1-102	Susan and Todd Cox 4935 Hahns Peak Drive Unit 102 Loveland, CO 80538	Unit 102, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-102	\$2,347.49
6G1-104	Richard and Mary Cella 4935 Hahns Peak Drive Unit 104 Loveland, CO 80538	Unit 104, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-104	\$2,221.24
6G1-201	JACS LLC 444 W 11th Street Loveland, CO 80537	Unit 201, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-201	\$2,221.24
6G1-202	Lindsey Rohrbaugh 4935 Hahns Peak Drive Unit 202 Loveland, CO 80538	Unit 202, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-202	\$2,779.47
6G1-203	Robert and Ann Hochworter 5707 Aksarben Drive Windsor, CO 80550	Unit 203, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-203	\$2,221.24
6G1-204	Hahns 4 LLC 2421 Sunbury Lane Fort Collins, CO 80524	Unit 204, Lakeshore at Centerra Condos Ph DD Supp 29 Bldg 12, Loveland	85094-88-204	\$2,161.45

6H1-101	Janice K and Edward M Cobb 4945 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph FF Supp 31 Bldg 13, Loveland	85094-90-101	\$2,221.15
6H1-102	Jesse Crosson 4945 Hahns Peak Drive Unit 102 Loveland, CO 80538	Unit 102, Lakeshore at Centerra Condos Ph FF Supp 31 Bldg 13, Loveland	85094-90-102	\$2,221.24
6H1-104	Bonnie L and Patrick B. Esquibel 11993 Calle Limonero El Cajon, CA 92019	Unit 104, Lakeshore at Centerra Condos Ph FF Supp 31 Bldg 13, Loveland	85094-90-104	\$2,221.24
6H1-204	Paul Crumby and Jeannette Nott 4945 Hahns Peak Drive Unit 204 Loveland, CO 80538	Unit 204, Lakeshore at Centerra Condos Ph FF Supp 31 Bldg 13, Loveland	85094-90-204	\$2,221.24
6I1-101	Keith A and Gena L Martin 4855 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph EE Supp 30 Bldg 11, Loveland	85094-89-101	\$2,221.24
6I1-104	Linda L Thelen 4855 Hahns Peak Drive Unit 104 Loveland, CO 80538	Unit 104, Lakeshore at Centerra Condos Ph EE Supp 30 Bldg 11, Loveland	85094-89-104	\$2,347.39
6I1-202	Kenneth R Ivie Jr 4855 Hahns Peak Drive Unit 202 Loveland, CO 80538	Unit 202, Lakeshore at Centerra Condos Ph EE Supp 30 Bldg 11, Loveland	85094-89-202	\$2,347.39
6I1-203	Cory Neighbors 4855 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203, Lakeshore at Centerra Condos Ph EE Supp 30 Bldg 11, Loveland	85094-89-203	\$2,221.24
6I1-204	Phil and Jayne Yastrow 4855 Hahns Peak Drive Unit 204 Loveland, CO 80538	Unit 204, Lakeshore at Centerra Condos Ph EE Supp 30 Bldg 11, Loveland	85094-89-204	\$2,221.24
6J-101	Jackie Schwartz 4865 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-101	\$2,221.24

6J-102	Jonathan and Nicole Vignola 4865 Hahns Peak Drive Unit 102 Loveland, CO 80538	Unit 102, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-102	\$2,221.24
6J-103	Ralph E Armitage 4865 Hahns Peak Drive Unit 103 Loveland, CO 80538	Unit 103, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-103	\$2,221.24
6J-104	Benny and Nathalie Potter 4865 Hahns Peak Drive Unit 104 Loveland, CO 80538	Unit 104, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-104	\$2,221.24
6J-201	John Hofmeister 4865 Hahns Peak Drive Unit 201 Loveland, CO 80538	Unit 201, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-201	\$2,221.24
6J-202	Chad and Juleen Parks 6509 Saint George Court San Angelo, TX 76904	Unit 202, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-202	\$2,221.24
6J-203	EEM Lakeshore LLC 5935 Snowy Ridge Lane Berthoud, CO 80513	Unit 203, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-203	\$2,221.24
6J-204	Theodore and Louise Coston 2288 Buckingham Circle Loveland, CO 80538	Unit 204, Lakeshore at Centerra Condos Ph GG Supp 32 Bldg 15, Loveland	85094-91-204	\$2,221.24
6K-103	Judith O'Neil 720 East 5th Street Loveland, CO 80537	Unit 103, Lakeshore at Centerra Condos Ph HH Supp 33 Bldg 16, Loveland	85094-92-103	\$2,221.24
6K-104	Dawn M Jones 4875 Hahns Peak Dr Unit 104 Loveland, CO 80538	Unit 104, Lakeshore at Centerra Condos Ph HH Supp 33 Bldg 16, Loveland	85094-92-104	\$2,221.24
6K-201	Molly Ann Blehm Trevor Coffey 4875 Hahns Peak Drive Unit 201 Loveland, CO 80538	Unit 201, Lakeshore at Centerra Condos Ph HH Supp 33 Bldg 16, Loveland	85094-92-201	\$2,221.24

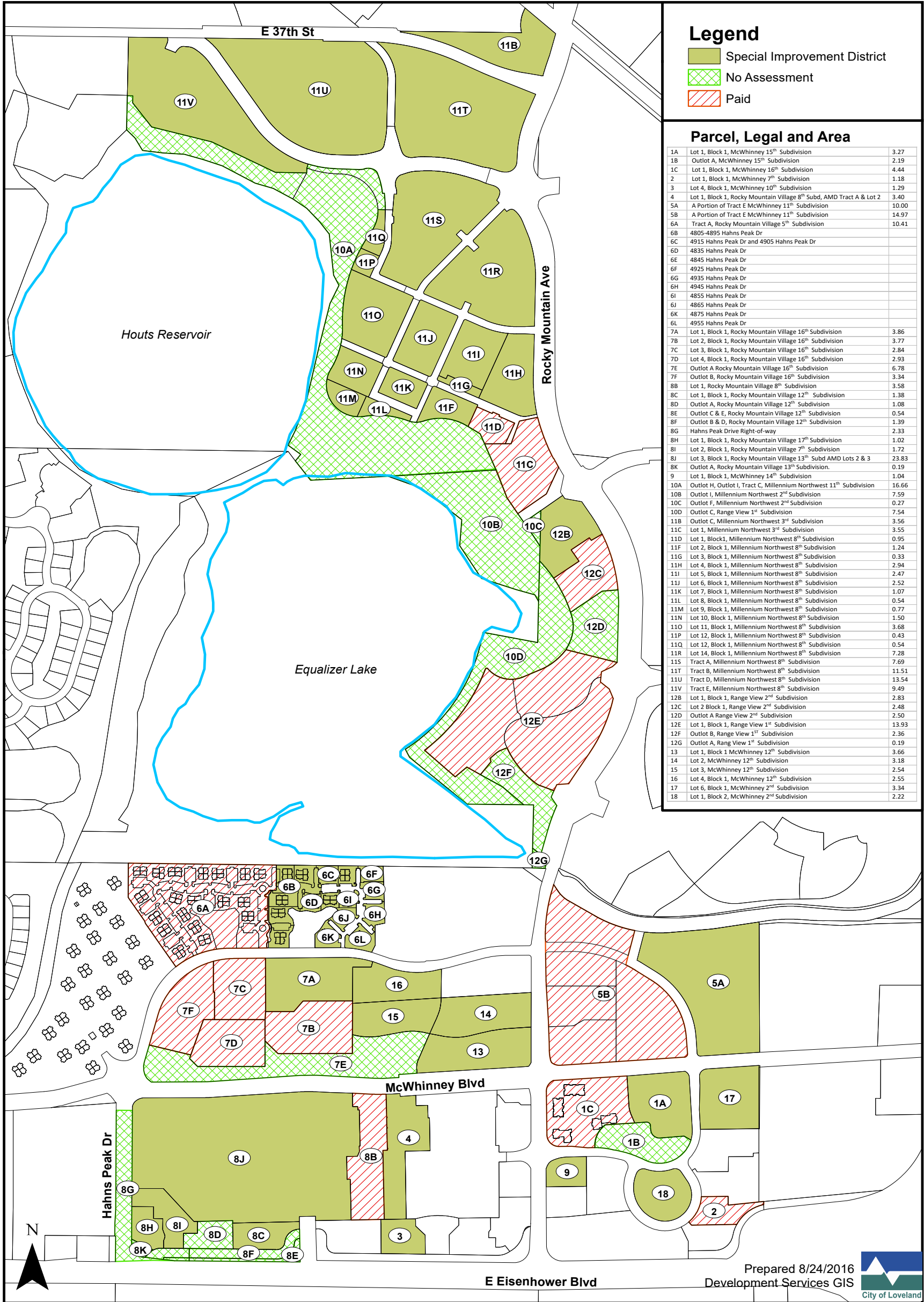
6K-202	Laguna, Jason L Trust Laguna, Jeannine L Trust 6468 W County Road 20 Loveland, CO 80537	Unit 202, Lakeshore at Centerra Condos Ph HH Supp 33 Bldg 16, Loveland	85094-92-202	\$2,221.24
6K-203	Jessica L Griglio 4875 Hahns Peak Drive Unit 203 Loveland, CO 80538	Unit 203, Lakeshore at Centerra Condos Ph HH Supp 33 Bldg 16, Loveland	85094-92-203	\$2,221.24
6L-101	Kelli A Estrada 4955 Hahns Peak Drive Unit 101 Loveland, CO 80538	Unit 101, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-101	\$2,221.24
6L-102	Nicholaas and Kaitlyn Christensen 4955 Hahns Peak Dr Unit 102 Loveland, CO 80538	Unit 102, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-102	\$2,221.24
6L-103	Barbara Fisher P O Box 196 Masonville, CO 80541	Unit 103, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-103	\$2,221.24
6L-201	Marvee A and Teri L Lake 210 E 37th Street Scottsbluff, NE 69361	Unit 201, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-201	\$2,221.24
6L-202	Kathryn B Zwetzig 6419 Falcon Ridge Court Fort Collins, CO 80525	Unit 202, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-202	\$2,221.24
6L-203	Kathryn B Zwetzig 6419 Falcon Ridge Court Fort Collins, CO 80525	Unit 203, Lakeshore at Centerra Condos Ph II Supp 34 Bldg 14, Loveland	85094-93-203	\$2,221.24
7A	Centerra Office Tech I LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 1, Blk 1, Rocky Mountain Village 16th Loveland	85094-73-001	\$159,079.90
8C	Centerra Ground Leases LLC 2725 Rocky Mountain Avenue Suite 200	Lot 1, Blk 1, Rocky Mountain Village 12th Loveland	85094-52-001	\$48,141.83

	Loveland, CO 80538			
8H	Centerra Ground Leases LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 1, Blk 1, Rocky Mountain Village 17th Loveland	85094-77-001	\$35,473.20
8I	Centerra Ground Leases LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 2, Blk 1, Rocky Mountain Village 17th Loveland	85094-77-002	\$59,035.91
8J	Centerra Retail Shops LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 3, Blk 1, Rocky Mountain Village 13th Sub amd Lots 2 & 3 Blk 1 Loveland	85094-72-003	\$566,810.55
9	Centerra Marketplace Properties LLC c/o McDonalds 1822 Skyway Drive Unit N Longmont, CO 80504	Lot 1, Blk 1, McWhinney 14th Sub Loveland	85103-22-001	\$34,504.72
11B	Centerra Properties West LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Outlot C, Millennium Northwest 3rd Sub, Loveland	85044-08-003	\$47,573.68
11F	RVABTS LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 2, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-002	\$19,543.45
11G	RVAA LLC and CP 206 LLC 2725 Rocky Mountain Ave Suite 200 Denver, CO 80202	Lot 3, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-003	\$3,311.83
11H	RVAA LLC and CP 206 LLC 2725 Rocky Mountain Ave Suite 200 Denver, CO 80202	Lot 4, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-004	\$28,678.29
11I	RVAA LLC and CP 206 LLC 2725 Rocky Mountain Ave Suite 200 Denver, CO 80202	Lot 5, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-005	\$65,799.94
11J	CP 206 LLC	Lot 6, Blk 1, Millennium Northwest 8th	85044-11-006	\$91,857.87

	1404 Larimer St Ste 300 Denver, CO 80202	Sub, Loveland		
11K	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 7, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-007	\$38,795.76
11L	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 8, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-008	\$19,543.45
11M	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 9, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-009	\$28,095.99
11N	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 10, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-010	\$54,590.65
11O	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 11, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-011	\$133,856.29
11P	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 12, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-012	\$15,831.29
11Q	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 13, Blk 1, Millennium Northwest 8th Sub, Loveland	85044-11-013	\$19,652.64
11R	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Lot 1, Blk 2, Millennium Northwest 8th Sub, Loveland	85044-12-001	\$265,019.43
11S	CP 206 LLC 1404 Larimer St Ste 300 Denver, CO 80202	Tract A Millennium Northwest 8th Sub, Loveland	85044-13-001	\$279,758.91
11T	Centerra Properties West LLC	Tract B Millennium Northwest 8th	85044-13-002	\$418,783.11

	2725 Rocky Mountain Avenue Ste 200 Loveland, CO 80538	Sub, Loveland		
11U	Centerra Properties West LLC 2725 Rocky Mountain Avenue Ste 200 Loveland, CO 80538	Tract D Millennium Northwest 8th Sub, Loveland	85044-13-004	\$492,990.01
11V	Centerra Properties West LLC 2725 Rocky Mountain Avenue Ste 200 Loveland, CO 80538	Tract E Millennium Northwest 8th Sub, Loveland	85044-13-005	\$345,304.09
12B	Terraview LLC c/o Everitt Enterprises Inc 3003 E Harmony Road Suite 400 Fort Collins, CO 80528-9669	Lot 1, Blk 1, Range View 2nd Sub, Loveland	85102-25-001	\$108,323.22
13	FSB Partners I LLC 2725 Rocky Mountain Ave Suite 200 Loveland, CO 80538	Lot 1, Blk 1, McWhinney 12th Sub, Loveland	85094-14-001	\$124,286.03
14	FDC Office II LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 2, Blk 1, McWhinney 12th Sub, Loveland	85094-14-002	\$107,896.29
15	Centerra Office Partners LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 3, Blk 1, McWhinney 12th Sub, Loveland	85094-14-003	\$86,537.85
16	FDC Office IV LLC 2725 Rocky Mountain Avenue Suite 200 Loveland, CO 80538	Lot 4, Blk 1, McWhinney 12th Sub, Loveland	85094-14-004	\$90,057.33
17	Kederike RMV LLC P O Box 230 Ridgway, CO 81432-0230	Lot 6, Blk 1, McWhinney 2nd Sub, Loveland	85100-09-006	\$112,485.42
18	TGI Properties Inc 2803 E Harmony Road Fort Collins, CO 80528	Lot 1, Blk 2, McWhinney 2nd Sub, Loveland	85100-10-001	\$63,933.57
			Total Principal	\$4,753,495.76

Map of Loveland Special Improvement District No.1 (SID Information as of August 2016)



Document Path: J:\PROJECTS\DevelopmentServices\MiscSpecialProjects\SID#1\UpdatingSID.mxd

Prepared 8/24/2016
Development Services GIS
City of Loveland

AGENDA ITEM: 2.9
MEETING DATE: 9/6/2016
TO: City Council
FROM: Elizabeth Anderson, Parks and Recreation Department
PRESENTER: Janet Meisel-Burns, Senior Parks Planner

**TITLE:**

A Resolution Supporting The Grant Application For A Connect Initiative Trail Planning Grant From The State Board Of The Great Outdoors Colorado Trust Fund For Completion Of Design Of Namaqua Trail Underpass.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. Denial would prohibit the City of Loveland from pursuing this grant initiative.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

The City of Loveland is seeking financial support from the Great Outdoors Colorado (GOCO) *Connect Initiative Trail Planning Grant* for the design and preparation of construction documents of an underpass at Namaqua Avenue on the City of Loveland Recreation Trail. The new underpass will provide trail users with a safe, grade-separated crossing of an arterial projected to double in volume by 2035. The grant request seeks funding for the design of the underpass in 2018; Conservation Trust Funds will be requested in the 2018 budget cycle. The approximate cost for the design and preparation of construction documents for the underpass is \$125,000. The City is requesting \$100,000 from GOCO and offering \$25,000 in matching funds.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

There is no obligation of funds with this phase of the grant process.

BACKGROUND:

The Namaqua Avenue Trail and Underpass is located immediately south of the Barnes Ditch and represents one of three remaining gaps in the City's recreation loop trail system. Easements for the underpass are already funded in the current 2016 and proposed 2017 trail budgets. The section of trail that connects to the proposed underpass from the west is planned for construction in fall 2016, while the trail that connects to the underpass from the east is scheduled for construction in 2017.

The total project cost for design and construction is \$1.4 million. In July, the City applied for CDOT's Transportation Alternatives Program (TAP) Grant to help offset the cost for design and construction of the underpass. The City requested \$600,000, and offered over \$800,000 in matching funds. The GOCO grant, if awarded, will help supplement the remaining cost the City is obligated to pay as matching funds for the TAP grant.

City Staff is seeking financial support from multiple funding sources and feels the project is worthy of implementation because it offers several benefits, including:

- Improved trail accessibility, safety, convenience and enjoyment for all user groups;
- Increased mobility and connectivity to existing pedestrian infrastructure;
- Decreased dependence on cars, particularly for short-distance trips;
- Addressed citizen concern over the lack of trail access and connectivity in the area;
- Improved pedestrian infrastructure in a priority area, as identified in the City of Loveland Parks and Recreation Master Plan and the Bicycle and Pedestrian Plan.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Resolution
2. Exhibit A – vicinity map

RESOLUTION #R-82-2016**A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A CONNECT INITIATIVE TRAIL PLANNING GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR COMPLETION OF DESIGN FOR THE NAMAQUA TRAIL UNDERPASS**

WHEREAS, the City of Loveland (the “City”) plans to construct the first section of a recreational trail (the “Recreational Trail”) from west U.S. Highway 34 to Namaqua Road, south of the Barnes Ditch, in the fall of 2016. The second section of the Recreational Trail from Namaqua Road to Wilson Avenue is scheduled for construction in 2017; and

WHEREAS, the City has planned to construct an underpass to connect the Recreational Trail south of the Barnes Ditch on the general alignment of the Recreational Trail on Namaqua Road (the “Underpass”); and

WHEREAS, the Recreational Trail and Underpass will improve accessibility, safety, convenience and enjoyment for citizens of the City. Providing the Underpass will address the need for pedestrian infrastructure set forth in both the City of Loveland Bicycle and Pedestrian Plan and the Parks and Recreation Master Plan; and

WHEREAS, the design and construction of the Underpass is estimated to cost \$1,430,000. Easements required for the Underpass are already funded in the 2016 and 2017 trail budgets; and

WHEREAS, the City Parks and Recreation Division has applied for a \$100,000 grant (the “Grant”) from Great Outdoors Colorado (“GOCO”) for the design of the Underpass. A local match of \$25,000 would be required if the City’s GOCO grant application is successful; however, matching funds from the City’s budget would not need to be appropriated until year 2018; and

WHEREAS, Great Outdoors Colorado requires that the City state its support for the Great Outdoors Colorado grant application for the Namaqua Underpass project; and

WHEREAS, the Loveland City Council supports the Grant Application, and if the Grant is awarded, the City of Loveland supports the design of the Underpass project.

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

Section 1. That the City of Loveland hereby supports the GOCO Grant Application and has sufficient funds for the required local match for design of the Namaqua Underpass, subject to appropriation by the City Council and subject to the award of such grants.

Section 2. If the Grant is awarded, the City Council hereby authorizes the City Manager to sign the Grant agreement with Great Outdoors Colorado.

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

LOVELAND RECREATION TRAIL AND PROPOSED UNDERPASS AT NAMAQUA AVE.



Vicinity Map



Loveland Recreation Trail
Conceptual Alignment
Construction to start in Fall, 2016

Proposed Underpass Location

Loveland Recreation Trail
Conceptual Alignment
Construction to start in 2017

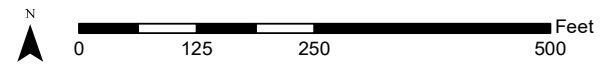


EXHIBIT A

The password to the public access wireless network (colquest...

AGENDA ITEM: 2.10
MEETING DATE: 9/6/2016
TO: City Council
FROM: Leah Browder, Public Works
PRESENTER: Tyler Bandemer, Solid Waste Superintendent

**TITLE:**

A Resolution Approving A Contract With Transwest Freightliner, LLC D/B/A Transwest Trucks For Purchase Of Five Waste Collection Trucks And Authorizing The City Manager To Execute The Contract

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. Existing trucks would experience more major mechanical failures, adding to vehicle downtime, causing delays in scheduled citizen refuse pickups.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. If referred back to staff, chassis manufacturer may postpone build date reservations up to one year.

SUMMARY:

This resolution authorizes the City Manager to execute a contract for \$1,377,242.01 for the budgeted purchase of four (4) Autocar chassis equipped with New Way automated side load compaction bodies, and one (1) Autocar chassis equipped with a McNeilus rear load compaction body.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The funds are available within the Solid Waste Enterprise Fund and have been appropriated in the 2016 Budget.

BACKGROUND:

This Resolution allows the City to execute a contract with Transwest Trucks for the purchase of four (4) Autocar chassis, equipped with New Way automated side load compaction bodies and one (1) Autocar chassis, equipped with a McNeilus rear load packer body to replace four automated side loaders purchased in 2009 and one rear load dumpster truck that was purchased in 2002. The Solid Waste fleet is subjected to intensive daily use and as a result are on a targeted replacement schedule to ensure retirement before expensive system failures occur. These replacement trucks will be sole-sourced from the same vendor in order to provide for interchangeability and compatibility with the City's current refuse/recycling/yard waste collection fleet, and to maintain standardization for the purpose of reducing the City's financial investment in terms of repair and replacement parts and technical expertise. This standardization also enhances driver and route efficiency. In accordance with City Code Section 3.12.070.C. a sole source justification has been approved by the City Manager and placed in the City's procurement files based upon the original request and approval in January 2014 to standardize the Solid Waste

collection fleet between the years 2014 to 2021. The City will be entering into a separate contract with McNeilus for the purchase and installation of the McNeilus rear load packer body, and delivery to Transwest Trucks for final specifications. The contract cost for the purchase from Transwest is \$1,377,242.01.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Resolution
2. Request for Sole Source Approval dated 1/14/14
3. Sole Source Request dated 6/28/16

RESOLUTION #R-83-2016

A RESOLUTION APPROVING A CONTRACT WITH TRANSWEST FREIGHTLINER, LLC D/B/A TRANSWEST TRUCKS FOR THE PURCHASE OF FIVE WASTE COLLECTION TRUCKS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, in 2013, the Fleet and Solid Waste Divisions of the City's Public Works Department issued an RFP to evaluate possible packer bodies for the Solid Waste fleet. As a result of the RFP, a contract was awarded to Transwest Freightliner, LLC d/b/a Transwest Trucks ("Transwest") for the purchase of six waste collection trucks with New Way Manufacturing packer bodies;

WHEREAS, in order to standardize the Solid Waste fleet, the City approved the sole source purchase of additional waste collection trucks from Transwest on a replacement schedule through year 2021;

WHEREAS, the Fleet and Solid Waste Divisions wish to purchase five (5) new waste collection trucks from Transwest in year 2016. The City approved the sole source purchase of these specific five waste collection trucks on June 28, 2016; and

WHEREAS, the City Council desires to approve the purchase of five (5) new waste collection trucks from Transwest in the amount of \$1,377,242.01 on behalf of the City, and to authorize the City Manager to execute the contract.

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

Section 1. That the purchase of five (5) new waste collection trucks from Transwest by the Fleet and Solid Waste Divisions of the City's Public Works Department is hereby approved.

Section 2. That the Public Works Department in consultation with the City Attorney shall prepare a sole source purchase contract in the amount of \$1,377,242.01 with Transwest Freightliner, LLC and the City Manager is hereby authorized, following consultation with the City Attorney, to modify the contract 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 contract on behalf of the City.

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

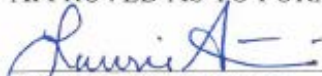
ADOPTED this 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

**CITY OF LOVELAND
Sole Source Justification**

Requestor: Tyler Bandemer Department: Public Works

Vendor: Autocar Trucks, New Way Refuse Trucks, and McNeilus Truck & Manufacturing

Product/Service: Truck chassis and refuse packer bodies

Expenditure for the above commodity or service: \$ 1,830,000

Initial all entries below that apply to the proposed purchase.

1		SOLE SOURCE REQUEST IS FOR THE ORIGINAL MANUFACTURER OR PROVIDER, THERE ARE NO REGIONAL DISTRIBUTORS. (Attach the manufacturer's written certification that no regional distributors exist. Item no. 4 also must be completed.)
2		SOLE SOURCE REQUEST IS FOR THE ONLY AREA DISTRIBUTOR OF THE ORIGINAL MANUFACTURER OR PROVIDER. (Attach the manufacturers -- not the distributor's -- written certification that identifies all regional distributors. Item no. 4 also must be completed.)
3		THE PARTS/EQUIPMENT ARE NOT INTERCHANGEABLE WITH SIMILAR PARTS OF ANOTHER MANUFACTURER. (Explain below.)
4		THIS IS THE ONLY KNOWN ITEM OR SERVICE THAT WILL MEET THE SPECIALIZED NEEDS OF THIS DEPARTMENT OR PERFORM THE INTENDED FUNCTION. (explain below)
5	X	THE PARTS/EQUIPMENT ARE REQUIRED FROM THIS SOURCE TO PERMIT STANDARDIZATION. (explain below)

Provide a detailed description of why item(s) or service(s) being purchased are exempt from the competitive quote/bid process and an explanation why the items(s) or service(s) are necessary. Explain what the items are, how the items will be used, who will use the items, when and where the items will be used.

The Solid Waste Division requested and received a sole source approval to standardize their automated side load waste collection fleet in January 2014 (see attached, utilizing Autocar chassis and New Way packer bodies).

The Division would like to proceed with a budgeted purchase to replace 4 of our current side load trucks with 4 new units manufactured by Autocar and New Way. We are also requesting a 5th Autocar chassis equipped with a McNeilus rear load packer body (utilizing NJPA Contract #112014-MCN). This sole source purchase will lend to our previous and future efforts, helping us to reduce operating costs and related Fleet support costs (technology, training, labor and parts inventory). The new side load units will be utilized on residential refuse, recycling , and green waste collection routes, while the rear load unit will be utilized for multi-family refuse and recycling collections.

Tyler Bandemer 6/27/16
Requestor's Signature Date

Tyler Bandemer 6/27/16
Division Head Signature Date
(\$5,000-\$9,999)

Dept. Director Signature Date
(\$10,000-\$29,999)

William A. Cabull 6.28.16
City Manager Signature Date
(if above \$30,000)



CITY OF LOVELAND
PUBLIC WORKS
FLEET MANAGEMENT

200 N Wilson Avenue Loveland, Colorado 80537
 (970) 962-3343 • FAX (970) 962-3404
 www.CityOfLoveland.org

TO: BILL CAHILL, CITY MANAGER
THROUGH: KEITH REESTER, PUBLIC WORKS DIRECTOR

FROM: STEVE KIBLER, FLEET MANAGER;
 TYLER BANDEMER, SOLID WASTE SUPERINTENDANT;
 MICK MERCER, MANAGER OF STREETS, STORMWATER & SOLID WASTE

SUBJECT: REQUEST FOR APPROVAL TO STANDARDIZE SOLID WASTE FLEET WITH AUTOCAR CHASSIS AND NEWWAY PACKERS

DATE: January 14, 2014

Request

In an effort to reduce operating costs and related fleet support costs (technology, training, labor and parts inventory), Fleet and Solid Waste would like to request a standardized chassis and packer system for the period 2014 - 2021. This requested setup would be Autocar chassis with New Way packer bodies.

After OEM poor performance and excessive out-of-service issues with previously standardized Mack chassis, we conducted an RFP with the intent to standardize our Solid Waste fleet to a new chassis make. Autocar provided the most responsive and responsible bid, so we requested it to be our new standard, which you then approved on August 22, 2013.

In late 2013, we conducted an RFP to evaluate packer bodies and selected New Way Manufacturing as the most responsive and responsible bidder for the six units to be purchased. The New Way ASLs will save the City \$152,850.00 over the cost of Labrie ASLs - our previous standard packer body. We believe it will be a sound business decision to standardize our entire refuse packers by going with NewWay through the next 8 years as we turn over our existing fleet. At that point, we will again re-evaluate improvements in technology, design and performance to determine if another manufacturer would show potential improvements and savings thereafter.

To assure that future cost and services meet the same quality standards and costs outlined in the 2013 RFP, we will monitor pre-order estimates so that product cost and labor increases do not exceed standard API. To confirm this we will request document confirmation that supplier costs have increased to match any estimated cost increases for their services.

Solid Waste fleet replacement schedule:

2014 Replace (6) 2008 Mack-Labrie ASLs with Autocar-New Way ASLs
 2015 Replace (4) 2007 Mack-Labrie ASLs with Autocar-New Way ASLs
 2016 Replace (4) 2010 Mack-Labrie ASLs with Autocar-New Way ASLs
 2017 Replace (1) 2007 Mack-Leach rearloader with Autocar-New Way rearloader
 2018 Replace (2) 2011 Mack-Labrie ASLs with Autocar-New Way ASLs
 2021 Add (1) new Autocar-New Way ASL to the fleet due to growth
 2021 Replace (1) 2013 Autocar-Leach rearloader with Autocar-rearloader to-be-bid

Thank you for considering this chassis-packer standardization request for the primary Solid Waste fleet. If you have any questions, please contact Steve Kibler at x3343, Gus Brown at x3361 or Tyler Bandemer at x2609.

Copy: Cindy Scymanski

AGENDA ITEM: 2.11
MEETING DATE: 9/6/2016
TO: City Council
FROM: Leah Browder, Public Works Director
PRESENTER: Jeff Bailey, City Engineer



TITLE:

A Resolution Authorizing A Notice Of Award To Mountain Constructors, Inc. For The North Boyd Lake Avenue And US34 Interim Intersection Improvements Project (EN1302) And Authorizing The City Manager To Execute The Contract

RECOMMENDED CITY COUNCIL ACTION:

Authorize the Notice of Award for the Boyd Lake Avenue and US34 Intersection Project Contract (Project No. EN1302) to Mountain Constructors, Inc. of Platteville, Colorado in the amount of \$1,295,961.00 and authorize the City Manager to execute the Contract.

OPTIONS:

1. Adopt the action as recommended, which will allow the intersection improvement to be completed in 2016 as planned.
2. Deny the action, which would stop the intersection improvement from being completed in 2016 and federal funding would potentially be lost.
3. Adopt a modified action (specify in the motion).
4. Refer back to staff for further development and consideration. Project would be delayed and funding potentially lost.

SUMMARY:

City Council approval is necessary to give the City Manager authorization to sign a Contract with Mountain Contractors, Inc. for the Boyd Lake Avenue and US34 Intersection Project. Once the Contract is signed, a Notice to Proceed will be given to the Contractor to begin construction. Construction will include the installation of signals to ultimate locations on all four corners of the intersection as well as the construction of dual left turns on eastbound and westbound US34. Pedestrian facilities will also be improved with the installation of channelizing islands on the NW and NE corner of the intersection as well as protected pedestrian refuge islands on US34. With the approval of this Contract, construction is anticipated to begin on September 19, 2016 with a 50-working-day duration. A project completion date of November 25, 2016 is projected barring any adjustments necessary due to weather delays.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This is a budgeted 2016 project.

BACKGROUND:

In 2013, the City of Loveland was granted a Federal Hazard Elimination (FHE) grant in the amount of \$495,000 for signal equipment upgrades at the intersection of US34 and Boyd Lake Avenue. City Council approved the use of these funds on August 14, 2013.

Recently, as part of a broader CDOT evaluation of intersection safety, this intersection was ranked as having the highest safety improvement need in the North Front Range. Since the City was already planning a 2016 improvement project using the originally awarded FHE grant funding, FASTER Safety Mitigation funding was awarded to expand the project to upgrade pedestrian facilities and to contribute toward additional eastbound and westbound left turn lanes on US34.

The additional funding also allows for the subsequent construction of an ultimate improvement project in 2017, consisting of a roundabout at the Boyd Lake Avenue/Mountain Lion Drive intersection. The ultimate improvement, in conjunction with the recently completed McWhinney project to extend Mountain Lion Drive across the Boyd Lake Outlet Exchange Ditch (near Kohl's), will provide a parallel east/west route to US34, providing an alternate thoroughfare potentially removing traffic from US34, as well as enhancing development opportunities for several vacant commercial parcels.

Bids were opened for the US34/Boyd Lake Interim Intersection Project on August 4, 2016. The project was competitively bid and the results are listed below:

<u>Contractor</u>	<u>Bid Amount</u>
Mountain Constructors, Inc.	\$1,295,961.00
Duran Excavating, Inc.	\$1,387,767.25
Noraa Concrete Construction Corp	\$1,555,207.67

With contingencies, the total cost for design, construction, signal equipment, testing and oversight/administration is anticipated to be \$1.7 million. Total grant funding awarded to this project is \$1,395,000. Local and State funds have been previously appropriated.

Approval of this item will allow for the Project (Project No. EN1302) to be completed in 2016. City Council has expressed an interest in accelerating another project in the area at North Boyd Lake Avenue and 15th Street. As a result, staff is pursuing this possibility with applicable developers; however, there is no progress to report at this time.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Resolution
2. Highway 34 and Boyd Lake Avenue overview maps

RESOLUTION #R-84-2016**A RESOLUTION AUTHORIZING A NOTICE OF AWARD TO MOUNTAIN CONSTRUCTORS, INC. FOR THE BOYD LAKE AVE. AND U.S. HIGHWAY 34 INTERSECTION PROJECT (NO. EN1302) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT**

WHEREAS, the City has received both Federal Hazard Elimination (FHE) and Funding Advancements for Surface Transportation and Economic Recovery (FASTER) grant funds for improvements to the Boyd Lake Avenue and U.S. Highway 34 intersection (the "Project");

WHEREAS, the total estimated cost for design, construction, signal equipment, testing and oversight/administration of the Project is \$1,700,000. The total grant funding allocated towards the Project is \$1,395,000. All necessary funds for the Project have been previously appropriated by City Council in the 2016 budget;

WHEREAS, the City of Loveland Public Works Department issued an Invitation to Bid for the Project (No. EN1302), and opened the sealed bids received in response on August 4, 2016;

WHEREAS, the recommendation of the Public Works Department is that the Notice of Award to be issued to Mountain Constructors, Inc. as the lowest responsible bidder;

WHEREAS, construction for the Project is anticipated to begin on September 19, 2016 and to be completed by November 25, 2016; and

WHEREAS, the City Council desires to approve the Notice of Award to Mountain Constructors, Inc. and approve a construction contract in the amount of \$1,555,207.67 on behalf of the City, and to authorize the City Manager to execute the contract.

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

Section 1. That the Notice of Award for the Boyd Lake Ave. and U.S. Highway 34 Intersection Project (No. EN1302) is hereby approved.

Section 2. That the Public Works Department in consultation with the City Attorney shall prepare a construction contract in the amount of \$1,555,207.67 with Mountain Constructors, Inc. and the City Manager is hereby authorized, following consultation with the City Attorney, to modify the contract 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 contract on behalf of the City.

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

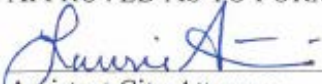
ADOPTED this 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

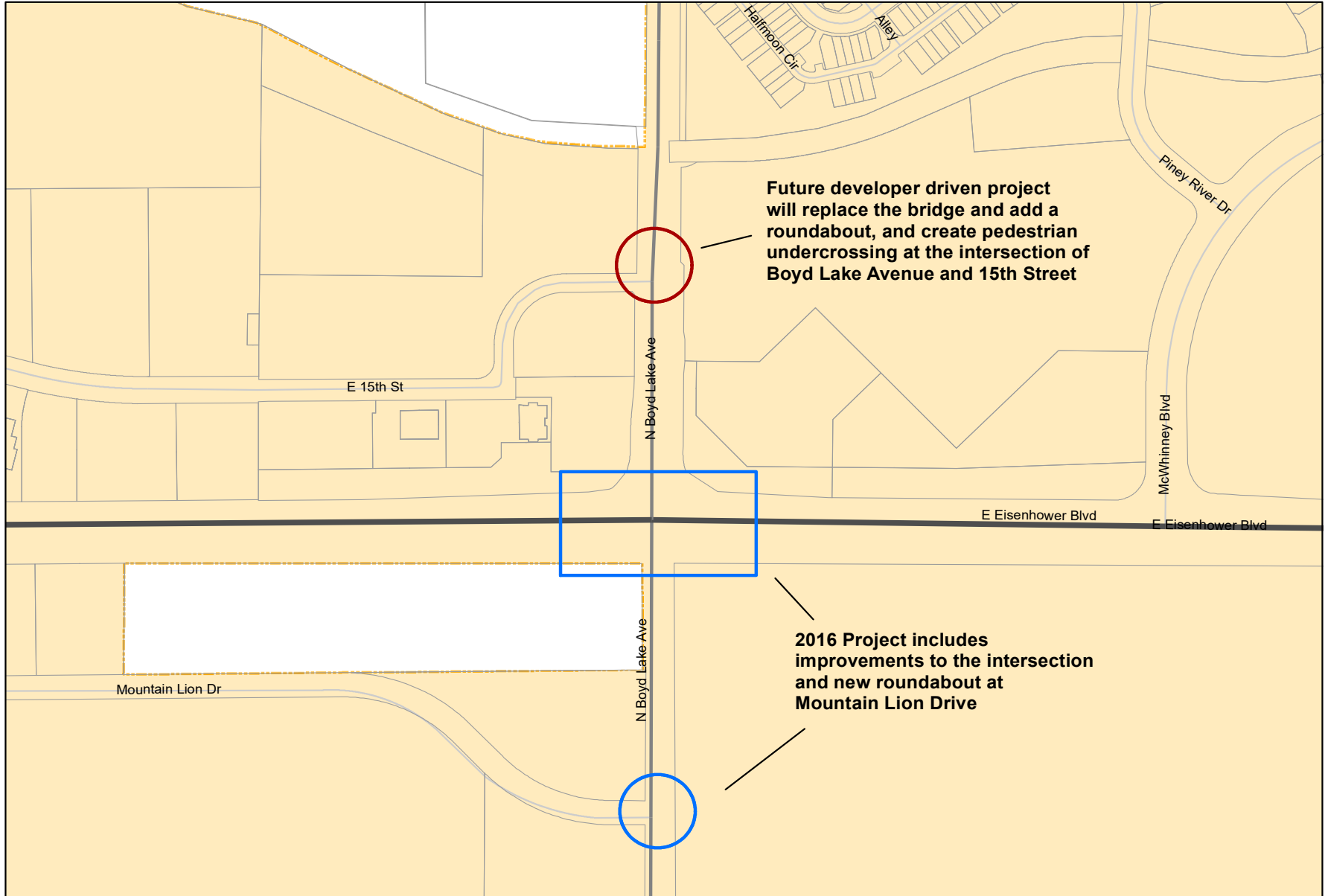
City Clerk

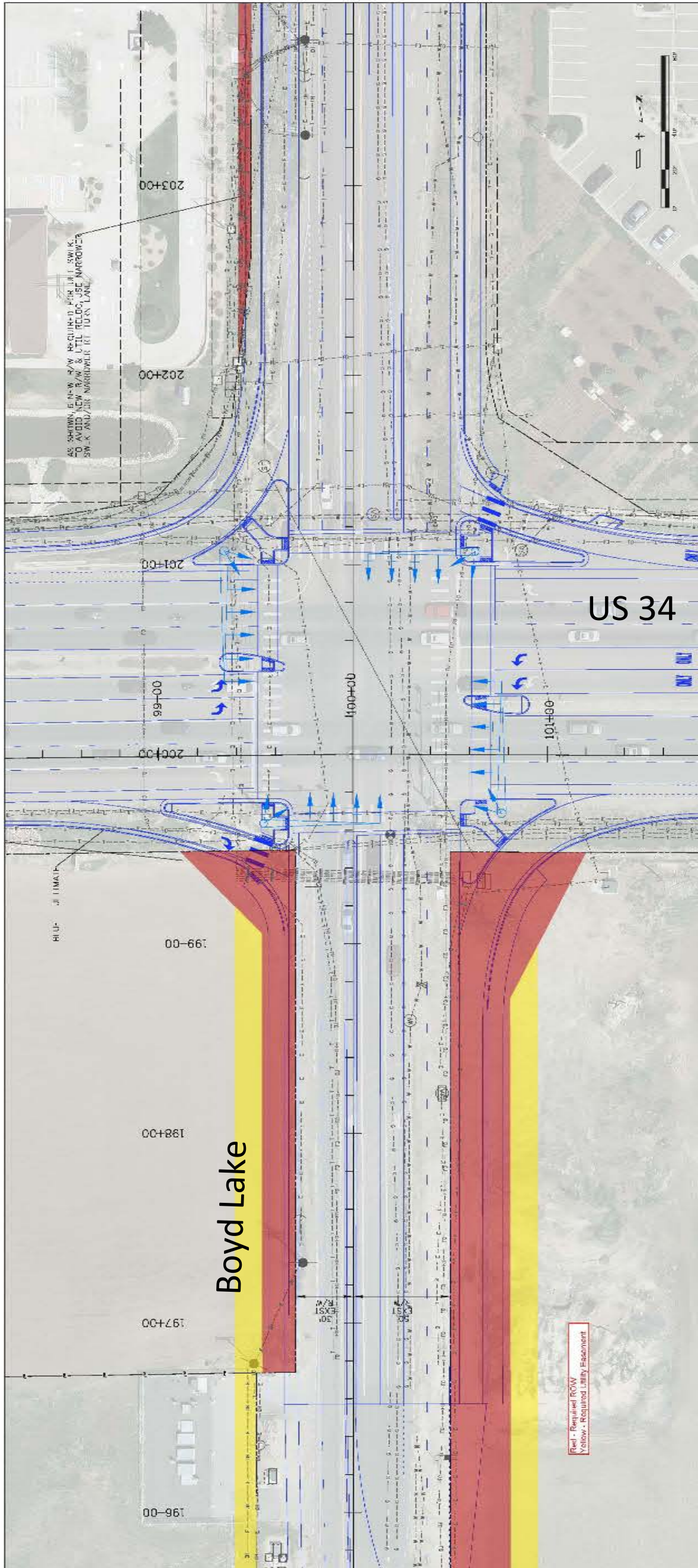
APPROVED AS TO FORM:



Assistant City Attorney

US Hwy 34 and Boyd Lake Intersection Locations of Planned Improvements





Detailed Intersection Improvement Plan

AGENDA ITEM: 2.12
MEETING DATE: 9/6/2016
TO: City Council
FROM: Alan Krcmarik
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor



TITLE:
Investment Report for July 2016

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

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 1.31%, for total assets the yield was 1.07%. For the year-to-date, total earnings of \$1,287,070 have been posted to City fund accounts. U.S. short-term Treasury interest rates rose slightly in July; the portfolio's change in unrealized gain for the year-to-date eased to \$2.17 million. The end of July portfolio market value is estimated to be \$225.1 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 July, the City's portfolio had an estimated market value of \$225.1 million, about \$4.6 million more than a month ago. Of this amount, USBank held \$194.8 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. 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. In July they were up slightly. 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 July 2016



Investment Focus

Monthly Investment Report

July 2016

What's in here?

Focal Points / (Familiar) New Normal	1
Cash Statement	2
Portfolio Size / Investment Types	3
Transactions / Maturity	4
Labor Data	5
Future Scan	6-7
	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 **\$80,151**. Year-to-date earnings total **\$1,287,070**.
- * Each 1% of market value amounts to **\$2.2 million**.
- * The month-end market value shows the unrealized gain is estimated to be **\$1,440,678** at the end of June.

Fed Officials Brace for (Familiar) New Normal

Unconventional tools used after financial crisis may become increasingly common

"For much of the post-financial-crisis era, U.S. Federal Reserve officials have held to a belief that they could get back to their old way of doing things. Growth would resume at a modest pace, annual inflation would climb to 2% and interest rates would gradually rise from near zero to a normal level near 4% or higher."

continued on page 2

Type of Investment	Purchase Price	Market Price	Unrealized Gain/Loss
Checking Accounts	\$ 24,759,566	\$ 24,759,566	-
Investment Pools	\$ 5,046,614	\$ 5,046,614	-
Money Markets	\$ 39,391,301	\$ 39,391,301	-
Subtotal	\$ 69,197,480	\$ 69,197,480	-
Notes, Bonds, and CDs	\$ 154,423,850	\$ 155,864,527	\$ 1,440,678
Total Portfolio	\$ 223,621,330	\$ 225,062,008	\$ 1,440,678
Data sources	(Morgan Stanley)	(US Bank)	7/31/2016

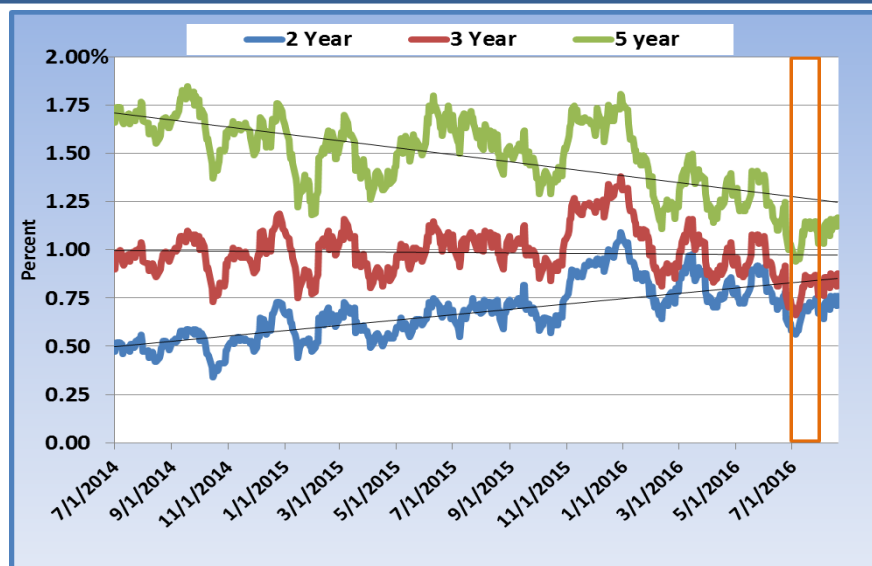
Due to rounding, column and row totals may not add exactly.

City of Loveland
500 East 3rd Street
Loveland, CO 80537



Monthly Investment Report

Treasury Rate Trends/ (Familiar)New Normal



Interest rates on U.S. Treasury notes rose in July. The 2-year note was up nine basis points, the 3-year note rose five basis points, and the 5-year Treasury was up two basis points.

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

Continued from Page 1.

“As they prepare to gather at their annual retreat in Jackson Hole, Wyo., officials are grimly coming to a view that it isn’t going to happen that way.

Growth in economic output appears stuck at a slow pace, with inflation vulnerable to undershooting the central bank’s target. The Fed, in turn, is starting to see that rates aren’t going to return to normal and the way it conducts monetary policy and deals with recessions is going to have to change. . . .

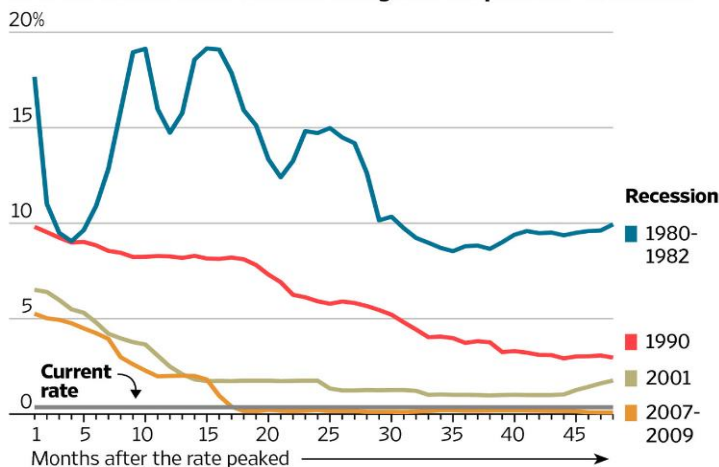
The topic of the Jackson Hole meeting is “Designing Resilient Monetary Policy Frameworks for the Future.” Fed officials heard special briefings from staff at their July 26-27 policy meeting on related topics. In addition to the challenge of addressing recessions, it involves the shifting plumbing of how monetary policy is conducted in a low-rate world.”

(Source: “*Fed Officials Brace for (Familiar) New Normal*” by Jon Hilsenrath, in **THE WALL STREET JOURNAL** online, August 21, 2016.)

No Room to Maneuver

The Fed has cut short-term interest rates by more than five percentage points in each of the past four economic downturns, but has no room to repeat that effort under current conditions.

How the federal-funds rate has changed in the past four downturns



Source: Federal Reserve

THE WALL STREET JOURNAL.

UNAUDITED July 2016**Bottom Line: Plus 2.0% to Beginning Balance**

		2016 Beginning	YTD Activity	Month End Total
	Restricted Reserves			
1	Capital Expansion Fees	\$ 30,529,948	\$ 1,570,453	\$ 32,100,401
2	Water System Improvement Fees	3,463,847	(2,170,227)	1,293,620
3	Raw Water Revenue - Windy Gap	21,258,069	(1,030,030)	20,228,040
4	Wastewater System Imp. Fees	8,190,570	48,517	8,239,087
5	Storm Drainage System Imp. Fees	2,029,191	209,096	2,238,287
6	Power Plant Investment Fees	2,882,209	(240,351)	2,641,858
7	Cemetery Perpetual Care	2,765,890	13,585	2,779,475
8	Other Restricted	31,401,906	(4,623,740)	26,778,165
9	Total Restricted	\$ 102,521,630	\$ (6,222,697)	\$ 96,298,934
	Committed / Assigned			
10	General Fund	\$ 11,224,908	\$ 2,355	\$ 11,227,263
11	Enterprise Funds	6,693,603	103,286	6,796,889
12	Internal Service Funds	12,313,489	6,257,987	18,571,476
13	Total Committed / Assigned	\$ 30,232,000	\$ 6,363,628	\$ 36,595,628
14	Total Restricted/Committed/Assigned	\$ 132,753,630	\$ 140,932	\$ 132,894,561
	Unassigned Balance			
15	General Fund	\$ 34,406,367	\$ 1,870,796	\$ 36,277,163
16	Airport	1,830,922	122,154	1,953,076
17	Internal Service - Vehicle Maint.	5,670	59,740	65,409
18	Enterprise Funds	46,105,905	2,156,218	48,262,123
19	Total Unassigned	\$ 82,348,864	\$ 4,208,908	\$ 86,557,773
20	TOTAL FUND BALANCE	\$ 215,102,494	\$ 4,349,840	\$ 219,452,334

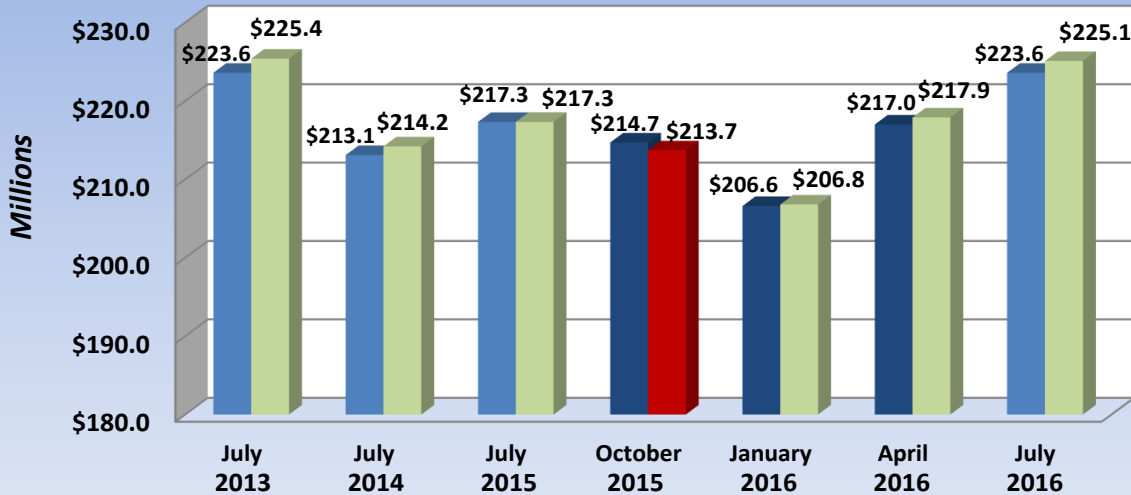
Source: City of Loveland Budget Office

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

Monthly Investment Report

Portfolio Growth Trend / Types of Investments

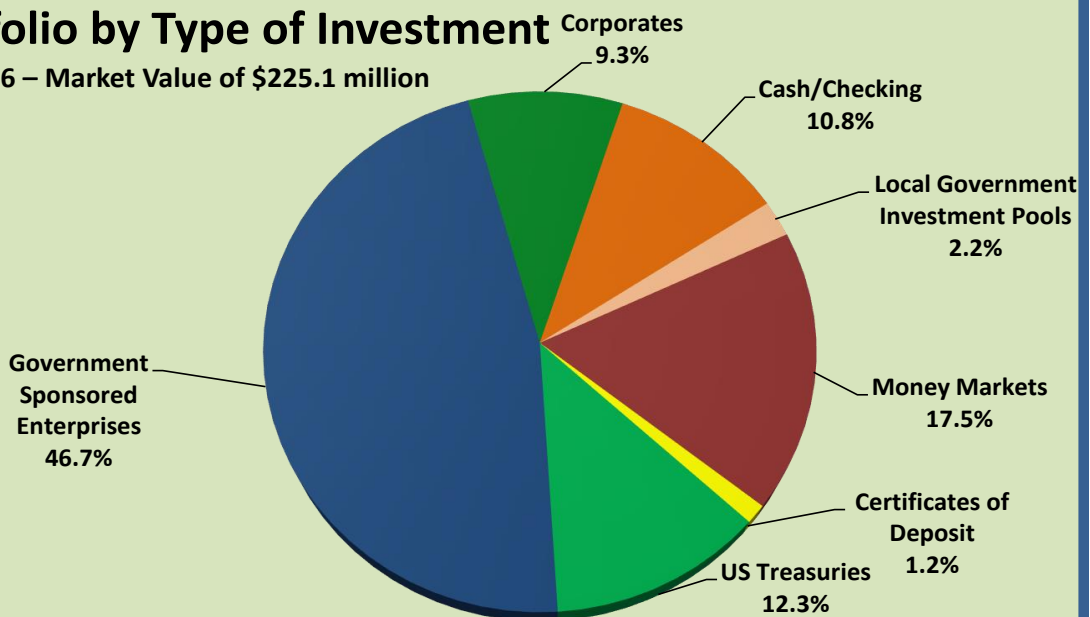
Portfolio Size Since July 2013



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

Portfolio by Type of Investment

July 2016 – Market Value of \$225.1 million

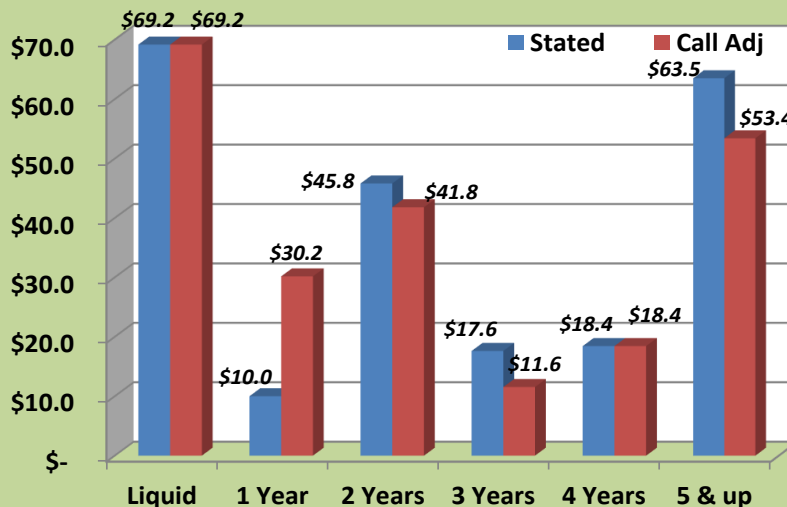


July 2016

Transactions / Portfolio by Maturity

	Maturity Date	Face Value \$	Purchase \$	Rate
<u>Purchases</u>				
Federal Home Loan Bank	6/11/2021	\$ 5,000,000.00	\$ 5,185,350.00	1.875%
Walt Disney Medium Term Note	7/12/2019	<u>1,000,000.00</u>	<u>996,640.00</u>	0.875%
		\$ 6,000,000.00	\$ 6,081,990.00	
<u>Matured</u>				
None this month				
<u>Called</u>				
			<u>Call Value \$</u>	
Federal Home Loan Bank	10/23/2017	\$ 5,000,000.00	\$ 5,000,000.00	0.900%
Fed. Nat'l Mortgage Assn.	04/11/2018	<u>5,000,000.00</u>	<u>5,000,000.00</u>	1.100%
		\$ 10,000,000.00	\$ 10,000,000.00	
<u>Sales</u>				
None this month				
			<u>Gain/(Loss) \$</u>	

Portfolio by Estimated Maturity Term
(in millions - Total = \$225.1 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 in June for the 10-year treasury.

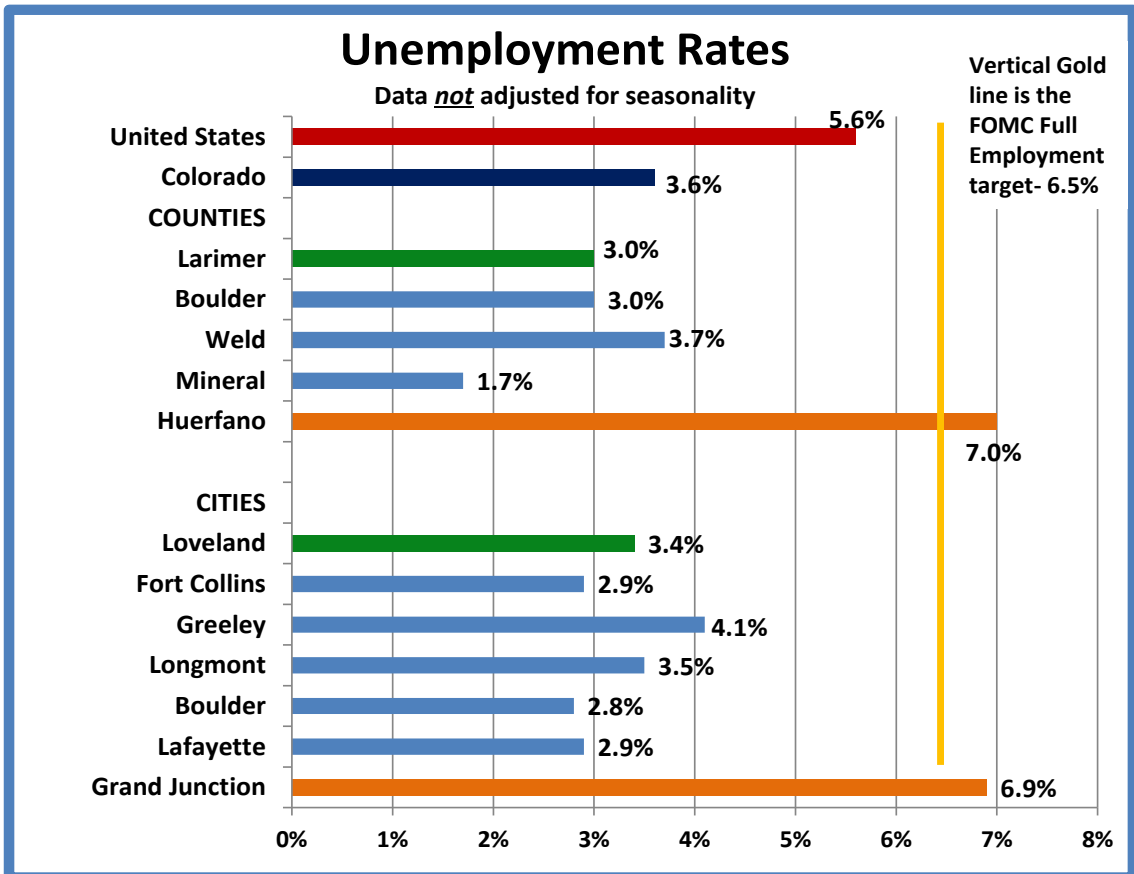
To support earnings, or to reposition the portfolio, bonds may be sold. Sales have netted \$190,948.13 this year.

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

Updated Colorado Labor Data – from the Colorado Department of Labor and Employment

- ❑ Loveland’s employed workforce contracted in July, **down 515** jobs from June.
- ❑ Compared to July of 2015, there are **1,011 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.



Missing Workers Update

July 2016

Current “missing worker” estimates at a glance

Updated August 5, 2016, based on most current data available.

Total missing workers,
July 2016:
2,330,000

Unemployment rate if
missing workers were
looking for work:
6.2%

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 4.9% number above right), the rate rises to **10.4%** (the seasonally adjusted U-6 number; the unadjusted number is **10.7%**).

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





Future Scan: Fed Meeting Outlook, Indicators, State Employment, Recession Data

❖ July 26-27 Minutes: The Federal Open Market Committee minutes not much help

- “Wednesday’s [August 17, 2016] FOMC meeting minutes failed to provide clarity as to the Fed’s intention of raising interest rates.”
- “Strength in the labor markets and a recovery in the financial markets following the UK vote [to leave the European Union] was acknowledged, while some members expressed further concerns surrounding both topics. The Fed reiterated its data dependent status but also hinted that they may move ahead with tightening if further data allows them to do so.”
- “Markets will be looking to see if she [Janet Yellen] has taken a more hawkish approach following stronger jobs figures and Brexit fears diminishing. There also remains potential for Yellen to signal for a September rate hike, in the event the Fed has any intention of raising rates at the next monetary policy.”
(Source: “*GBP/USD Weekly Outlook August 22-26*” by Jignesh Davda in EconomicCalendar.com online, August 21, 2016.)

❖ Stock Market Performance as World Economic Indicators for mid-August, 2016

- Only two of the eight equity indexes on our global watch list posted week-over-week gains in the August 19th update. Both were indices for Chinese companies. The Shanghai was up 1.88% and the Hang Seng was up 0.75%. The U.S. S&P 500 index was in third place **down 0.01%**.
- For the year to date, it is a much different story. Great Britain’s FTSE 100 is the leader, up 10.79% as of August 19. India’s BSE SENSEX was up 7.79%. The S&P 500 was third in this list, up 6.85%. The Hang Seng was fourth at 3.89%.
- The other four major market indices were negative. The CAC 40 (an index of stocks in Western Europe – France primarily) was **down 2.95%**. The DAX, an index for companies in Germany, was **down 3.26%**. Japan’s Nikkei 225 was **down 11.11%** and the Chinese Shanghai was down **13.80%**.
- Looking back to March of 2009 (cycle lows), the top three performers are India, the U.S., and Japan.
(Source: “*World Markets Weekend Update: Six of the Eight Post Losses*,” by Doug Short, August 20, 2016.)

- ❖ **The July 2016 Colorado Employment Situation** was released August 19th. Total nonfarm payroll jobs increased by 14,000 from June to July. Over the last 12 months, nonfarm payroll jobs increased by 74,200. The latest household survey data show Loveland’s unemployment rate to be 3.4%, ½% lower than June. Other cities and counties showed similar decreases in their rates. The chart is on page 6. (Next Update September 20, 2016.)
(Source: Colorado Department of Labor and Employment *July 2016 Colorado Employment Situation*, August 19, 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 July data, Employment was **up 0.18%**, Industrial Production was **up 0.74%** and Real Retail Sales were flat **0.0%**. June Real Income was **up just 0.12%**. “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 below the post-recession trend for 18 of the last 20 months, and Industrial Production has essentially been in a recession, although we can be hopeful that the March low was a trough and that Industrial Production may now be in recovery mode.”
(Source: *Advisor Perspectives*, Doug Short, August 16, 2016.)

For more information about this report please contact:

Alan Krcmarik, Executive Fiscal Advisor 970 962-2625 Alan.Krcmarik@cityofloveland.org

Monthly Investment Report

July 2016

Page 8



City of Loveland
500 East 3rd Street
Loveland, CO 80537

AGENDA ITEM: 2.13
MEETING DATE: 9/6/2016
TO: City Council
FROM: Theresa Wilson, Budget Manager
PRESENTER: Brent Worthington, Finance Director



TITLE:

July 2016 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending July 31, 2016. The Citywide Revenue (excluding internal transfers) of \$166.7 million is 5% below budget projections, while the Citywide total expenditures of \$156,132,204 (excluding internal transfers) are 33.8% below budget projections. Sales Tax collections are 2.2% above the same period in 2015, this data spans seven months and the trend has been slowly rising.

BACKGROUND:

The attached Snapshot Report includes preliminary revenue and expenditures and detailed reports on tax revenue and health claims as of July 31, 2016. Citywide Revenue (excluding internal transfers) of \$166,715,995 is 95.0% of year to date (YTD) budget or \$8,753,618 under the budget. Sales Tax collections are 98.9% of the YTD budget or \$269,056 below budget. Building Material Use Tax is 144.6% of YTD budget, or \$512,700 over budget. Sales and Use Tax collections combined were 103.5% of YTD budget or \$958,398 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 1.2% or \$339,983.

Citywide total expenditures of \$156,132,204¹ (excluding internal transfers) are 66.2% of the YTD budget or \$79,858,978 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 19, 2016).

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Snapshot report for July 2016
2. Powerpoint

2016

SnapShot

JULY



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

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



Monthly Financial Report



- ◆ Citywide Revenue, excluding transfers between funds, \$166.7 million (5.0% below budget projections)
- ◆ Sales & Use Tax Collection, \$28.1 million (3.5% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$156.1 million (33.8% below budget projections)
- ◆ Citywide Revenues exceed Expenditures by \$10.6 million; Citywide Operating Revenues exceed Operating Expenditures by \$34.0 million.
- ◆ General Fund Revenue, excluding transfers between funds, \$55.0 million (3.1% above budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$42.9 million, (6.7% below budget projections)
- ◆ General Fund Revenues (including transfers) exceed Expenditures (including transfers) by \$2.3 million; General Fund YTD Operating Revenues (excluding transfers) exceed Fund YTD Operating Expenditures (excluding transfers and capital) by \$12.1 million.



Sales / Use Tax Basics

July 2016	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2016	\$ 24,629,822	\$ 1,332,304	\$ 1,150,508	\$ 27,112,634
Actual 2016	24,360,766	2,047,059	1,663,208	28,071,032
% of Budget	98.9%	153.6%	144.6%	103.5%
Actual 2015	\$ 23,800,681	\$ 1,872,805	\$ 2,057,563	\$ 27,731,049
Change from prior yr	2.4%	9.3%	-19.2%	1.2%

City of Loveland • 500 East 3rd Street • Loveland, CO 80537 • (970) 962 - 2300

Citywide Revenues & Expenditures

Combined Statement of Revenues and Expenditures July 2016					
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget	
General Governmental					
1	\$ 8,840,513	\$ 54,952,852	\$ 53,317,398	103.1%	
2	905,051	4,908,813	7,124,966	68.9% ¹	
3	3,784,262	23,650,719	22,815,608	103.7%	
4	1,672,198	11,698,296	11,076,918	105.6%	
5	<i>Subtotal General Gov't Operations</i>	<i>15,202,024</i>	<i>95,210,679</i>	<i>94,334,890</i>	<i>100.9%</i>
6	668,939	6,997,589	5,244,369	133.4%	
Enterprise Fund					
7	10,591,675	54,457,576	66,060,405	82.4% ²	
8	519,294	3,615,347	3,392,754	106.6%	
9	588,328	2,493,421	2,608,436	95.6%	
10	636,748	3,941,383	3,828,760	102.9%	
11	<i>Subtotal Enterprise</i>	<i>12,336,045</i>	<i>64,507,726</i>	<i>75,890,354</i>	<i>85.0%</i>
12	Total Revenue	\$ 28,207,008	\$ 166,715,995	\$ 175,469,613	95.0%
		<i>Prior Year External Revenue</i>	<i>158,989,393</i>		
		<i>Increase (Decrease) From Prior Year</i>	<i>4.9%</i>		
13	323,341	14,544,787	34,835,144	41.8%	
14	Grand Total Revenues	\$ 28,530,349	\$ 181,260,783	\$ 210,304,757	86.2%
EXPENDITURES					
General Governmental					
15	5,430,684	41,819,784	42,487,864	98.4%	
16	1,453,191	6,497,579	7,815,437	83.1%	
17	3,603,499	20,339,006	19,700,835	103.2%	
18	1,411,676	9,713,901	12,675,376	76.6%	
19	<i>Subtotal General Gov't Operations</i>	<i>11,899,050</i>	<i>78,370,270</i>	<i>82,679,512</i>	<i>94.8%</i>
20	4,314,089	30,407,560	95,271,833	31.9%	
Enterprise Fund					
21	7,480,746	40,934,940	50,637,479	80.8%	
22	226,292	1,662,352	2,104,812	79.0%	
23	312,580	1,782,490	2,062,038	86.4%	
24	393,913	2,974,592	3,235,508	91.9%	
25	<i>Subtotal Enterprise</i>	<i>8,413,532</i>	<i>47,354,374</i>	<i>58,039,837</i>	<i>81.6%</i>
26	Total Expenditures	\$ 24,626,670	\$ 156,132,204	\$ 235,991,182	66.2%
		<i>Prior Year External Expenditures</i>	<i>148,918,868</i>		
		<i>Increase (Decrease) From Prior Year</i>	<i>4.8%</i>		
27	305,629	14,527,075	38,020,030	38.2%	
28	Grand Total Expenditures	\$ 24,932,299	\$ 170,659,279	\$ 274,011,212	62.3%

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.

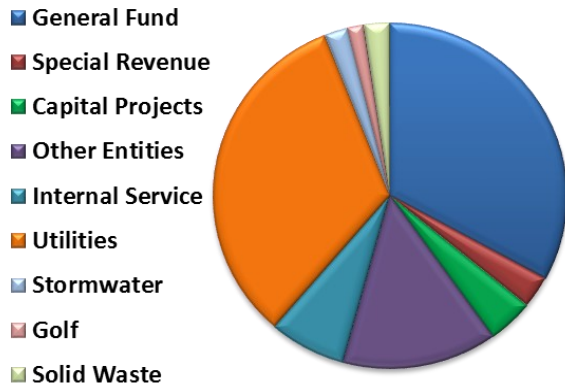
Special Revenue Funds: Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures, Transit, Transportation.

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.

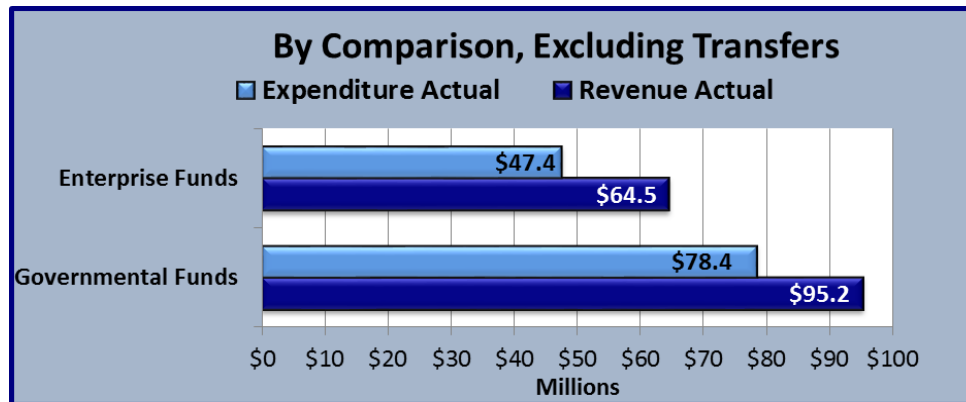
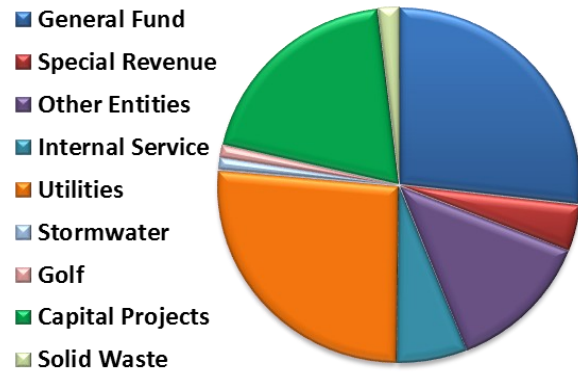
Internal Service Funds: Risk/Insurance, Fleet, Employee Benefits.

Monthly Financial Report

YTD Operating Revenues of \$166.7 Million



YTD Operating Expenditures of \$156.1 Million



- ◆ General Fund Revenue, excluding capital and transfers between funds, \$55 million (3.1% above budget projections)
 - * 2.2% above 2015 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$41.8 million (1.6% below budget projections)
 - * 7.4% above 2015 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$54.5 million (17.6% below budget projections)
 - * 4.1% above 2015 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$40.9 million (19.2% below budget projections)
 - * 2.7% above 2015 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$23.7 million (3.7% above budget projections)
 - * 19.4% above 2015 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$20.3 million (3.2% above budget projections)
 - * 8.3% above 2015 YTD

— General Fund Revenues & Expenditures —

General Fund Revenue & Expenditures July 2016				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 2,031,461	\$ 8,507,763	\$ 8,300,531	102.5%
3 Sales tax	3,807,869	24,360,766	24,629,822	98.9%
4 Building use tax	119,024	1,663,208	1,150,508	144.6%
5 Auto use tax	302,958	2,047,059	1,332,304	153.6%
6 Other taxes	57,551	1,602,164	1,652,641	96.9%
7 Intergovernmental	30,014	345,424	206,035	167.7%
8 License & Permits				
9 Building Permits	171,552	1,458,734	1,719,200	84.8% ¹
10 Other Permits	16,552	136,302	99,470	137.0%
11 Charges for Services	1,392,755	9,399,128	9,182,557	102.4%
12 Fines & Forfeitures	80,711	580,465	535,770	108.3%
13 Interest Income	17,947	281,193	191,590	146.8%
14 Miscellaneous	812,120	4,570,647	4,316,970	105.9%
15 <i>Subtotal Operating</i>	<i>8,840,513</i>	<i>54,952,852</i>	<i>53,317,398</i>	<i>103.1%</i>
16 Interfund Transfers	6,850	72,950	72,950	100.0%
17 Total Revenue	\$ 8,847,363	\$ 55,025,802	\$ 53,390,348	103.1%
EXPENDITURES				
Operating Expenditures				
18 Legislative	13,116	95,483	86,770	110.0%
19 Executive & Legal	175,692	1,490,134	1,432,084	104.1%
20 City Clerk & Court Admin	35,092	385,872	435,168	88.7%
21 Economic Development	273,800	1,438,122	2,935,889	49.0%
22 Cultural Services	168,533	1,121,269	1,251,695	89.6%
23 Development Services	335,378	2,227,980	2,818,376	79.1%
24 Finance	403,937	2,856,943	2,944,641	97.0%
25 Fire & Rescue	-	-	-	0.0%
26 Human Resources	83,500	673,317	717,292	93.9%
27 Information Technology	293,100	2,302,155	3,051,567	75.4%
28 Library	234,140	1,824,046	1,962,470	92.9%
29 Parks & Recreation	952,329	5,621,678	6,914,098	81.3%
30 Police	1,614,862	12,277,122	12,357,478	99.3%
31 Public Works	401,050	2,983,769	3,326,606	89.7%
32 Water/ Waste Operations	-	-	-	0.0%
33 Non-Departmental	828,178	7,588,419	5,725,999	132.5% ²
34 <i>Subtotal Operating</i>	<i>5,812,705</i>	<i>42,886,309</i>	<i>45,960,133</i>	<i>93.3%</i>
35 Internal Transfers	96,662	9,873,433	19,595,826	50.4%
36 Total Expenditures	\$ 5,909,367	\$ 52,759,742	\$ 65,555,959	80.5%

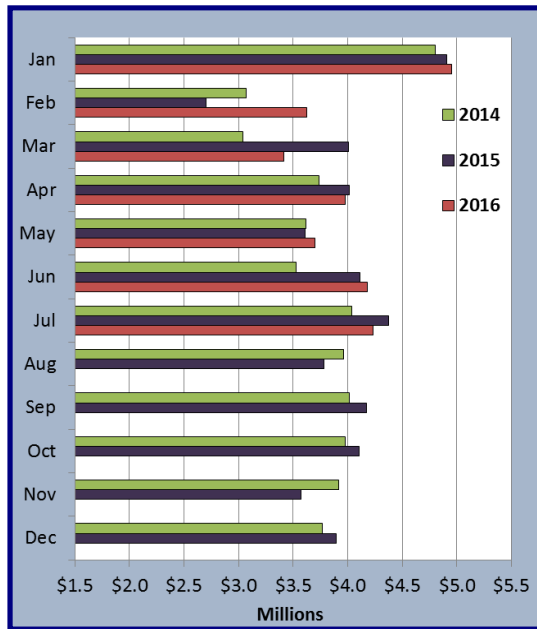
¹ Revenue is lower than projected due to fewer Multi-Family construction and commercial improvements.

² Expenditures are higher than projected due to timing of transfers.

Capital Projects \$500,000+

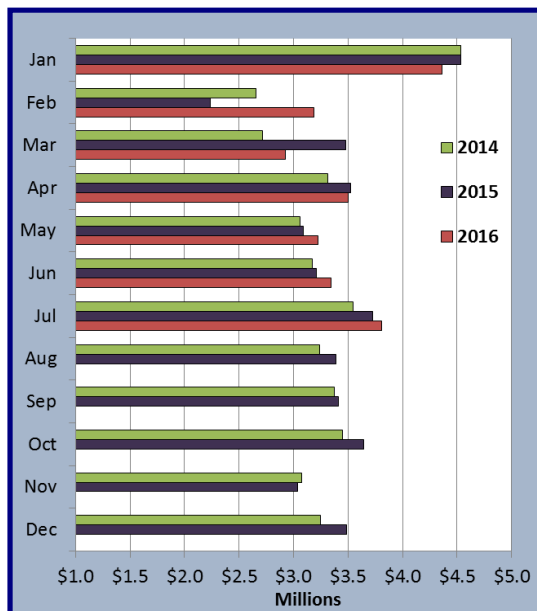
Project Title	2016 Budget	2016 Expenditures	Remaining 2016	% of 2016 Budget
Water Capital				
WTP Phase II Expansion (38 MGD)	\$ 6,972,691	\$ 5,220,025	\$ 1,752,666	74.86%
2015 Water Line Replacement	934,633	255,720	678,913	27.36%
Raw Water Capital				
Windy Gap Firming Project	2,406,660	1,118,956	1,287,704	46.49%
Wastewater Utility Capital				
WWTP Expansion	27,101,493	781,655	26,319,838	2.88%
Southside Lift Station	1,716,631	456,211	1,260,420	26.58%
Lakeside Terrace & Boedecker Lift Station Improvements	534,912	397,397	137,515	74.29%
Power Capital				
Phase 2 of Canyon Voltage Conversion - Glade Rd to WTP	754,250	609,466	144,784	80.80%
OH to UG conversion Circuit 411	555,660	-	555,660	0.00%
OH to UG conversion 29th St - Madison to Hwy 287	750,000	26,496	723,504	3.53%
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	4,055	1,395,945	0.29%
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%
Foothills Solar Field	5,100,000	95,525	5,004,475	1.87%
OH to UG Circuit 314 from 71st along Garfield to 29th	857,735	-	857,735	0.00%
FEMA Alt Project Foothills Substation	4,000,000	-	4,000,000	0.00%
Stormwater Capital				
Benson Park Culvert Improvements	1,000,509	1,081	999,428	0.11%
Airport Basin North Outfall	1,505,773	9,643	1,496,130	0.64%
Streets Transportation Program				
Boise & 37th Intersection	1,864,844	-	1,864,844	0.00%
Boyd Lake Avenue @ Grly-LvIInd	1,632,000	-	1,632,000	0.00%
Taft Avenue @ Big Barnes Ditch	2,227,031	180,385	2,046,646	8.10%
Byrd Drive Extension	1,713,000	16,509	1,696,491	0.96%
Railroad Avenue Flood Repairs FHWA@20038ER1	7,144,215	182,541	6,961,674	2.56%
All Other				
Replace General Spartan Engine	652,300	227,864	424,436	34.93%
Viestenz-Smith Mountain Park Redevelopment	2,865,610	30,276	2,835,334	1.06%
Museum Collections Storage Building	2,400,000	2,079,779	320,222	86.66%
Wilson Pedestrian Bridge & Flood Trail Reconstruction	600,000	3,296	596,704	0.55%
Fire Administration Building (FAB) Remodel	1,884,036	446,473	1,437,563	23.70%
Airport - Snow Removal Equipment Building	1,252,549	649,745	602,804	51.87%
Maintenance & Operation Center (MOC) Remodel	934,660	356,238	45,102	38.11%
Mariana Butte Flood River & Bridge Enhancements	564,091	170,991	393,100	30.31%
Open Lands Acquisition & Restoration	5,899,433	3,923,264	1,976,169	66.50%
Neighborhood Park East	\$ 1,900,000	\$ 300,000	\$ 1,600,000	15.79%

Tax Totals and Comparisons



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	4,229,851	4,286,198	-1.3%
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	
YTD	\$ 45,456,855	\$ 47,254,859	\$28,071,032	\$47,291,289	3.5%



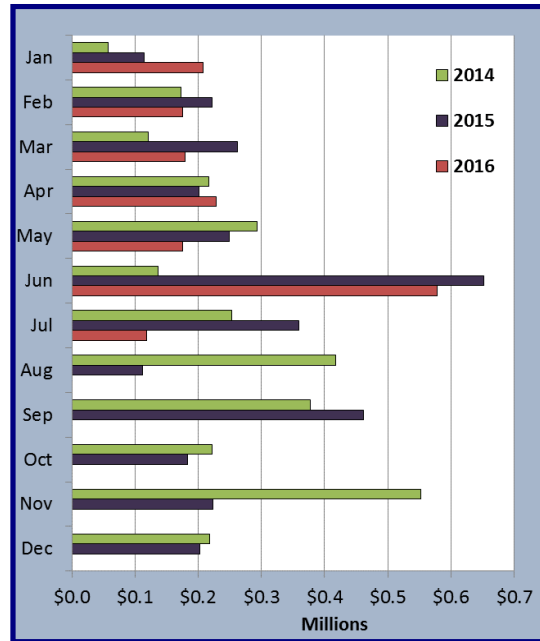
Retail Sales Tax

	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	3,807,869	3,870,943	-1.6%
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	
YTD	\$ 39,391,838	\$ 40,761,528	\$24,360,766	\$42,167,132	-1.1%

Monthly Financial Report

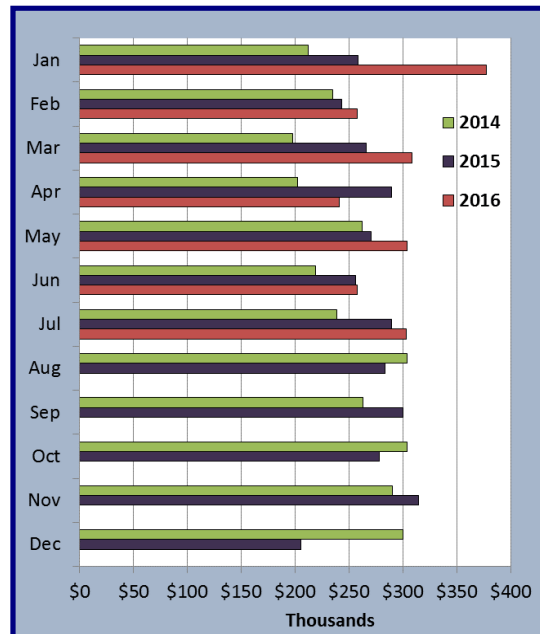
Building Materials Use Tax

	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	119,024	212,345	-43.9%
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	
	\$3,039,002	\$3,240,831	\$1,663,208	\$2,549,157	
YTD	\$1,252,191	\$2,057,563	\$1,663,208	\$1,150,508	44.6%

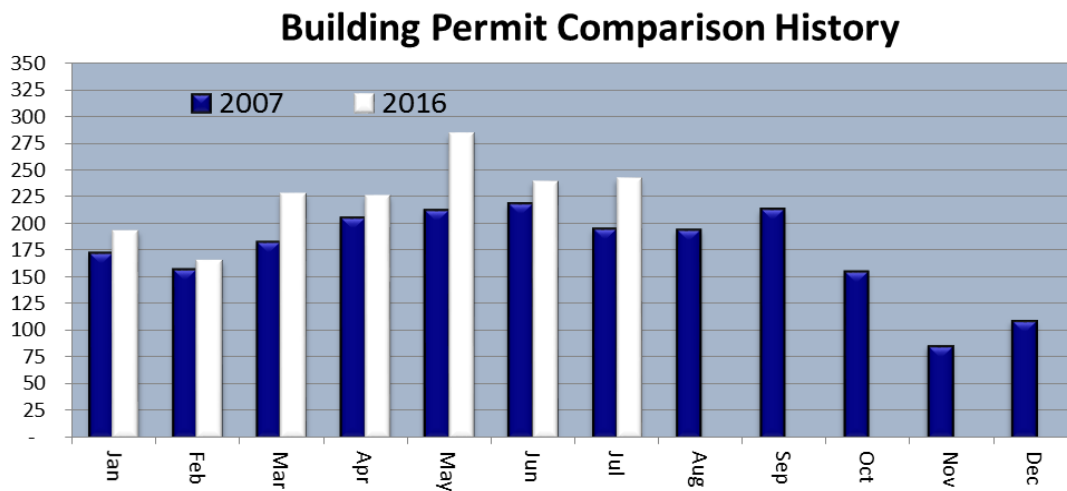
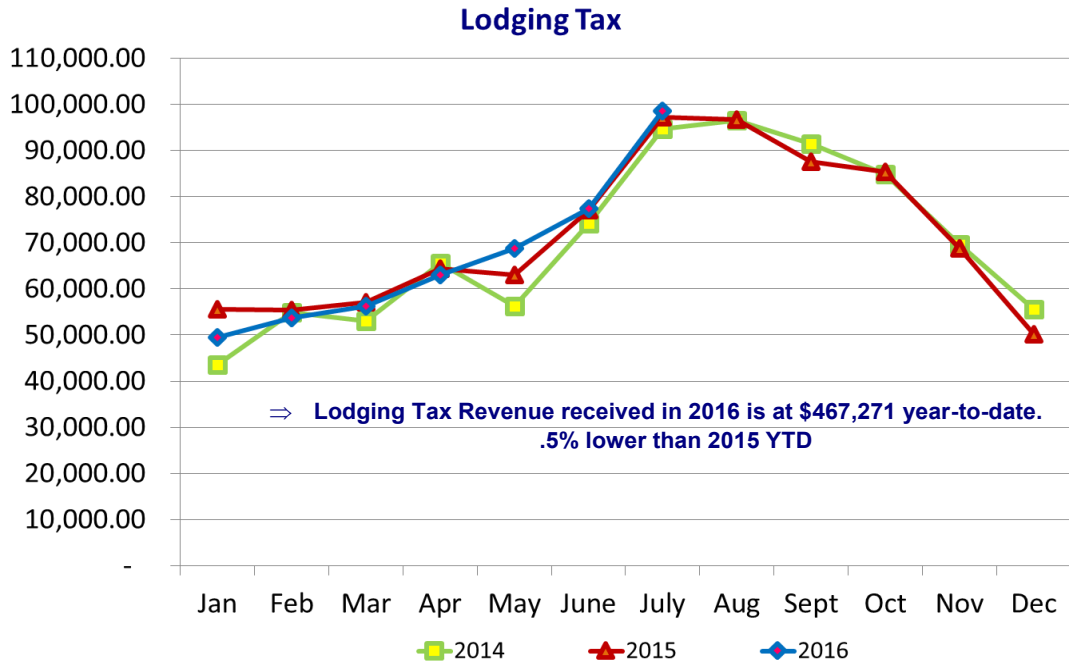


Motor Vehicle Use Tax

	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	302,958	202,910	49.3%
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	
	\$3,026,015	\$3,252,500	\$2,047,059	\$2,575,000	
YTD	\$1,565,605	\$1,872,805	\$2,047,059	\$1,332,304	53.6%

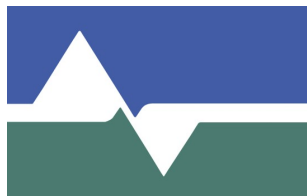


— Lodging / Building Comparisons —



— Monthly Flood Update —

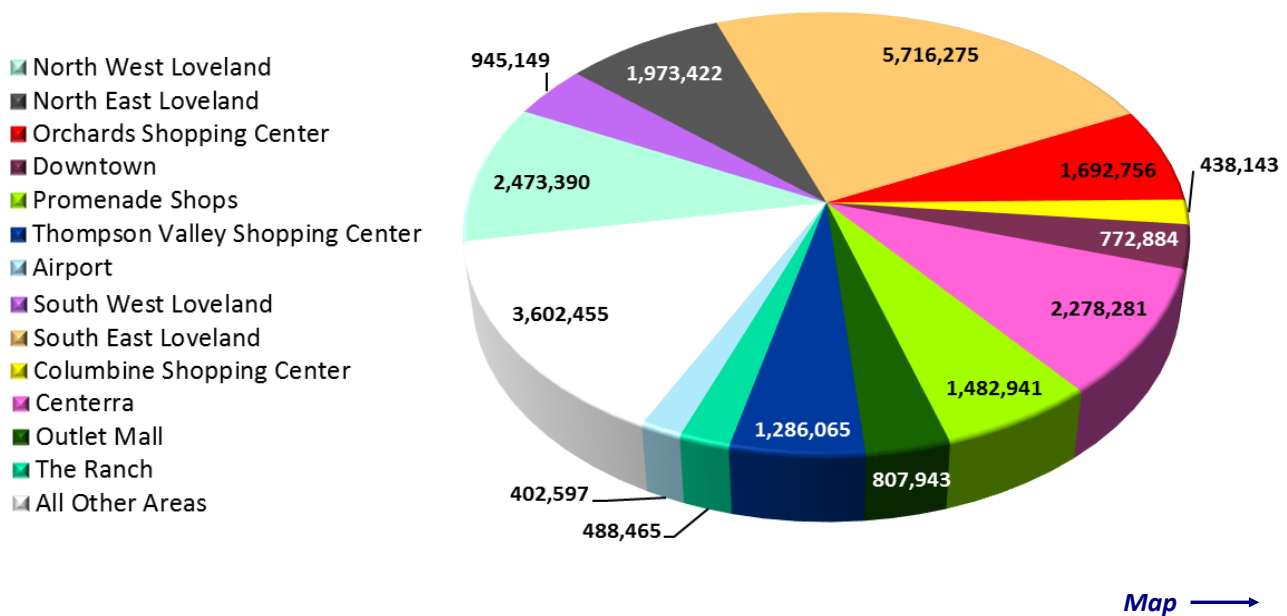
Cost Estimates			
Emergency Response		\$ 2,000,000	
Business Assistance		600,000	
Capital		27,906,129	
Total		\$ 30,506,129	
Actual Expenditures			
		July	To Date
Total	\$	23,529	\$ 22,910,406
Reimbursements Applied For			
		July	To Date
FEMA	\$	18,118	\$ 11,791,325
CIRSA		-	7,119,891
Other			1,247,127
Total	\$	18,118	\$ 20,158,343
Reimbursements Received			
		July	To Date
FEMA	\$	119,179	\$ 8,854,909
CIRSA		-	\$ 7,119,891
Other			\$ 1,247,127
Total	\$	119,179	\$ 17,221,927



Geographical Codes

Geographical Area	YTD 2016	YTD 2015	Change
South East Loveland	\$ 5,716,275	\$ 5,614,622	1.8%
North West Loveland	2,473,390	2,414,524	2.4%
Centerra	2,278,281	2,278,629	0.0%
North East Loveland	1,973,422	1,924,317	2.6%
Orchards Shopping Center	1,692,756	1,541,753	9.8%
Promenade Shops	1,482,941	1,623,791	-8.7%
Thompson Valley Shopping Center	1,286,065	1,223,494	5.1%
South West Loveland	945,149	889,189	6.3%
Outlet Mall	807,943	839,610	-3.8%
Downtown	772,884	749,201	3.2%
The Ranch	488,465	469,951	3.9%
Columbine Shopping Center	438,143	417,248	5.0%
Airport	402,597	296,402	35.8%
All Other Areas (1)	3,602,455	3,517,950	2.4%
Total	\$24,360,766	\$23,800,681	2.4%

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



Sales Tax Collections

Description	YTD 2016	YTD 2015	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 4,522,120	\$ 4,589,506	\$ (67,386)	-1.5%	18.6%	18.6%
Restaurants & Bars	3,221,414	3,151,225	70,189	2.2%	13.2%	31.8%
Grocery Stores & Specialty Foods	2,696,912	2,519,019	177,893	7.1%	11.1%	42.9%
Building Material & Lawn & Garden Supplies	2,055,594	1,852,806	202,788	10.9%	8.4%	51.3%
Motor Vehicle Dealers, Auto Parts & Leasing	1,846,506	1,753,048	93,458	5.3%	7.6%	58.9%
Clothing & Clothing Accessories Stores	1,569,398	1,693,785	(124,387)	-7.3%	6.4%	65.3%
Utilities	1,163,342	1,187,051	(23,709)	-2.0%	4.8%	70.1%
Sporting Goods, Hobby, Book & Music Stores	1,033,647	1,036,620	(2,973)	-0.3%	4.2%	74.3%
Used Merchandise Stores	921,775	867,615	54,160	6.2%	3.8%	78.1%
Broadcasting & Telecommunications	682,646	791,501	(108,855)	-13.8%	2.8%	80.9%
Beer, Wine & Liquor Stores	616,918	587,689	29,229	5.0%	2.5%	83.5%
Consumer Goods & Commercial Equipment Rental	603,868	513,768	90,100	17.5%	2.5%	85.9%
Hotels, Motels & Other Accommodations	551,147	548,066	3,081	0.6%	2.3%	88.2%
Electronics & Appliance Stores	459,159	384,424	74,735	19.4%	1.9%	90.1%
Health & Personal Care Stores	418,810	415,519	3,291	0.8%	1.7%	91.8%
Electronic Shopping & Mail-Order Houses	394,652	352,256	42,396	12.0%	1.6%	93.4%
Furniture & Home Furnishing Stores	336,297	315,247	21,050	6.7%	1.4%	94.8%
Gasoline Stations with Convenience Stores	248,669	248,935	(266)	-0.1%	1.0%	95.8%
Office Supplies, Stationery & Gift Stores	150,409	193,846	(43,437)	-22.4%	0.6%	96.4%
All Other Categories	867,483	798,755	68,728	8.6%	3.6%	100.0%
Total	\$24,360,766	\$ 23,800,681	\$ 560,085	2.4%	100.0%	

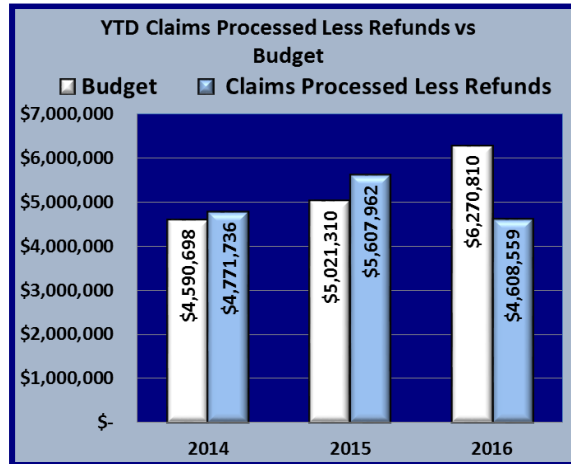
Health Care Claims

Claims Incurred

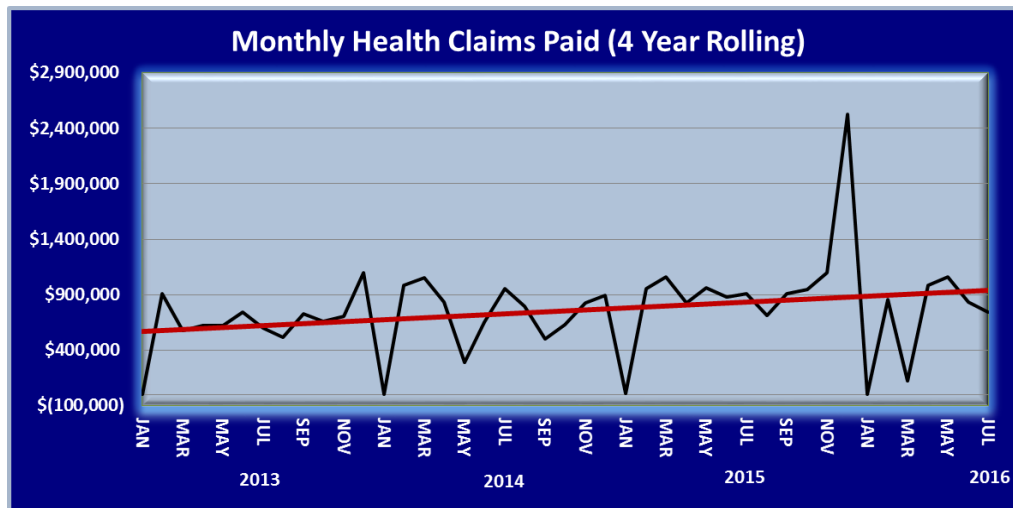
		OAP	HRA	Total
2016	July	683,926	141,053	824,979
	YTD	5,260,676	1,059,679	6,320,355
2015	July	573,102	138,109	711,211
	YTD	4,834,060	1,567,385	6,401,446
Change	July	110,824	2,944	113,768
	July	19.3%	2.1%	16.0%
	YTD	426,616	(507,707)	(81,091)
	% YTD	8.8%	-32.4%	-1.3%

⇒ 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.



July	2013	2014	2015	2016
# of claims	35	50	45	44
YTD Cost of high claims	\$1,936,381	\$3,883,834	\$3,741,883	\$3,597,717

⇒ 2016 # of StopLoss claims: 4

⇒ Projected YTD Reimbursements: \$235,071
(claims over \$175k paid by StopLoss Carrier)

— Activity Measures —

Measures	July 2014	July 2015	July 2016	2014 YTD	2015 YTD	2016 YTD
# of Building Permits	184	326	241	1,269	1,623	1,571
Building Permit Valuations	\$ 16,649,982	\$ 24,091,278	\$ 18,444,762	\$ 119,801,282	\$137,994,220	\$151,428,741
# of Certified Occupancies	26	110	26	129	291	444
Net # of Sales Tax Licenses	3	10	19	(111)	(79)	(7)
New Residential Electric Meter Sets	25	85	27	193	486	337
# of Utility Bills Sent	36,960	37,677	38,463	257,717	262,269	268,131
Rounds of Golf	17,607	18,865	18,428	63,975	68,610	65,631
\$ Average Health Claim Costs/Emp.	\$ 1,204	\$ 995	\$ 1,106	\$ 1,025	\$ 1,395	\$ 1,317
KWH Demand (kH)	144,141	147,210	150,441	750,336	737,719	736,098
KWH Purchased (kwh)	72,742,064	73,263,913	75,603,367	375,813,580	435,429,721	29,416,630
Gallons of Water Sold	545,779,342	448,918,109	654,610,211	1,838,531,783	1,509,395,445	1,783,468,741
# of Workers' Comp Claims	6	11	6	52	58	51
\$ of Workers' Comp Claims	\$ 46,922	\$ 25,182	\$ 29,825	\$ 409,011	\$ 305,494	\$ 261,125
# of Total Open Claims	20	15	20	<i>Not Cumulative</i>		
\$ of Total Open Claims	\$ 364,668	\$ 426,949	\$ 646,984	<i>Not Cumulative</i>		
\$ of Lodging Tax Collected	\$ 94,719	\$ 97,254	\$ 98,610	\$ 442,153	\$ 470,360	\$ 467,271



2016 Monthly Financial Report

**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 ADACoordinator@CityofLoveland.org or 970-962-3314

SnapShot

July 2016



For more information regarding this report contact:

Brent Worthington

Finance Director

970.962.2300 or

brent.worthington@cityofloveland.org



Snapshot



July
2016

Brent Worthington
Finance Director

Presented
September 6, 2016

July 2016 Snapshot

- Citywide Revenue
 - 166.7 million, excluding transfers
 - 5.0% below budget projections
- Citywide Expenditures
 - \$156.1 million, excluding transfers
 - 33.8% below budget projections
- Citywide revenues exceed expenditures by \$10.6 million.



July 2016 Snapshot

- General Fund Revenue
 - \$55.0 million YTD, excluding transfers
 - 3.1% above YTD Budget
 - 2.2% above same period last year

- Sales and Use Tax Revenue
 - \$28.1 million YTD
 - 3.5% above budget projections
 - 1.2% above same period as last year

- Sales Tax only
 - \$24.4 million YTD
 - 1.1% below budget projections
 - 2.4% above same period last year



July 2016 Snapshot

- General Fund Expenditures
 - \$42.9 million YTD, excluding transfers
 - 6.7% below budget projections

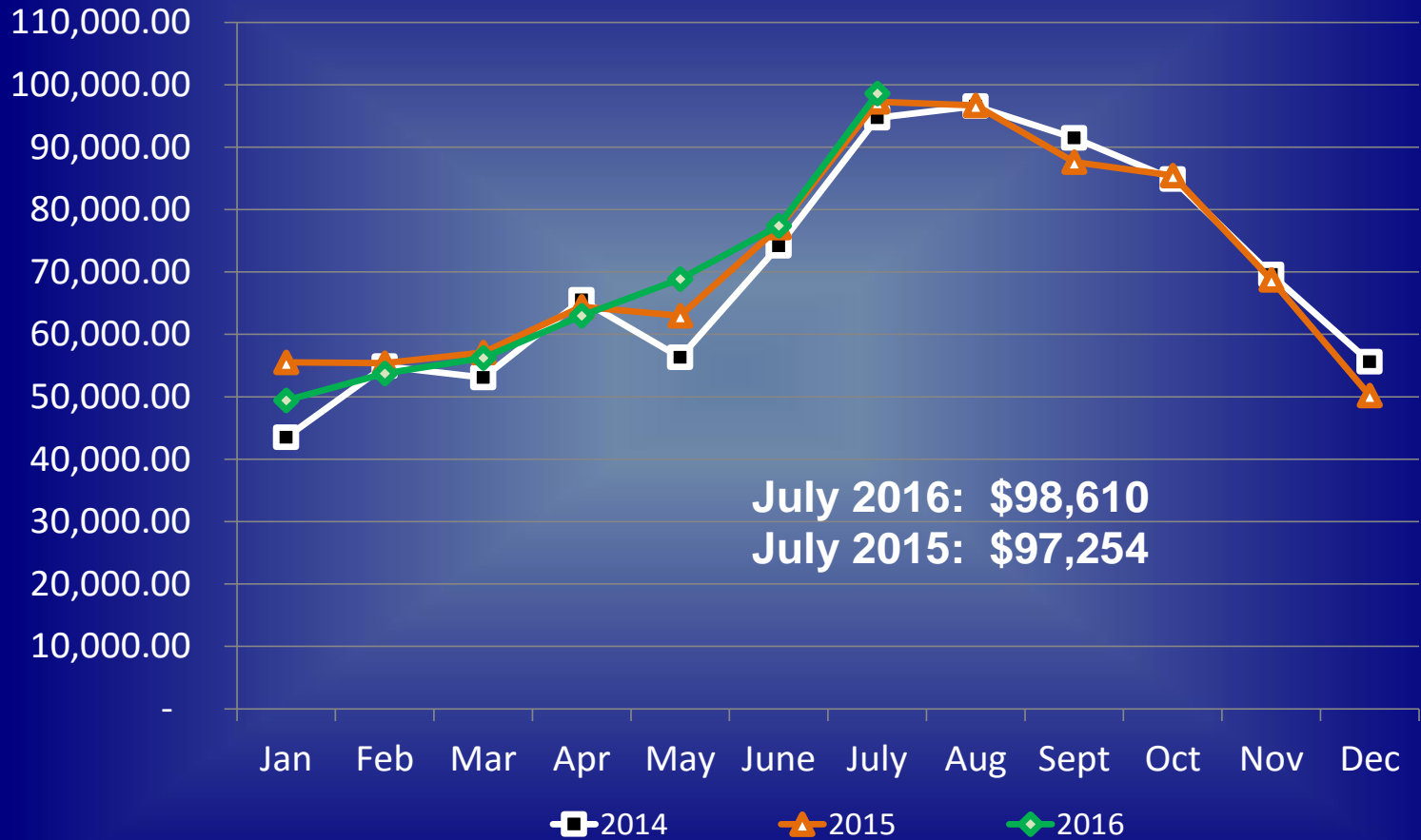
- General Fund Revenues Exceed Expenditures by \$2.3 million

- Health Claims
 - July Claims \$825 thousand
 - 2016 YTD decreased slightly by 1.3%.



July 2016 Snapshot

Lodging Tax



➤ Lodging tax YTD is \$467,271 (0.5% 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>July</u>	<u>To Date</u>
Total	\$ 23,529	\$ 22,910,406

Reimbursements Applied For

	<u>July</u>	<u>To Date</u>
FEMA	\$ 18,118	\$ 11,791,325
CIRSA	-	7,119,891
Other		1,247,127
Total	\$ 18,118	\$ 20,158,343

Reimbursements Received

	<u>July</u>	<u>To Date</u>
FEMA	\$ 119,179	\$ 8,854,909
CIRSA	-	\$ 7,119,891
Other		\$ 1,247,127
Total	\$ 119,179	\$ 17,221,927



July 2016 Snapshot



Questions?

Brent Worthington
Finance Director

Presented
September 6, 2016

AGENDA ITEM: 2.14
MEETING DATE: 9/6/2016
TO: City Council
FROM: City Clerk
PRESENTER: Tami Yellico, City Attorney



TITLE:

A motion calling a special meeting of City Council September 13, 2016 at 6:00 p.m., to be located in City Council Chambers at 500 E. 3rd Street, Loveland. The purpose of the meeting is for Council to consider an Ordinance on First Reading to transfer the property at 130 N. Cleveland Avenue to Brinkman Capital, LLC for a portion of The Foundry Project in the City of Loveland.

RECOMMENDED CITY COUNCIL ACTION:

Approve the motion.

OPTIONS:

- 1) Council could approve the meeting.
- 2) Council could not approve the motion and move to set the meeting at a different time.

SUMMARY:

Staff has been working on the financing plan for the public improvements for The Foundry Project ("Project"). A key component of the Project financing is the formation of a Metropolitan District ("District") by Brinkman Capital, LLC (the "Developer") that will have the same boundaries as the Project area. The District will be comprised of all of the properties in the Project, including 130 North Cleveland Avenue. The negotiations to this point have included the transfer of property owned by the City to the Developer for the Project, with the City retaining the property on which the garage will be located. Public improvements in the Foundry include a public parking garage, public plaza, and other public improvements. The purpose of the District will be to levy property taxes on the properties within the Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. Through this financial plan, the City, the District, and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community.

As we have discussed in the past, the first step in creating the District is for the City Council to approve the District's service plan. The proposed service plan is scheduled to come to City Council on September 20th. If City Council approves the service plan then the Developer must ask the District Court to order an election on the District questions at the November 8th election, this has to be done no later than October 8th. The question of forming the District and the District tax question is voted upon by eligible electors, that would include residents of the proposed District, persons who own taxable property in the proposed District, or persons whose spouse owns taxable property in the proposed District, or persons obligated to pay property taxes under a contract to purchase taxable property within the proposed District. The City currently owns all the property within the proposed District and the City is exempt from paying taxes, so would not qualify as an elector for the District ballot questions. The City plans to transfer most of the property within District to the Developer in 2017 to build the Project, and the first step is to transfer 130 North Cleveland to the Developer, who will pay taxes on the parcel and be eligible to vote on the District election questions. The property transfer documents will

have numerous conditions that will provide for the reconveyance of the parcel to the City if the Project does not go forward for any reason.

A timeline of all anticipated next steps for the Project is Attachment A to this memorandum.

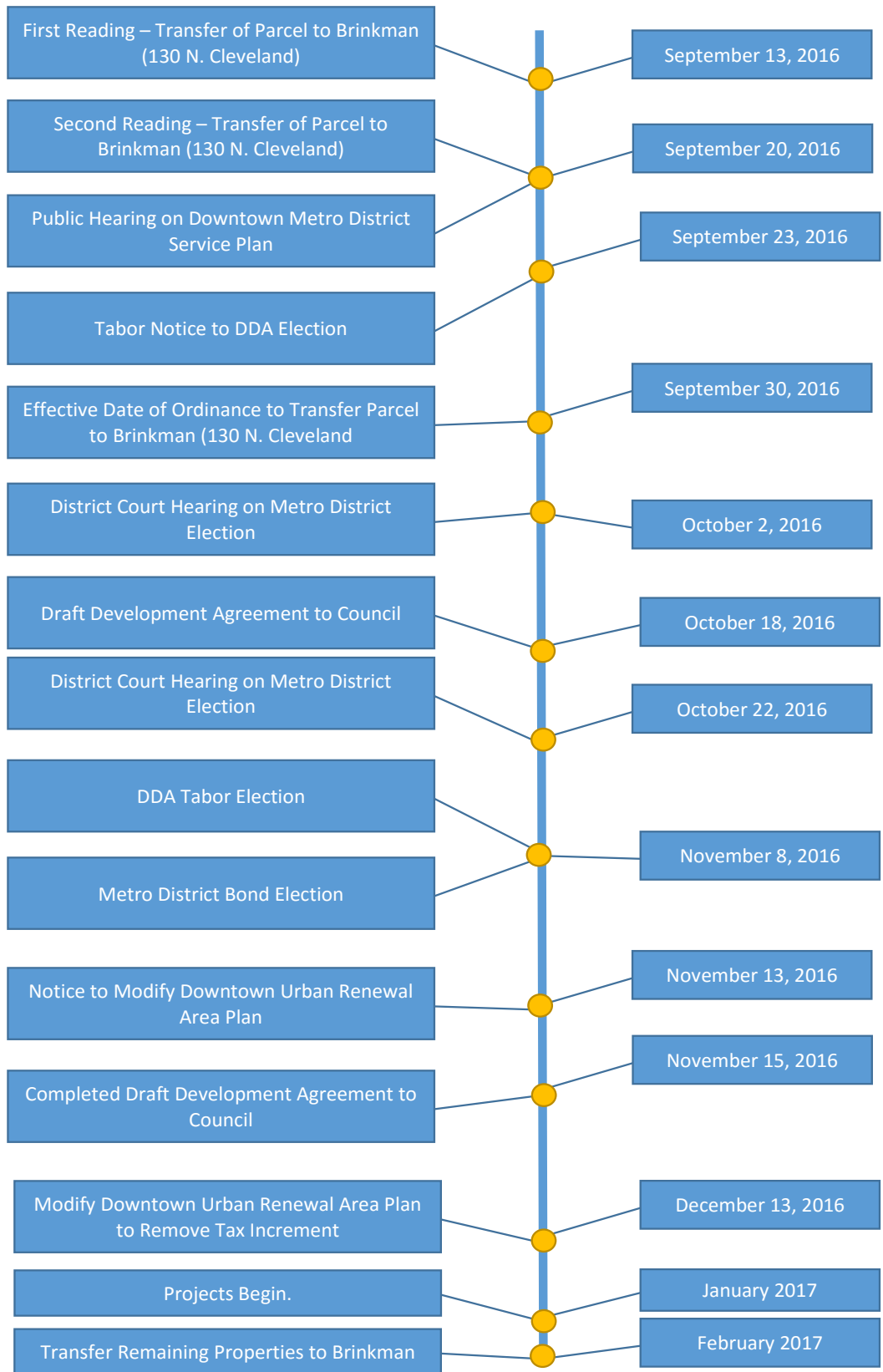
REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Attachment A - Timeline

Attachment A



AGENDA ITEM: 5.2
MEETING DATE: 9/6/2016
TO: City Council
FROM: City Attorney's Office
PRESENTER: Tami Yellico, City Attorney



TITLE:

An Ordinance Repealing Loveland Municipal Code §§ 12.48.030 and 12.48.110 Prohibiting Takeoff and Landing of Aircraft Outside of Airport and Landing in City

RECOMMENDED CITY COUNCIL ACTION:

Approve the Ordinance on second reading.

OPTIONS:

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

SUMMARY:

Approval of the ordinance will repeal Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code. At the August 16, 2016 City Council meeting, Council elected to adopt on first reading, by a vote of 8-1, an Ordinance that removes manager approval for landing and takeoff of all aircraft, including hot air balloons.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

At the City Council Meeting on August 2, 2016, City Council asked the City Attorney's Office to prepare a draft ordinance repealing the existing code provisions requiring the City Manager's approval for the landing and takeoff of aircraft within the City of Loveland. Loveland Municipal Code Section 12.48.010 defines aircraft as "any airplane, helicopter, flying machine, gasbag, balloon, or any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air."

Concerns such as private property owner rights generally are covered in trespass ordinances and laws. The regulation of airspace generally is already regulated by the Federal Aviation Administration (except for enclosed space of ground and buildings immediately surrounding a person's residence).

The use of Parks and Recreation facilities or lands are controlled by regulations promulgated by that Department to ensure compatibility with mission and intent of open lands and parks uses. There aren't any specific rules that address aircraft. The Parks and Recreation Department does have some concerns about damage to parks and open space.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance removing restrictions from all aircraft, including hot air balloons

First Reading: August 16, 2016

Second Reading: September 6, 2016

ORDINANCE NO. 6044

AN ORDINANCE REPEALING LOVELAND MUNICIPAL CODE §§ 12.48.030 AND 12.48.110 PROHIBITING TAKEOFF AND LANDING OF AIRCRAFT OUTSIDE OF AIRPORT AND LANDING IN CITY

WHEREAS, Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code prohibit the landing or takeoff of aircraft outside of the Northern Colorado Regional Airport and landing within the city limits without permission from the City Manager, unless such takeoff or landing is an emergency or conducted on behalf of a governmental entity; and

WHEREAS, City Council desires to remove these Code sections as Council has determined that it is no longer necessary.

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

Section 1. That Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code are hereby repealed.

Section 2. That this Ordinance shall be effective ten (10) days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Signed this 6th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

AGENDA ITEM: 5.3
MEETING DATE: 9/6/2016
TO: City Council
FROM: Loveland Fire Rescue Authority;
 Public Works; Risk Management
PRESENTER: Mark Miller, Fire Chief



TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Fire Training Center

RECOMMENDED CITY COUNCIL ACTION:

Hear public comment and adopt the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended;
2. Deny the action. Face possible penalties from the Colorado Department of Public Health and Environment (CDPHE), lose ability to continue with fire training activities, and lose required egress for Loveland Fire Rescue Authority response teams departing from the Fire Training Center (FTC) in consideration of the loss of Fire Engine Red Street;
3. Adopt a modified action (specify in the motion)(*General Fund or TABOR Excess*);
4. Refer back to staff for further development and consideration. If project is referred back to staff, we may be negligent in meeting State requirements for mitigation and thus face possible sanctions.

SUMMARY:

This is a three-way request, involving Loveland Fire Rescue Authority, Public Works and Risk Management. The three projects are separate, but interrelated:

1. Elimination of the current impoundment pond at the FTC, due to environmental issues (\$206,242)
2. The establishment of a new drainage system (stormwater and wastewater) due to the elimination of the impoundment pond and to account for additional on-site stormwater management necessary for FTC masterplan (\$260,314).
3. The construction of a new bridge on Railroad Avenue to mitigate flooding issues, which in turn, will eliminate the current entrance into the FTC, thus forcing the construction of a new primary and secondary emergency entrance into the facility (\$219,409).
4. Relocation of site amenities such as signage and the flagpole (\$12,035).

The total cost of all three sub-projects is \$698,000.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This request was unanticipated and therefore unbudgeted. \$206,242 of the requested amount is funded by fund balance in the Risk & Insurance Fund. If approved, the remaining Risk & Insurance Fund Balance will be \$3,695,054. Possible funding options for the remainder of the project costs include Tabor Excess and/or General Fund unassigned fund balance. The remaining 2016

General Fund Unassigned Fund Balance would be \$8,574,108 or the remaining 2016 TABOR Excess ending balance would be \$20,083,545.

Sub-Project Number	Sub-Project Description	Need	Budget Request	Funding Source
1	Elimination of Current Impoundment Pond	Mandated by State	206,242	Risk & Insurance Fund
2	Establishment of New Drainage System (Stormwater & Wastewater)	To accommodate Stormwater no longer accepted by the Impoundment Pond	260,314	TABOR Excess
		To account for broader on-site Stormwater management		
		To account for on-site wastewater generated from Fire training activities		
3	Construction of a New Primary & Secondary Egress	Public Safety	219,409	TABOR Excess
4	Relocation of Site Amenities (flagpole, signage, etc....)	Changes necessitated from sub-projects 1 through 3	12,035	TABOR Excess
Total Supplemental Budget Request			206,242	Risk & Insurance Fund
			491,758	TABOR Excess
			\$ 698,000	Grand Total

BACKGROUND:

Since 1975, the FTC has been utilized by the fire department as the primary venue for firefighting skill development. Many years before the area became a FTC, there is some historical reference to it being a landfill, asphalt plant, etc. The entire area surrounding the training grounds is industrial in nature. In more recent times, environmental regulations from the State of Colorado have required the installation and monitoring of groundwater wells for possible contamination associated with past and present site operations. In the past three years, six additional wells were installed to monitor ground water within the vicinity of the on-site impoundment pond, which collects both stormwater and wastewater from on-site fire training activities. Recent tests from those wells show traces of radionuclides, pesticides, and metals in the ground water. The source of these contaminants is unknown; contaminants do not appear to be coming from current fire training activities and practices.

Regardless, the CDPHE required the City to either make modifications to the impoundment pond (implement an engineering design and operations plan and long term groundwater monitoring) or permanently close the impoundment pond. Closing the impoundment pond eliminates the storage basin used to collect both stormwater runoff from that area of the FTC site and waste-water associated with training activities. Thus, a new FTC drainage system, one in which all stormwater for the majority of the FTC site will drain to a new detention pond at the northeast corner of the training center, and a wastewater drainage system that will allow wastewater from fire training activities to discharge into the sanitary sewer, is what is proposed with this supplemental budget and appropriation request. Risk Management will cover the cost of the impoundment pond closing as this is an environmental regulatory issue that is not incidental in nature and has required on-going response actions and negotiations with CDPHE. The cost of on-site operational issues, such as discharges to the sanitary sewer and management of site stormwater associated with the

closure of the impoundment pond and installation of site drainage infrastructures were unanticipated, and unbudgeted.

Separate, but related, Public Works applied for and received a \$3.3 million grant from the Federal Highway Administration to widen and raise a section of roadway and build a new 100-foot, single span bridge south of the BNSF railroad crossing on Railroad Avenue to help alleviate flooding as was experienced in September 2013. The project includes widening the existing channel downstream of the proposed bridge causing the elimination of Fire Engine Red Street. Railroad Avenue's current condition requires that it close during a 10-year storm event. With the improvements, closures would be limited to the less frequent 50-year and greater storm events. The closure of Fire Engine Red Street causes the need to construct a new entrance to the training center. The most logical new entrance would come off of Garfield and SW 12th on the opposite (south) end of the training center.

Transitioning the main entrance to Garfield will cause an increase to response times when units are traveling from the FTC to the north or east. This creates the need for a secondary emergency access from the newly acquired training center property off Railroad Avenue (across the railroad tracks). Although there is currently access across the tracks, the access will need to be improved and hardened (asphalt) to allow fire apparatus to have a safe all-weather access across the railroad tracks and into the adjacent FTC property.

As indicated on the attachments, Public Works will construct the new entrance and has budgeted accordingly. However, costs for development of an emergency access are not currently budgeted and therefore are included as part of the supplemental request.

In essence, these capital projects will improve the overall functionality of the training center, improve flood resiliency, and meet CDPHE requirements for proper mitigation of ground water contamination sources.

Timing is critical for the mitigation of the impoundment pond as CDPHE has approved that impoundment pond excavation activities commence in October 2016, with initial backfilling activities occurring in the November/December timeframe. Reaching this agreement has been a complex and sensitive process. The new drainage system and detention pond will have to be in place prior to the closure of the current impoundment pond. Regarding the bridge construction and new entrance, it is anticipated that these projects will start spring or summer of 2017; therefore, supplemental funding, if approved, would be rolled forward at the close of 2016.

REVIEWED BY CITY MANAGER:**SCA**

LIST OF ATTACHMENTS:

1. Ordinance
2. PowerPoint (including site map and projects overview map)

FIRST READING: September 6, 2016

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR THE FIRE TRAINING CENTER

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for the Fire Training Center; 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 Fire Training Center, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$491,758 from TABOR Excess fund balance in the General Fund are available for appropriation. That reserves in the amount of \$206,242 from fund balance in the Risk & Insurance Fund are available for appropriation. Such revenues in the total amount of \$698,000 are hereby appropriated to the 2016 City budget for the Fire Training Center. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues		
Fund Balance		491,758
Total Revenue		491,758
Appropriations		
100-91-999-0000-47120	Transfers to Capital Projects Fund	491,758
Total Appropriations		491,758

**Supplemental Budget
Capital Projects Fund 120**

Revenues		
120-00-000-0000-37502	Transfers from Risk & Insurance Fund	199,242
120-00-000-0000-37100	Transfers from General Fund	491,758
Total Revenue		691,000
Appropriations		
120-23-250-0000-43407	FRTRAINCTR Environmental Services	199,242
120-23-250-0000-49355	FRTRAINCTR Design & Architecture	18,900
120-23-250-0000-43450	FRTRAINCTR Professional Services	12,035
120-23-250-0000-49360	FLENO1 Construction	89,409
120-23-250-0000-49360	FRTRAINCTR Construction	371,414
Total Appropriations		691,000

**Supplemental Budget
Risk & Insurance Fund 502**

Revenues		
Fund Balance		206,242
Total Revenue		206,242
Appropriations		
502-17-176-0000-43407	Environmental Services	7,000
502-17-175-0000-47120	Transfers to Capital Projects Fund	199,242
Total Appropriations		206,242

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 September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

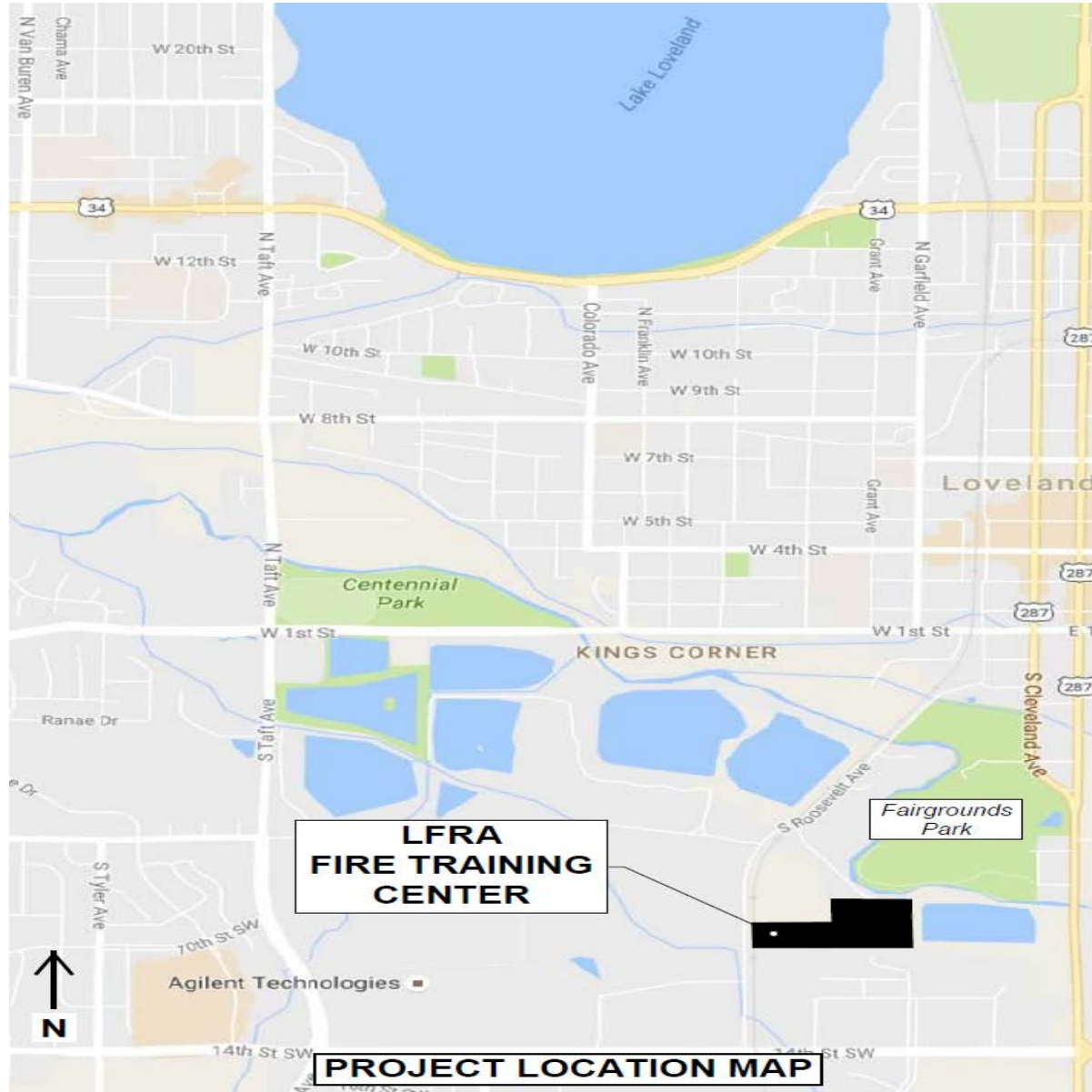
Supplemental Request Discussion

September 6, 2016

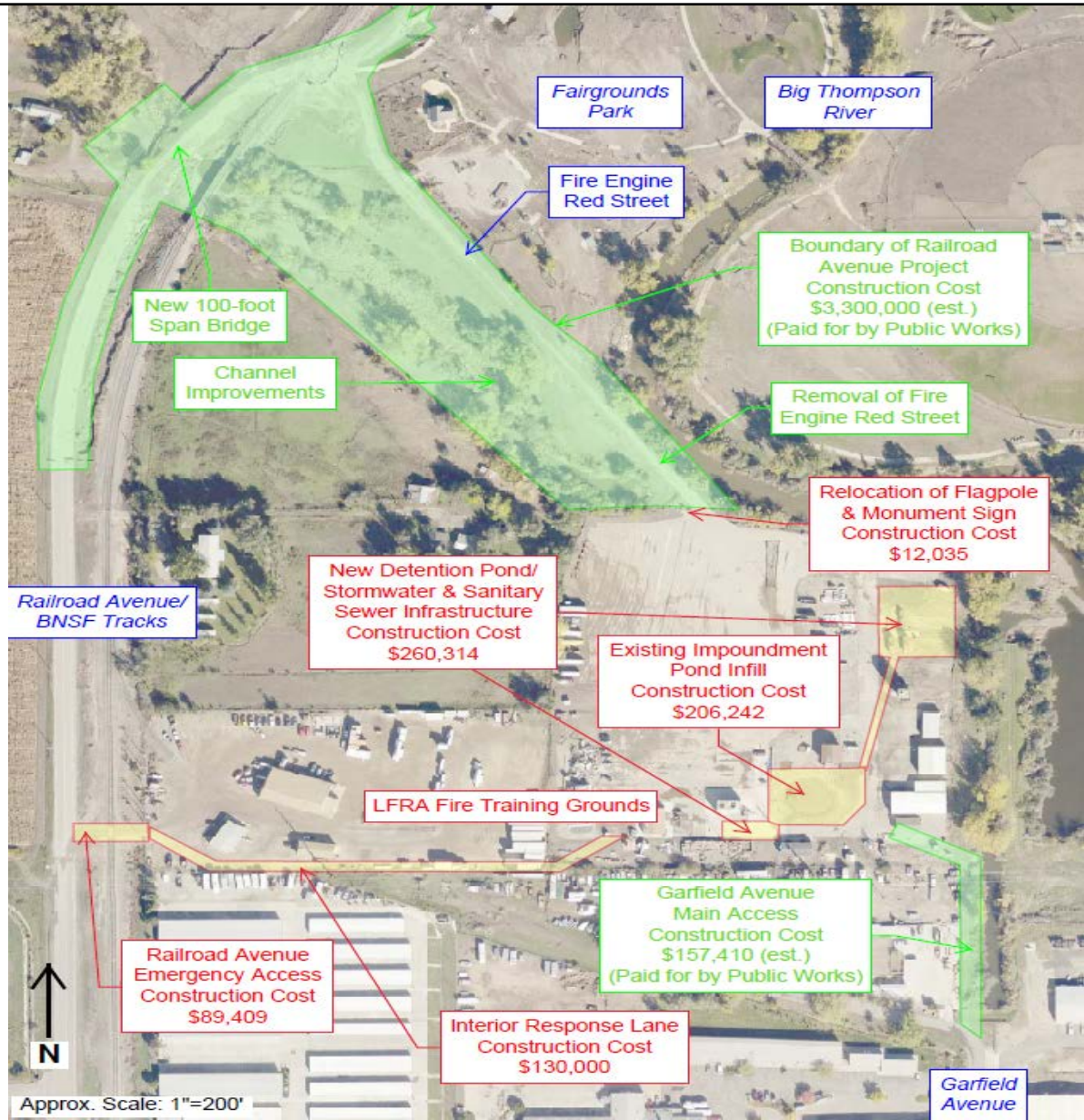
What we will discuss tonight:

- Stakeholders involved:
 - Fire; PW; Risk Management
- Three separate, but interrelated projects:
 - Impoundment pond mitigation/new drainage system; bridge construction/road elimination; new entrance/emergency access
- Proposed action plan;
 - Mitigate impoundment pond first (by November); construction of bridge and new entrance next spring/summer
- Supplemental request associated with projects
 - Total costs for all projects \$698,000
 - Funding options – Tabor Excess/General Fund unassigned fund balance

Fire Training
Grounds
Geographic
Location map



Projects Overview



AGENDA ITEM: 5.4
MEETING DATE: 9/6/2016
TO: City Council
FROM: Human Resources
PRESENTER: Julia Holland, Human Resources Director



TITLE:
Update from August 30, 2016 Study Session Presentation of the 2017 Benefit Fund budget recommendations

RECOMMENDED CITY COUNCIL ACTION:

To evaluate alternatives and direct Staff to move forward with necessary steps to incorporate Council recommendations on the Benefit Fund into the 2017 Budget.

OPTIONS:

- 1) Medical Cost share average of 80% employer and 20% employee.
- 2) Medical Cost share average of 85% employer and 15% employee.

SUMMARY:

On August 30, 2016 Staff presented information regarding the City of Loveland Benefits Plan, "Plan". City Council directed Staff to present additional options regarding the "Plan" to allow the Council the opportunity to include updated costs into the 2017 Budget. Staff is currently gathering data necessary to present this agenda item to City Council on September 6, 2016.

Due to the short turn-around the materials will not be available until the morning of the regular meeting. Updated information provided by Staff will respond to Council's questions from the Study Session including percentage contribution split with employee impact comparisons; family medical split, and regional and state health costs comparisons.

Staff will notify Council immediately when the updated information is available on the website.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Staff memorandum, including attachments, will be provided on September 6, 2016
2. Power point presentation will be provided on September 6, 2016